FOREWORD

This volume is an exact photo-reproduction of an original copy of—

UNITED STATES
STATUTES AT
LARGE

VOLUME 18
PART 1

As a copy of the original is practically unobtainable, this reprint is offered to enable Law Libraries to complete their set.

The edition has a limited printing.

Buffalo, N. Y.
June, 1972

DENNIS & CO., INC.

SECOND EDITION.

REVISED STATUTES

OF

THE UNITED STATES,

PASSED AT THE

FIRST SESSION OF THE FORTY-THIRD CONGRESS,

1873-'74;

EMBRACING THE STATUTES OF THE UNITED STATES, GENERAL AND PERMANENT IN THEIR NATURE, IN FORCE ON THE FIRST DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, AS REVISED AND CONSOLIDATED BY COMMISSIONERS APPOINTED UNDER AN ACT OF CONGRESS; AND AS REPRINTED, WITH AMENDMENTS, UNDER AUTHORITY OF AN ACT OF CONGRESS APPROVED THE SECOND DAY OF MARCH, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN,

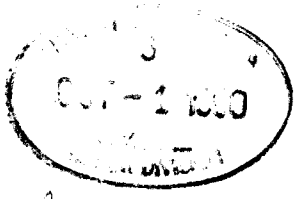
WITH

AN APPENDIX.

EDITED, PRINTED, AND PUBLISHED UNDER THE AUTHORITY OF AN ACT OF CONGRESS, AND UNDER THE DIRECTION OF THE SECRETARY OF STATE.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1878.

KF50
.U5
vol 18, pt 1
3d Set



Replacement copy
0260949

UNITED STATES OF AMERICA,

DEPARTMENT OF STATE.

Whereas, by section 4 of an act entitled "An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States," approved March 2, 1877, as amended by an act approved March 9, 1878, it is provided as follows, viz:

That said new edition shall be completed in manuscript by said commissioner by the first day of January, anno Domini eighteen hundred and seventy-eight, and by him presented to the Secretary of State for his examination and approval, who is hereby required to examine and compare the same, as amended, with all the amendatory acts, and, within two months after having been submitted to him, and when the same shall be completed, the said Secretary shall duly certify the same under the seal of the Secretary of State, and when printed and promulgated as herein provided the printed volume shall be legal evidence of the laws therein contained, in all the courts of the United States, and of the several States and Territories, but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy-three, and said Secretary shall cause fifteen thousand copies of the same to be printed and bound at the Government Printing Office, under the supervision of said commissioner, at the expense of the United States, and without unnecessary delay:

Now, therefore, I, William M. Evarts, Secretary of State, do hereby certify that I have examined and compared said new edition, as amended, with all the amendatory acts passed up to the close of the second session of the Forty-fourth Congress, and that the following is the new edition of the first volume of the "Revised Statutes of the United States," prepared, printed, and published according to the provisions of the said first-mentioned act of March 2, 1877.



In witness whereof I have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this eighteenth day of February, A. D. 1878, and of the Independence of the United States of America the one hundred and second.

WM. M. EVARTS.

PREFACE.

By an act of Congress, approved March 2, 1877 (v. 19, c. 82, p. 268), authority was given for the appointment by the President of a commissioner, whose duty it should be to prepare and publish, subject to the examination and approval of the Secretary of State, "a new edition of the first volume of the Revised Statutes of the United States."

The jurisdiction of the commissioner was defined and limited by the statute. He was directed to incorporate into the text of the first edition of the statutes all the amendments made since the first day of December, eighteen hundred and seventy-three, including those made by the Forty-fourth Congress, with marginal references to the acts of amendment and to the decisions of the several courts of the United States, with like references to all the statutes passed in the same period, which, in the opinion of the commissioner, might in any manner affect or modify any of the provisions of the first edition of the Revised Statutes.

He was directed also to include in the new edition the Articles of Confederation, the Declaration of our National Independence, the Ordinance of Seventeen Hundred and Eighty-seven for the Government of the Northwestern Territory, and the Constitution of the United States, with foot-notes referring to the decisions of the Federal courts thereon. These papers were not printed with the first edition of the statutes.

This edition is not in any proper sense a new revision of the Statutes of the United States. The commissioner was not clothed with power to change the substance or to alter the language of the existing edition of the Revised Statutes, nor could he correct any errors or supply any omissions therein except as authorized by the several statutes of amendment. Of specific amendments, there are, however, several hundred, which have been incorporated with the text. The portions of the statutes repealed are printed in italics and included in brackets, and the new matter introduced is printed in the ordinary roman letter and also included in brackets.

So much of the work as affects the text of the present edition has been examined, under the direction of the Hon. William M. Evarts, Secretary of State, by Hon. Charles P. James, one of the commissioners by whom the first edition of the Revised Statutes was prepared.

The acts of Congress passed since the first edition of the Revised Statutes was issued, and affecting the text thereof, are referred to in the margin of the respective sections so affected.

In this edition, full, and, it is believed, complete notes of reference to the opinions of the Supreme Court of the United States will be found under the several paragraphs of the Constitution to which the opinions respectively relate, and reference is also made to

the small number of decisions which interpret or in any manner touch the Ordinance for the Government of the Northwestern Territory.

The Appendix contains the various statutes which provide for or relate to the "revision and consolidation of the statute laws of the United States," and also a cross index by which the various provisions of the Revised Statutes may be traced to the original enactments in the Statutes at Large.

In the preparation of the index, I have had the best assistance which I could command, and no labor has been avoided that could contribute in the least to the perfectness of the work. While it is not probable that the end sought has been attained, I indulge the hope that the character of the index may, in some reasonable degree, meet the expectation of Congress, the executive officers of the Government, the judiciary, and the profession generally.

The analytical index to the Constitution was prepared by W. J. McDonald, esq., late Chief Clerk of the United States Senate.

The historical notes to the Declaration of Independence, the Articles of Confederation, and the Constitution are taken from a work entitled "The Organic Laws of the United States of America," prepared by Maj. Ben: Perley Poore, and printed by authority of Congress.

GEO. S. BOUTWELL,
Commissioner.

WASHINGTON, *September*, 1878.

TABLE

OF

TITLES AND CHAPTERS

CONTAINED IN

THE REVISED STATUTES.

TITLE I.

GENERAL PROVISIONS.

	Sections.	Pages.
Chapter 1.—Definitions	1–6	1–2
Chapter 2.—Form of statutes and effect of repeals	7–13	2

TITLE II.

THE CONGRESS.

Chapter 1.—Election of Senators	14–19	3
Chapter 2.—Apportionment and election of Representatives	20–27	4–5
Chapter 3.—Organization of meetings of Congress	28–34	5–6
Chapter 4.—Compensation of Members	35–51	6–8
Chapter 5.—Officers and persons in the employ of the Senate and House of Representatives	52–79	8–14
Chapter 6.—The Library of Congress	80–100	15–17
Chapter 7.—Congressional investigations	101–104	17–18
Chapter 8.—Contested election	105–130	18–21

TITLE III.

THE PRESIDENT.

Chapter 1.—Presidential elections	131–151	22–24
Chapter 2.—Office and compensation of the President	152–157	24–25

TITLE IV.

PROVISIONS APPLICABLE TO ALL THE EXECUTIVE DEPARTMENTS	158–198	26–31

TITLE V.

THE DEPARTMENT OF STATE	199–213	32–34

TITLE VI.

THE DEPARTMENT OF WAR	214–232	35–37

TITLE VII.

THE DEPARTMENT OF THE TREASURY.

Chapter 1.—The Department	233–244	38–41
Chapter 2.—The Secretary of the Treasury	245–267	41–44

	Sections.	Pages.
Chapter 3.—THE COMPTROLLERS	268–275	44–45
Chapter 4.—THE AUDITORS	276–300	45–50
Chapter 5.—THE TREASURER	301–311	50–52
Chapter 6.—THE REGISTER	312–315	52–53
Chapter 7.—THE COMMISSIONER OF CUSTOMS	316–318	53
Chapter 8.—THE COMMISSIONER OF INTERNAL REVENUE	319–323	53–54
Chapter 9.—THE COMPTROLLER OF THE CURRENCY	324–333	54–56
Chapter 10.—THE BUREAU OF STATISTICS	334–342	56–58
Chapter 11.—THE BUREAU OF THE MINT	343–345	58
TITLE VIII.		
THE DEPARTMENT OF JUSTICE	346–387	59–64
TITLE IX.		
THE POST-OFFICE DEPARTMENT	388–414	65–69
TITLE X.		
THE DEPARTMENT OF THE NAVY	415–436	70–73
TITLE XI.		
THE DEPARTMENT OF THE INTERIOR.		
Chapter 1.—THE DEPARTMENT	437–440	74–75
Chapter 2.—THE SECRETARY OF THE INTERIOR	441–445	75–76
Chapter 3.—THE GENERAL LAND-OFFICE	446–461	76–78
Chapter 4.—THE COMMISSIONER OF INDIAN AFFAIRS	462–469	78–79
Chapter 5.—THE COMMISSIONER OF PENSIONS	470–474	79–80
Chapter 6.—THE PATENT-OFFICE	475–496	80–82
Chapter 7.—THE SUPERINTENDENT OF PUBLIC DOCUMENTS	497–511	82–85
Chapter 8.—THE RETURNS OFFICE	512–515	85
Chapter 9.—THE OFFICE OF EDUCATION	516–519	85–86
TITLE XII.		
THE DEPARTMENT OF AGRICULTURE	520–529	87–88
TITLE XIII.		
THE JUDICIARY.		
Chapter 1.—JUDICIAL DISTRICTS	530–550	89–92
Chapter 2.—DISTRICT COURTS, ORGANIZATION	551–562	92–94
Chapter 3.—DISTRICT COURTS, JURISDICTION	563–571	94–97
Chapter 4.—DISTRICT COURTS, SESSIONS	572–603	98–106
Chapter 5.—JUDICIAL CIRCUITS	604	106
Chapter 6.—CIRCUIT COURTS, ORGANIZATION	605–628	106–109
Chapter 7.—CIRCUIT COURTS, JURISDICTION	629–657	109–119
Chapter 8.—CIRCUIT COURTS, SESSIONS	658–672	120–124
Chapter 9.—SUPREME COURT, ORGANIZATION	673–683	125–126
Chapter 10.—SUPREME COURT, SESSIONS	684–686	126–127
Chapter 11.—SUPREME COURT, JURISDICTION	687–710	127–134
Chapter 12.—PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE	711–750	134–141
Chapter 13.—HABEAS CORPUS	751–766	142–144
Chapter 14.—DISTRICT ATTORNEYS, MARSHALS, AND CLERKS	767–799	144–149
Chapter 15.—JURIES	800–822	150–153
Chapter 16.—FEES	823–857	153–161
Chapter 17.—EVIDENCE	858–910	162–172

	Sections.	Pages.
Chapter 18.—PROCEDURE	911–1042	172–193
Chapter 19.—LIMITATIONS	1043–1048	193–194
Chapter 20.—THE COURT OF CLAIMS, ORGANIZATION AND SESSIONS	1049–1058	194–195
Chapter 21.—THE COURT OF CLAIMS, JURISDICTION, POWERS, AND PROCEDURE	1059–1093	195–200

TITLE XIV.

THE ARMY.

Chapter 1.—ORGANIZATION	1094–1242	201–217
Chapter 2.—RETIREMENT	1243–1260	218–219
Chapter 3.—PAY AND ALLOWANCES	1261–1308	219–225
Chapter 4.—THE MILITARY ACADEMY	1309–1341	225–228
Chapter 5.—ARTICLES OF WAR	1342–1343	229–242
Chapter 6.—MILITARY PRISON	1344–1361	242–244

TITLE XV.

THE NAVY.

Chapter 1.—ORGANIZATION	1362–1427	245–251
Chapter 2.—GENERAL PROVISIONS RELATING TO OFFICERS	1428–1442	252–253
Chapter 3.—RETIRED OFFICERS OF THE NAVY	1443–1465	253–255
Chapter 4.—RANK AND PRECEDENCE, PROMOTION AND ADVANCEMENT	1466–1510	255–260
Chapter 5.—THE NAVAL ACADEMY	1511–1528	260–261
Chapter 6.—VESSELS AND NAVY-YARDS	1529–1546	262–263
Chapter 7.—GENERAL PROVISIONS RELATING TO THE NAVY	1547–1555	264
Chapter 8.—PAY, EMOLUMENTS, AND ALLOWANCES	1556–1595	265–272
Chapter 9.—THE MARINE CORPS	1596–1623	272–274
Chapter 10.—ARTICLES FOR THE GOVERNMENT OF THE NAVY	1624	274–284

TITLE XVI.

THE MILITIA	1625–1661	285–290

TITLE XVII.

ARMS, ARMORIES, AND ARSENALS	1662–1673	291–292

TITLE XVIII.

DIPLOMATIC AND CONSULAR OFFICERS.

Chapter 1.—DIPLOMATIC OFFICERS	1674–1688	293–295
Chapter 2.—CONSULAR OFFICERS	1689–1739	295–309
Chapter 3.—PROVISIONS COMMON TO DIPLOMATIC AND CONSULAR OFFICERS	1740–1752	309–311

TITLE XIX.

PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS	1753–1790	312–317

TITLE XX.

FLAG AND SEAL	1791–1794	318

TITLE XXI.

SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS	1795–1835	319–323

TITLE XXII.

THE STATES	1836–1838	324

TITLE XXIII.

THE TERRITORIES.

	Sections.	Pages.
Chapter 1.—Provisions common to all the Territories	1839–1895	325–333
Chapter 2.—Provisions concerning particular organized Territories	1896–1953	334–342
Chapter 3.—Provisions relating to the unorganized Territory of Alaska	1954–1976	342–346

TITLE XXIV.

CIVIL RIGHTS	1977–1991	347–349

TITLE XXV.

CITIZENSHIP	1992–2001	350–351

TITLE XXVI.

THE ELECTIVE FRANCHISE	2002–2031	352–357

TITLE XXVII.

THE FREEDMEN	2032–2038	358

TITLE XXVIII.

INDIANS.

Chapter 1.—Officers of Indian Affairs, their duties and compensation	2039–2078	359–363
Chapter 2.—Performance of engagements between the United States and Indians	2079–2110	364–369
Chapter 3.—Government and protection of Indians	2111–2126	369–371
Chapter 4.—Government of Indian country	2127–2157	371–375

TITLE XXIX.

IMMIGRATION	2158–2164	376–377

TITLE XXX.

NATURALIZATION	2165–2174	378–380

TITLE XXXI.

THE CENSUS	2175–2206	381–387

TITLE XXXII.

THE PUBLIC LANDS.

Chapter 1.—Surveyors and deputy surveyors	2207–2233	388–391
Chapter 2.—Registers and receivers	2234–2247	392–394
Chapter 3.—Land-districts, general provisions respecting certain lands	2248–2256	394–414
Chapter 4.—Pre-emptions	2257–2288	414–419
Chapter 5.—Homesteads	2289–2317	419–424
Chapter 6.—Mineral lands and mining resources	2318–2352	424–431
Chapter 7.—Sale and disposal of the public lands	2353–2379	432–435
Chapter 8.—Reservation and sale of town-sites on the public lands	2380–2394	435–438
Chapter 9.—Survey of the public lands	2395–2413	438–442
Chapter 10.—Bounty lands	2414–2446	442–447
Chapter 11.—Miscellaneous provisions relating to the public lands	2447–2490	448–456

TITLE XXXIII.

	Sections.	Pages.
DUTIES UPON IMPORTS	2491–2516	457–491

TITLE XXXIV.

COLLECTION OF DUTIES UPON IMPORTS.

Chapter 1.—COLLECTION DISTRICTS, PORTS, AND OFFICERS	2517–2612	492–515
Chapter 2.—QUALIFICATIONS, PAY, AND DUTIES OF OFFICERS	2613–2746	516–533
Chapter 3.—REVENUE CUTTERS AND BOATS	2747–2765	534–536
Chapter 4.—ENTRY OF MERCHANDISE	2766–2866	536–554
Chapter 5.—UNLADING	2867–2898	555–561
Chapter 6.—APPRAISAL	2899–2953	561–570
Chapter 7.—THE BOND AND WAREHOUSE SYSTEM	2954–3008	570–579
Chapter 8.—PAYMENT	3009–3014	579–581
Chapter 9.—DRAWBACK	3015–3057	581–587
Chapter 10.—ENFORCEMENT OF DUTY, LAWS AND PUNISHMENT FOR VIOLATIONS	3058–3094	587–594
Chapter 11.—PROVISIONS APPLYING TO COMMERCE WITH CONTIGUOUS COUNTRIES	3095–3129	594–600

TITLE XXXV.

INTERNAL REVENUE.

Chapter 1.—OFFICERS OF INTERNAL REVENUE	3140–3171	601–608
Chapter 2.—ASSESSMENTS AND COLLECTIONS	3172–3231	608–620
Chapter 3.—SPECIAL TAXES	3232–3246	620–625
Chapter 4.—DISTILLED SPIRITS	3247–3334	625–649
Chapter 5.—FERMENTED LIQUORS	3335–3354	650–655
Chapter 6.—TOBACCO AND SNUFF	3355–3386	655–664
Chapter 7.—CIGARS	3387–3406	664–668
Chapter 8.—BANKS AND BANKERS	3407–3417	669–671
Chapter 9.—STAMP-TAXES ON SPECIFIC OBJECTS	3418–3437	671–679
Chapter 10.—LEGACIES AND SUCCESSIONS	3438–3440	679–680
Chapter 11.—PROVISIONS COMMON TO SEVERAL OBJECTS OF TAXATION	3441–3465	680–686

TITLE XXXVI.

DEBTS DUE BY OR TO THE UNITED STATES	3466–3494	687–692

TITLE XXXVII.

COINAGE, WEIGHTS AND MEASURES	3495–3570	693–705

TITLE XXXVIII.

THE CURRENCY	3571–3583	706–707

TITLE XXXIX.

LEGAL TENDER	3584–3590	708

TITLE XL.

THE PUBLIC MONEYS	3591–3659	709–719

TITLE XLI.

APPROPRIATIONS	3660–3692	720–729

TITLE XLII.

THE PUBLIC DEBT	3693–3708	730–732

TITLE XLIII.

	Sections.	Pages.
PUBLIC CONTRACTS	3709–3747	733–738

TITLE XLIV.

THE PUBLIC PROPERTY	3748–3755	739–740

TITLE XLV.

PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS	3756–3828	741–749

TITLE XLVI.

THE POSTAL SERVICE.

Chapter 1.—POST-OFFICES AND POSTMASTERS	3829–3864	750–754
Chapter 2.—CARRIERS, BRANCH OFFICES, AND RECEIVING-BOXES	3865–3874	754–755
Chapter 3.—MAIL-MATTER	3875–3895	756–759
Chapter 4.—POSTAGE	3896–3913	759–760
Chapter 5.—POSTAGE-STAMPS AND ENVELOPES	3914–3925	761–762
Chapter 6.—REGISTERED LETTERS	3926–3929	762–763
Chapter 7.—UNCLAIMED, DEAD, AND REQUEST LETTERS	3930–3940	763–764
Chapter 8.—CONTRACTS FOR CARRYING THE MAIL	3941–3963	764–768
Chapter 9.—CARRYING THE MAIL	3964–3996	768–772
Chapter 10.—RAILWAY SERVICE	3997–4005	772–773
Chapter 11.—FOREIGN-MAIL SERVICE	4006–4016	773–775
Chapter 12.—SPECIAL, LOCAL, AND ROUTE AGENTS	4017–4026	775–777
Chapter 13.—THE MONEY-ORDER SYSTEM	4027–4048	777–780
Chapter 14.—ACCOUNTS AND REVENUES	4049–4061	780–782

TITLE XLVII.

FOREIGN RELATIONS	4062–4130	783–794

TITLE XLVIII.

REGULATION OF COMMERCE AND NAVIGATION.

Chapter 1.—REGISTRY AND RECORDING	4131–4196	795–809
Chapter 2.—CLEARANCE AND ENTRY	4197–4218	809–812
Chapter 3.—TONNAGE-DUTIES	4219–4227	812–814
Chapter 4.—DISCRIMINATING DUTIES	4228–4232	814–815
Chapter 5.—NAVIGATION	4233–4251	815–820
Chapter 6.—TRANSPORTATION OF PASSENGERS AND MERCHANDISE	4252–4289	820–827
Chapter 7.—LOG-BOOKS	4290–4292	828
Chapter 8.—REGULATIONS FOR THE SUPPRESSION OF PIRACY	4293–4299	829–830
Chapter 9.—SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS	4300–4305	830–831

TITLE XLIX.

REGULATION OF VESSELS IN FOREIGN COMMERCE	4306–4310	832

TITLE L.

REGULATION OF VESSELS IN DOMESTIC COMMMERCE	4311–4390	833–849

TITLE LI.

REGULATION OF FISHERIES	4391–4398	850–851

TITLE LII.

REGULATION OF STEAM-VESSELS.

	Sections.	Pages.
Chapter 1.—INSPECTION	4399–4462	852–863
Chapter 2.—TRANSPORTATION OF PASSENGERS AND MERCHANDISE	4463–4500	864–869

TITLE LIII.

MERCHANT SEAMEN.

Chapter 1.—SHIPPING-COMMISSIONERS	4501–4508	870–871
Chapter 2.—SHIPMENT	4509–4523	871–874
Chapter 3.—WAGES AND EFFECTS	4524–4548	875–879
Chapter 4.—DISCHARGE	4549–4553	879–881
Chapter 5.—PROTECTION AND RELIEF	4554–4591	881–889
Chapter 6.—FEES OF SHIPPING-COMMISSIONERS	4592–4595	889–890
Chapter 7.—OFFENSES AND PUNISHMENTS	4596–4612	890–896

TITLE LIV.

PRIZE	4613–4652	897–905

TITLE LV.

LIGHTS AND BUOYS	4653–4680	906–909

TITLE LVI.

THE COAST SURVEY	4681–4691	910–911

TITLE LVII.

PENSIONS	4692–4791	912–930

TITLE LVIII.

THE PUBLIC HEALTH	4792–4800	931–932

TITLE LIX.

HOSPITALS, ASYLUMS, AND CEMETERIES.

Chapter 1.—HOSPITAL RELIEF FOR SEAMEN	4801–4813	933–934
Chapter 2.—THE SOLDIERS' HOME	4814–4824	934–936
Chapter 3.—THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS	4825–4837	936–938
Chapter 4.—THE GOVERNMENT HOSPITAL FOR THE INSANE	4838–4858	938–941
Chapter 5.—THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB	4859–4869	941–942
Chapter 6.—NATIONAL CEMETERIES	4870–4882	943–944

TITLE LX.

PATENTS, TRADE-MARKS, AND COPYRIGHTS.

Chapter 1.—PATENTS	4883–4936	945–955
Chapter 2.—TRADE-MARKS	4937–4947	955–956
Chapter 3.—COPYRIGHTS	4948–4971	957–960

TITLE LXI.

BANKRUPTCY.

Chapter 1.—COURTS OF BANKRUPTCY, THEIR JURISDICTION, ORGANIZATION, AND POWERS	4972–5013	961–967

	Sections.	Pages.
Chapter 2.—VOLUNTARY BANKRUPTCY	5014–5020	967–968
Chapter 3.—INVOLUNTARY BANKRUPTCY	5021–5031	968–970
Chapter 4.—PROCEEDINGS TO REALIZE THE ESTATE FOR CREDITORS	5032–5103	970–982
Chapter 5.—PROTECTION AND DISCHARGE OF BANKRUPTS	5104–5120	983–987
Chapter 6.—PROCEEDINGS PECULIAR TO PARTNERSHIPS AND CORPORATIONS	5121–5123	987–988
Chapter 7.—FEES AND COSTS	5124–5127	988–989
Chapter 8.—PROHIBITED AND FRAUDULENT TRANSFERS	5128–5132	989–991

TITLE LXII.

NATIONAL BANKS.

Chapter 1.—ORGANIZATION AND POWERS	5133–5156	992–997
Chapter 2.—OBTAINING AND ISSUING CIRCULATING-NOTES	5157–5189	997–1003
Chapter 3.—REGULATION OF THE BANKING BUSINESS	5190–5219	1003–1009
Chapter 4.—DISSOLUTION AND RECEIVERSHIP	5220–5243	1009–1014

TITLE LXIII.

RIVERS AND HARBORS	5244–5255	1015–1016

TITLE LXIV.

RAILWAYS	5256–5262	1017–1018

TITLE LXV.

TELEGRAPHS	5263–5269	1019–1020

TITLE LXVI.

EXTRADITION	5270–5280	1021–1023

TITLE LXVII.

NEUTRALITY	5281–5291	1024–1026

TITLE LXVIII.

REMISSION OF FINES, PENALTIES, AND FORFEITURES	5292–5296	1027–1028

TITLE LXIX.

INSURRECTION	5297–5322	1029–1034

TITLE LXX.

CRIMES.

Chapter 1.—GENERAL PROVISIONS	5323–5330	1035
Chapter 2.—CRIMES AGAINST THE EXISTENCE OF GOVERNMENT	5331–5338	1036–1037
Chapter 3.—CRIMES ARISING WITHIN THE MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES	5339–5391	1037–1045
Chapter 4.—CRIMES AGAINST JUSTICE	5392–5412	1045–1048
Chapter 5.—CRIMES AGAINST THE OPERATIONS OF THE GOVERNMENT	5413–5480	1048–1063
Chapter 6.—OFFICIAL MISCONDUCT, ETC	5481–5505	1063–1067
Chapter 7.—CRIMES AGAINST THE ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS	5506–5532	1067–1072
Chapter 8.—THE PUNISHMENT OF ACCESSORIES	5533–5535	1072
Chapter 9.—PRISONERS AND THEIR TREATMENT	5536–5550	1073–1075

TITLE LXXI.

	Sections.	Pages.
THE SLAVE-TRADE	5551–5569	1076–1079

TITLE LXXII.

GUANO ISLANDS	5570–5578	1080–1081

TITLE LXXIII.

THE SMITHSONIAN INSTITUTION	5579–5594	1082–1084

TITLE LXXIV.

REPEAL PROVISIONS	5595–5601	1085

THE ORGANIC LAWS

OF THE

UNITED STATES OF AMERICA.

ST—03——2

THE DECLARATION OF INDEPENDENCE—1776.*

IN CONGRESS, JULY 4, 1776.

The unanimous Declaration of the thirteen united States of America,

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of

* The delegates of the United Colonies of New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; New Castle, Kent, and Sussex, in Delaware; Maryland; Virginia; North Carolina, and South Carolina, In Congress assembled at Philadelphia, *Resolved* on the 10th of May, 1776, to recommend to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs had been established, to adopt such a government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general. A preamble to this resolution, agreed to on the 15th of May, stated the intention to be totally to suppress the exercise of every kind of authority under the British crown. On the 7th of June, certain resolutions respecting independency were moved and seconded. On the 10th of June it was resolved, that a committee should be appointed to prepare a declaration to the following effect: "That the United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved." On the preceding day it was determined that the committee for preparing the declaration should consist of five, and they were chosen accordingly, in the following order: Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman, Mr. R. R. Livingston. On the 11th of June a resolution was passed to appoint a committee to prepare and digest the form of a confederation to be entered into between the colonies, and another committee to prepare a plan of treaties to be proposed to foreign powers. On the 12th of June, it was resolved, that a committee of Congress should be appointed by the name of a board of war and ordnance, to consist of five members. On the 25th of June, a declaration of the deputies of Pennsylvania, met in provincial conference, expressing their willingness to concur in a vote declaring the United Colonies free and independent States, was laid before Congress and read. On the 28th of June, the committee appointed to prepare a declaration of independence brought in a draught, which was read, and ordered to lie on the table. On the 1st of July, a resolution of the convention of Maryland, passed the 28th of June, authorizing the deputies of that colony to concur in declaring the United Colonies free and independent States, was laid before Congress and read. On the same day Congress resolved itself into a committee of the whole, to take into consideration the resolution respecting independency. On the 2d of July, a resolution declaring the colonies free and independent States, was adopted. A declaration to that effect was, on the same and the following days, taken into further consideration. Finally, on the 4th of July, the Declaration of Independence was agreed to, engrossed on paper, signed by John Hancock as president, and directed to be sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops, and to be proclaimed in each of the United States, and at the head of the Army. It was also ordered to be entered upon the Journals of Congress, and on the 2d of August, a copy engrossed on parchment was signed by all but one of the fifty-six signers whose names are appended to it. That one was Matthew Thornton, of New Hampshire, who on taking his seat in November asked and obtained the privilege of signing it. Several who signed it on the 2d of August were absent when it was adopted on the 4th of July, but, approving of it, they thus signified their approbation.

NOTE.—The proof of this document, as published above, was read by Mr. Ferdinand Jefferson, the Keeper of the Rolls at the Department of State, at Washington, who compared it with the fac-simile of the original in his custody. He says: In the fac-simile, as in the original, the whole instrument runs on without a break, but dashes are mostly inserted. I have, in this copy, followed the arrangement of paragraphs adopted in the publication of the Declaration in the newspaper of John Dunlap, and as printed by him for the Congress, which printed copy is inserted in the original Journal of the old Congress. The same paragraphs are also made by the author, in the original draught preserved in the Department of State."

the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Government:

For suspending our own Legislature, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLETT,
WM. WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay.

SAML. ADAMS,
JOHN ADAMS,
ROBT. TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island.

STEP. HOPKINS,
WILLIAM ELLERY.

Connecticut.

ROGER SHERMAN,
SAM'EL HUNTINGTON,
WM. WILLIAMS,
OLIVER WOLCOTT.

New York.

WM. FLOYD,
PHIL. LIVINGSTON,
FRANS. LEWIS,
LEWIS MORRIS.

New Jersey.

RICHD. STOCKTON,
JNO. WITHERSPOON,
FRAS. HOPKINSON,
JOHN HART,
ABRA. CLARK.

Pennsylvania.

ROBT. MORRIS,
BENJAMIN RUSH,
BENJA. FRANKLIN,
JOHN MORTON,
GEO. CLYMER,
JAS. SMITH,
GEO. TAYLOR,
JAMES WILSON,
GEO. ROSS.

Delaware.

CÆSAR RODNEY,
GEO. READ,
THO. M'KEAN.

Maryland.

SAMUEL CHASE,
WM. PACA,
THOS. STONE,
CHARLES CARROLL of Carrollton.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
TH. JEFFERSON,
BENJA. HARRISON,
THOS. NELSON, jr.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina.

WM. HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina.

EDWARD RUTLEDGE,
THOS. HEYWARD, Junr.,
THOMAS LYNCH, Junr.,
ARTHUR MIDDLETON.

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEO. WALTON.

NOTE.—Mr. Ferdinand Jefferson, Keeper of the Rolls in the Department of State, at Washington, says: "The names of the signers are spelt above as in the fac-simile of the original, but the punctuation of them is not always the same; neither do the names of the States appear in the fac-simile of the original. The names of the signers of each State are grouped together in the fac-simile of the original, except the name of Matthew Thornton, which follows that of Oliver Wolcott."

ARTICLES OF CONFEDERATION—1777.*

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting.

Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventyseven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia in the Words following, viz.

"*Articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.*

ARTICLE I. The stile of this confederacy shall be "The United States of America."

ARTICLE II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Dred Scott *v.* Sanford, 19 How., 393; Texas *v.* White, 7 Wall., 725.

*Congress *Resolved*, on the 11th of June, 1776, that a committee should be appointed to prepare and digest the form of a confederation to be entered into between the Colonies; and on the day following, after it had been determined that the committee should consist of a member from each Colony, the following persons were appointed to perform that duty, to wit: Mr. Bartlett, Mr. S. Adams, Mr. Hopkins, Mr. Sherman, Mr. R. R. Livingston, Mr. Dickinson, Mr. M'Kean, Mr. Stone, Mr. Nelson, Mr. Hewes, Mr. E. Rutledge, and Mr. Gwinnett. Upon the report of this committee, the subject was, from time to time, debated, until the 15th of November, 1777, when a copy of the confederation being made out, and sundry amendments made in the diction, without altering the sense, the same was finally agreed to. Congress, at the same time, directed that the articles should be proposed to the legislatures of all the United States, to be considered, and if approved of by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States; which being done, the same should become conclusive. Three hundred copies of the Articles of Confederation were ordered to be printed for the use of Congress; and on the 17th of November, the form of a circular letter to accompany them was brought in by a committee appointed to prepare it, and being agreed to, thirteen copies of it were ordered to be made out, to be signed by the president and forwarded to the several States, with copies of the confederation. On the 29th of November ensuing, a committee of three was appointed, to procure a translation of the articles to be made into the French language, and to report an address to the inhabitants of Canada, &c. On the 26th of June, 1778, the form of a ratification of the Articles of Confederation was adopted, and, it having been engrossed on parchment, it was signed on the 9th of July on the part and in behalf of their respective States, by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina, agreeably to the powers vested in them. The delegates of North Carolina signed on the 21st of July, those of Georgia on the 24th of July, and those of New Jersey on the 26th of November following. On the 5th of May, 1779, Mr. Dickinson and Mr. Van Dyke signed in behalf of the State of Delaware, Mr. M'Kean having previously signed in February, at which time he produced a power to that effect. Maryland did not ratify until the year 1781. She had instructed her delegates, on the 15th of December, 1778, not to agree to the confederation until matters respecting the western lands should be settled on principles of equity and sound policy; but, on the 30th of January, 1781, finding that the enemies of the country took advantage of the circumstance to disseminate opinions of an ultimate dissolution of the Union, the legislature of the State passed an act to empower their delegates to subscribe and ratify the articles, which was accordingly done by Mr. Hanson and Mr. Carroll, on the 1st of March of that year, which completed the ratifications of the act; and Congress assembled on the 2d of March under the new powers.

NOTE.—The proof of this document, as published above, was read by Mr. Ferdinand Jefferson, the Keeper of the Rolls of the Department of State, at Washington, who compared it with the original in his custody. He says: "The initial letters of many of the words in the original of this instrument are capitals, but as no system appears to have been observed, the same words sometimes beginning with a capital and sometimes with a small letter, I have thought it best not to undertake to follow the original in this particular. Moreover, there are three forms of the letter s: the capital S, the small s, and the long f, the last being used indiscriminately to words that should begin with a capital and those that should begin with a small s."

ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governor or Executive power, of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No State without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have

ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be

appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward:" provided also that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States.—fixing the standard of weights and measures throughout the United States.—regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated—establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces, in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the Legislature of each State shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expense of the United States; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota or such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces

to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secresy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with: provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it has pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the States we re[s]pectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.*

On the part & behalf of the State of New Hampshire.

JOSIAH BARTLETT,
JOHN WENTWORTH, Junr.,
August 8th, 1778.

On the part and behalf of the State of Massachusetts Bay.

JOHN HANCOCK,
SAMUEL ADAMS,
ELDBRIDGE GERRY,
FRANCIS DANA,
JAMES LOVELL,
SAMUEL HOLTEN.

*From the circumstance of delegates from the same State having signed the Articles of Confederation at different times, as appears by the dates, it is probable they affixed their names as they happened to be present in Congress, after they had been authorized by their constituents.

On the part and behalf of the State of Rhode Island and Providence Plantations.

WILLIAM ELLERY,
HENRY MARCHANT,
JOHN COLLINS.

On the part and behalf of the State of Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
OLIVER WOLCOTT,
TITUS HOSMER,
ANDREW ADAMS.

On the part and behalf of the State of New York.

JAS. DUANE,
FRA. LEWIS,
WM. DUER,
GOUV. MORRIS.

On the part and in behalf of the State of New Jersey, Novr. 26, 1778.

JNO. WITHERSPOON,
NATHL. SCUDDER.

On the part and behalf of the State of Pennsylvania.

ROBT. MORRIS,
DANIEL ROBERDEAU,
JONA. BAYARD SMITH,
WILLIAM CLINGAN,
JOSEPH REED, 22d July, 1778.

On the part & behalf of the State of Delaware.

THO. M'KEAN, Feby. 12, 1779.
JOHN DICKINSON, May 5th, 1779.
NICHOLAS VAN DYKE.

On the part and behalf of the State of Maryland.

JOHN HANSON, March 1, 1781.
DANIEL CARROLL, Mar. 1, 1781.

On the part and behalf of the State of Virginia.

RICHARD HENRY LEE,
JOHN BANISTER,
THOMAS ADAMS,
JNO. HARVIE,
FRANCIS LIGHTFOOT LEE.

On the part and behalf of the State of No. Carolina.

JOHN PENN, July 21st, 1778.
CORNS. HARNETT,
JNO. WILLIAMS.

On the part & behalf of the State of South Carolina.

HENRY LAURENS,
WILLIAM HENRY DRAYTON,
JNO. MATHEWS,
RICHD. HUTSON,
THOS. HEYWARD, Junr.

On the part & behalf of the State of Georgia.

JNO. WALTON, 24th July, 1778.
EDWD. TELFAIR,
EDWD. LANGWORTHY.

THE NORTHWEST TERRITORIAL GOVERNMENT—1787.

[THE CONFEDERATE CONGRESS, JULY 13, 1787.]

An Ordinance for the government of the territory of the United States northwest of the river Ohio.

SECTION 1. *Be it ordained by the United States in Congress assembled*, That the said territory, for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

SEC. 2. *Be it ordained by the authority aforesaid*, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

SEC. 3. *Be it ordained by the authority aforesaid*, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

SEC. 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

SEC. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general

assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

SEC. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

SEC. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

SEC. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil. the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

SEC. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided*, That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: *Provided*, That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also*, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

SEC. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

SEC. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress: any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when, in his opinion, it shall be expedient.

SEC. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and

of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

SEC. 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I.

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

ARTICLE II.

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, *bona fide*, and without fraud previously formed.

ARTICLE III.

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations

Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however*, And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

Wallace *v.* Parker, 6 Pet., 680; Jones *v.* Van Zandt, 5 How., 215; Strador et al. *v.* Graham, 10 How., 82; Pennsylvania *v.* Wheeling Bridge Company, 18 How., 421; Bates *v.* Brown, 5 Wall., 710; Messenger *v.* Mason, 10 Wall., 507; Clinton et al. *v.* Englebrecht, 13 Wall., 434; Langdean *v.* Hanes, 21 Wall., 521; Morton *v.* Nebraska, 21 Wall., 660.

CONSTITUTION OF THE UNITED STATES—1787.*

We THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

Chisholm *v.* Georgia, 2 Dall., 419; McCulloch *v.* State of Maryland, 4 Wh., 316; Brown *v.* Maryland, 12 Wh., 419; Barron *v.* The Mayor and City Council of Baltimore, 7 Pet., 243; Lane County *v.* Oregon, 7 Wall., 71; Texas *v.* White et al., 7 Wall, 700.

ARTICLE I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Hayburn's case (notes), 2 Dall., 409.

SECTION. 2. [1]The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

---

* In May, 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January, 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry, of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that South Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1789. Vermont, in convention, ratified the Constitution January 10, 1789, and was, by an act of Congress approved February 19, 1791, "received and admitted into this Union as a new and entire member of the United States."

[2] No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3]* [Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Veazie Bank *v.* Fenno, 8 Wall., 533; Scholey *v.* Rew, 23 Wall., 331.

[4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5] The House of Representatives shall chuse their Speaker and Other officers; and shall have the sole Power of Impeachment.

SECTION. 3. [1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one vote.

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[3] No Person shall be a Senator who shall not have attained to the Age of thity Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[5] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. [1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State, by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [1] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Anderson *v.* Dunn, 6 Wh., 204.

[3] Each House shall keep a Journal of its Proceedings, and from time to time publish

* The clause included in brackets is amended by the 14th amendment, 2d section, p. 31.

the same, excepting such Parts as may in their Judgment require secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

[4]Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [1]The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Coxe *v.* M'Clenachan, 3 Dall., 478.

[2]No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [1]All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[2]Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[3]Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. [1]The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Hylton *v.* United States, 3 Dall., 171; McCulloch *v.* State of Maryland, 4 Wh., 316; Longboro' *v.* Blake, 5 Wh., 317; Osborn *v.* United States Bank, 9 Wh., 738; Weston et al. *v.* City Council of Charlestown, 2 Pet., 449; Dobbins *v.* The Commissioners of Erie County, 16 Pet., 435; License Cases, 5 How., 504; Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; McGuire *v.* The Commonwealth, 3 Wall., 387; Van Allen *v.* The Assessors, 3 Wall., 573; Bradley *v.* The People, 4 Wall., 459.

License Tax Cases, 5 Wall., 462; Penear *v.* The Commonwealth, 5 Wall., 475; Woodruff *v.* Parham, 8 Wall., 123; Hinson *v.* Lott, 8 Wall, 148; Veazie Bank *v.* Fenno, 8 Wall., 533; The Collector *v.* Day, 11 Wall., 113; United States *v.* Singer, 15 Wall, 111; State tax on foreign-held bonds, 15 Wall., 300; United States *v.* Railroad Company, 17 Wall., 322; Railroad Company *v.* Peniston, 18 Wall., 5; Scholay *v.* Rew, 23 Wall., 331.

[3]To borrow Money on the credit of the United States;

McCulloch *v.* The State of Maryland, 4 Wh., 316; Weston et al. *v.* The City Council of Charlestown, 2 Pet., 449; Bank of Commerce *v.* New York City, 2 Black, 620; Bank Tax Cases, 2 Wall., 200; The Banks *v.* The Mayor, 7 Wall., 16; Bank *v.* Supervisors, 7 Wall., 26; Hepburn *v.* Griswold, 8 Wall., 603; National Bank *v.* Commonwealth, 9 Wall., 353; Parker *v.* Davis, 12 Wall., 457.

[3]To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Gibbons *v.* Ogden, 9 Wh., 1; Brown et al. *v.* State of Maryland, 12 Wh., 419; Wilson et al. *v.* Black Bird Creek Marsh Company, 2 Pet., 245; Worcester *v.* The State of Georgia, 6 Pet., 515; City of New York *v.* Miln, 11 Pet., 102; United States *v.* Coombs, 12 Pet.,

72; Holmes *v.* Jennison et al., 14 Pet., 504; License Cases, 5 How., 504; Passenger Cases, 7 How., 283; Nathan *v.* Louisiana, 8 How., 73; Mager *v.* Grima et al., 8 How., 490; United States *v.* Marigold, 9 How., 560; Cowley *v.* Board of Wardens of Port of Philadelphia, 12 How., 299; The Propeller Genesee Chief et al. *v.* Fitzhugh et al., 12 How., 443; State of Pennsylvania *v.* The Wheeling Bridge Company, 13 How., 518; Veazie et al. *v.* Moor, 14 How., 568; Smith *v.* State of Maryland, 18 How., 71; State of Pennsylvania *v.* The Wheeling and Belmont Bridge Company et al., 18 How., 421; Sinnitt *v.* Davenport, 22 How., 227; Foster et al. *v.* Davenport et al., 22 How., 244; Conway et al. *v.* Taylor's ex., 1 Black, 603; United States *v.* Holliday, 3 Wall., 407; Gilman *v.* Philadelphia, 3 Wall., 713; The Passaic Bridges, 3 Wall., 782; Steamship Company *v.* Port Wardens, 6 Wall., 31; Crandall *v.* State of Nevada, 6 Wall., 35; White's Bank *v.* Smith, 7 Wall., 646; Waring *v.* The Mayor, 8 Wall., 110; Paul *v.* Virginia, 8 Wall., 168; Thomson *v.* Pacific Railroad, 9 Wall., 579; Downham et al. *v.* Alexandria Council, 10 Wall., 173; The Clinton Bridge, 10 Wall., 454; The Daniel Ball, 10 Wall., 557; Liverpool Insurance Company *v.* Massachusetts, 10 Wall., 566; The Montello, 11 Wall., 411; Ex parte McNeil, 13 Wall., 236; State freight-tax, 15 Wall., 232; State tax on railway gross receipts, 15 Wall., 284; Osborn *v.* Mobile, 16 Wall., 479; Railroad Company *v.* Fuller, 17 Wall., 560; Bartemeyer *v.* Iowa, 18 Wall., 129; The Delaware railroad tax, 18 Wall., 206; Peete *v.* Morgan, 19 Wall., 581; Railroad Company *v.* Richmond, 19 Wall., 584; Railroad Company *v.* Maryland, 21 Wall., 456; The Lottawanna, 21 Wall., 558; Henderson et al. *v.* The Mayor of the City of New York, 92 U. S., 259; Chy Lung *v.* Freeman et al., 92 U. S., 275; South Carolina *v.* Georgia et al., 93 U. S., 4; Sherlock et al. *v.* Alling, adm., 93 U. S., 99; United States *v.* Forty-three Gallons of Whisky, etc., 93 U. S., 188; Foster *v.* Master and Wardens of the Port of New Orleans, 94 U. S., 246.

[4] To establish an uniform Rule of Naturalization,[1] and uniform Laws on the subject of Bankruptcies throughout the United States;[2]

[2] Sturgis *v.* Crowningshield, 4 Wh., 122; [2] McMillan *v.* McNeil, 4 Wh., 209; [2] Farmers and Mechanics' Bank, Pennsylvania, *v.* Smith, 6 Wh., 131; [2] Ogden *v.* Saunders, 12 Wh., 213; [2] Boyle *v.* Zacharie and Turner, 6 Pet., 348; [1] Gassies *v.* Ballon, 6 Pet., 761; [2] Beers et al. *v.* Haughton, 9 Pet., 329; [2] Suydam et al. *v.* Broadnax, 14 Pet., 67; [2] Cook *v.* Moffat et al., 5 How., 295; [1] Dred Scott *v.* Sanford, 19 How., 393.

[5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Briscoe *v.* The Bank of the Commonwealth of Kentucky, 11 Pet., 257; Fox *v.* The State of Ohio, 5 How., 410; United States *v.* Marigold, 9 How., 560.

[6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Fox *v.* The State of Ohio, 5 How., 410; United States *v.* Marigold, 9 How., 560.

[7] To establish Post Offices and post Roads;

State of Pennsylvania *v.* The Wheeling and Belmont Bridge Company, 18 How., 421.

[8] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Grant et al. *v.* Raymond, 6 Pet., 218; Wheaton et als. *v.* Peters et als., 8 Pet., 591.

[9] To constitute Tribunals inferior to the supreme Court;

[10] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

United States *v.* Palmer, 3 Wh., 610; United States *v.* Wiltberger, 5 Wh., 76; United States *v.* Smith, 5 Wh., 153; United States *v.* Pirates, 5 Wh., 184.

[11] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Brown *v.* United States, 8 Cr., 110; American Insurance Company et al. *v.* Canter (356 bales cotton), 1 Pet., 511; Mrs. Alexander's cotton, 2 Wall., 404; Miller *v.* United States, 11 Wall., 268; Tyler *v.* Defrees, 11 Wall., 331; Stewart *v.* Kahn, 11 Wall., 493; Hamilton *v.* Dillin, 21 Wall., 73; Laman, ex., *v.* Browne et al., 92 U. S., 187.

[12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Crandall *v.* State of Nevada, 6 Wall., 35.

[13] To provide and maintain a Navy;

United States *v.* Bevans, 3 Wh., 336; Dynes *v.* Hooper, 20 How., 65.

[14] To make Rules for the Government and Regulation of the land and naval Forces;

[15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther *v.* Borden, 7 How., 1; Crandall *v.* State of Nevada, 6 Wall., 35; Texas *v.* White, 7 Wall., 700.

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to

the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Luther v. Borden, 7 How., 1.

[17]To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

Hepburn et al. *v.* Ellzey, 2 Cr., 444; Longhboro' *v.* Blake, 5 Wh. 317; Cohens *v.* Virginia, 6 Wh., 264; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Kendall, Postmaster-General, *v.* The United States, 12 Pet., 524; United States *v.* Dewitt, 9 Wall., 41; Dunphy *v.* Kleinsmith et al., 11 Wall., 610; Willard *v.* Presbury, 14 Wall., 676; Phillips *v.* Payne, 92 U. S., 130; United States *v.* Fox, 94 U. S., 315.

[18]To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

McCulloch *v.* The State of Maryland, 4 Wh., 316; Wayman *v.* Southard, 10 Wh., 1; Bank of United States *v.* Halstead, 10 Wh., 51; Hepburn *v.* Griswold, 8 Wall., 603; National Bank *v.* Commonwealth, 9 Wall., 353; Thomson *v.* Pacific Railroad, 9 Wall., 579; Parker *v.* Davis, 12 Wall., 457; Railroad Company *v.* Johnson, 15 Wall., 195; Railroad Company *v.* Peniston, 18 Wall., 5.

SECTION. 9. [1]The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Dred Scott *v.* Sanford, 19 How., 393.

[2]The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

United States *v.* Hamilton, 3 Dall., 17; Hepburn et al. *v.* Ellzey, 2 Cr. 445; Ex parte Bollman and Swartwout, 4 Cr., 75; Ex parte Kearney, 7 Wh., 38; Ex parte Tobias Watkins, 3 Pet., 192; Ex parte Milburn, 9 Pet., 704; Holmes *v.* Jennison et al., 14 Pet., 540; Ex parte Dorr, 3 How., 103; Luther *v.* Borden, 7 How., 1; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Ex parte Vallandigham, 1 Wall., 243; Ex parte Mulligan, 4 Wall., 2; Ex parte McCardle, 7 Wall., 506; Ex parte Yerger, 8 Wall., 85; Tarble's case, 13 Wall., 397; Ex parte Lange, 18 Wall., 163; Ex parte Parks, 93 U. S., 18; Ex parte Karstendick, 93 U. S., 396.

[3]No Bill of Attainder or expost facto Law shall be passed.

Fletcher *v.* Peck, 6 Cr., 87; Ogden *v.* Saunders, 12 Wh., 213; Watson et al. *v.* Mercer, 8 Pet., 88; Carpenter et al. *v.* Commonwealth of Pennsylvania, 17 How., 456; Locke *v.* New Orleans, 4 Wall., 172; Cummings *v.* The State of Missouri, 4 Wall., 277; Ex parte Garland, 4 Wall., 333; Drehman *v.* Stifle, 8 Wall., 595; Klinger *v.* State of Missouri, 13 Wall., 257; Pierce *v.* Carskadon, 16 Wall., 234.

[4]No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

License Tax Cases, 5 Wall., 462.

[5]No Tax or Duty shall be laid on Articles exported from any State.

Cooley *v.* Board of Wardens of Port of Philadelphia, 12 How., 299; Page *v.* Burgess, collector, 92 U. S., 372.

[6]No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; State of Pennsylvania *v.* Wheeling and Belmont Bridge Company et al., 18 How., 421; Munn *v.* Illinois, 94 U. S., 113.

[7]No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8]No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. [1]No State shall enter into any Treaty, Alliance, or Confederation; grant

Letters of Marque and Reprisal; coin Money; emit Bills of Credit;[1] make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,[2] or Law impairing the Obligation of Contracts,[3] or grant any Title of Nobility.

[2]Calder and wife *v.* Bull and wife, 3 Dall., 386; [3]Fletcher *v.* Peck, 6 Cr., 87; [3]State of New Jersey *v.* Wilson, 7 Cr., 164; [3]Sturgis *v.* Crowningshield, 4 Wh., 122; [3]McMillan *v.* McNeil, 4 Wh., 209; [3]Darmouth College *v.* Woodward, 4 Wh., 518; [3]Owings *v.* Speed, 5 Wh., 420; [3]Farmers and Mechanics' Bank *v.* Smith, 6 Wh., 131; [3]Green et al. *v.* Biddle, 8 Wh., 1; [3]Ogden *v.* Saunders, 12 Wh., 213; [3]Mason *v.* Haile, 12 Wh., 370; [3]Satterlee *v.* Matthewson, 2 Pet., 380; [3]Hart *v.* Lamphire, 3 Pet., 280; [1]Craig et al. *v.* State of Missouri, 4 Pet., 410; [3]Providence Bank *v.* Billings and Pitman, 4 Pet., 514; [1]Byrne *v.* State of Missouri, 8 Pet., 40; [2]Watson *v.* Mercer, 8 Pet., 88; [3]Mumma *v.* Potomac Company, 8 Pet., 281; [3]Beers *v.* Haughton, 9 Pet., 329; [1]Briscoe et al. *v.* The Bank of the Commonwealth of Kentucky, 11 Pet., 257; [3]The Proprietors of Charles River Bridge *v.* The Proprietors of Warren Bridge, 11 Pet., 420; [3]Armstrong *v.* The Treasurer of Athens Company, 16 Pet., 281; [3]Bronson *v.* Kinzie et al., 1 How., 311; [3]McCracken *v.* Hayward, 2 How., 608; [3]Gordon *v.* Appeal Tax Court, 3 How., 133; [3]State of Maryland, *v.* Baltimore and Ohio R. R. Co., 3 How., 534; [3]Neil, Moore & Co. *v.* State of Ohio, 3 How., 720; [3]Cook *v.* Moffatt, 5 How., 295; [3]Planters' Bank *v.* Sharp et al., 6 How., 301; [3]West River Bridge Company *v.* Dix et al., 6 How., 507; [3]Crawford et al. *v.* Branch Bank of Mobile, 7 How., 279; [3]Woodruff v. Trapnall, 10 How., 190; [3]Paup et al. *v.* Drew, 10 How., 218; [2], [3]Baltimore and Susquehanna R. R. Co. *v.* Nesbitt et al., 10 How., 395; [3]Butler et al. *v.* Pennsylvania, 10 How., 402; [1]Darington et al. *v.* The Bank of Alabama, 13 How., 12; [3]Richmond, &c., R. R. Co. *v.* The Louise R. R. Co., 13 How., 71; [3]Trustees for Vincennes University *v.* State of Indiana, 14 How., 268; [3]Curran *v.* State of Arkansas et al., 15 How., 304; [3]State Bank of Ohio *v.* Knoop, 16 How., 369; [2]Carpenter et al. *v.* Commonwealth of Pennsylvania, 17 How., 456; [3]Dodge *v.* Woolsey, 18 How., 331; [3]Beers *v.* State of Arkansas, 20 How., 527; [3]Aspinwall et al. *v.* Commissioners of County of Daviess, 22 How., 364; [3]Rector of Christ Church, Philadelphia, *v.* County of Philadelphia, 24 How., 300; [3]Howard *v.* Bugbee, 24 How., 461; [3]Jefferson Branch Bank *v.* Skelley, 1 Black, 436; [3]Franklin Branch Bank *v.* State of Ohio, 1 Black, 474; [3]Trustees of the Wabash and Erie Canal Company *v.* Beers, 2 Black, 448; [3]Gilman *v.* City of Sheboygan, 2 Black, 510; [3]Bridge Proprietors *v.* Hoboken Company, 1 Wall., 116; [3]Hawthorne *v.* Calef, 2 Wall., 10; [3]The Binghamton Bridge, 3 Wall., 51; [3]The Turnpike Company *v.* The State, 3 Wall., 210; [2]Locke *v.* City of New Orleans, 4 Wall., 172; [3]Railroad Company *v.* Rock, 4 Wall., 177; [3]Cummings *v.* State of Missouri, 4 Wall., 277; [2]Ex parte Garland, 4 Wall., 333; [3]Von Hoffman *v.* City of Quincy, 4 Wall., 535; [3]Mulligan *v.* Corbin, 7 Wall., 487; [3]Furman *v.* Nichol, 8 Wall., 44; [3]Home of the Friendless *v.* Rouse, 8 Wall., 430; [3]The Washington University *v.* Rouse, 8 Wall., 439; [3]Butz *v.* City of Muscatine, 8 Wall., 575; [3]Drehman *v.* Stifle, 8 Wall., 595; [3]Hepburn *v.* Griswold, 8 Wall., 603; [2]Gut *v.* The State, 9 Wall., 35; [3]Railroad Company *v.* McClure, 10 Wall., 511; [3]Parker *v.* Davis, 12 Wall., 457; [3]Curtis *v.* Whiting, 13 Wall., 68; [3]Pennsylvania College Cases, 13 Wall., 190; [3]Wilmington R. R. *v.* Reid, sheriff, 13 Wall., 264; [3]Salt Company *v.* East Saginaw, 13 Wall., 373; [3]White *v.* Hart, 13 Wall., 646; [3]Osborn *v.* Nicholson et al., 13 Wall., 654; [3]Railroad Company *v.* Johnson, 15 Wall., 195; [3]Case of the State tax on foreign-held bonds, 15 Wall., 300; [3]Tomlinson *v.* Jessup, 15 Wall., 454; [3]Tomlinson *v.* Branch, 15 Wall., 460; [3]Miller *v.* The State, 15 Wall., 478; [3]Holyoke Company *v.* Lyman, 15 Wall., 500; [3]Gunn *v.* Barry, 15 Wall., 610; [3]Humphrey *v.* Pegues, 16 Wall., 244; [3]Walker *v.* Whitehead, 16 Wall., 314; [3]Sohn *v.* Waterson, 17 Wall., 596; [3]Barings *v.* Dabney, 19 Wall., 1; [3]Head *v.* The University, 19 Wall., 526; [3]Pacific R. R. Co. *v.* Maguire, 20 Wall., 36; [3]Garrison *v.* The City of New York, 21 Wall., 196; [3]Ochiltree *v.* The Railroad Company, 21 Wall., 249; [3]Wilmington, &c., Railroad *v.* King, ex., 91 U. S., 3; [3]County of Moultrie *v.* Rockingham Ten Cent Savings Bank, 92 U. S., 631; [3]Home Insurance Company *v.* City Council of Augusta, 93 U. S., 116; [3]West Wisconsin R. R. Co. *v.* Supervisors, 93 U. S., 595.

[3]No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and the Controul of the Congress.

McCulloch *v.* State of Maryland, 4 Wh., 316; Gibbons *v.* Ogden, 9 Wh., 1; Brown *v.* The State of Maryland, 12 Wh., 419; Mager *v.* Grima et al., 8 How., 490; Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; Almy *v.* State of California, 24 How., 169; License Tax Cases, 5 Wall., 462; Crandall *v.* State of Nevada, 6 Wall., 35; Waring *v.* The Mayor, 8 Wall., 110; Woodruff *v.* Perham, 8 Wall., 123; Hinson *v.* Lott, 8 Wall., 148; State Tonnage Tax Cases, 12 Wall., 204; State tax on railway gross receipts, 15 Wall., 284; Inman Steamship Company *v.* Tinker, 94 U. S., 238.

[3]No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Green *v.* Biddle, 8 Wh., 1; Poole et al. *v.* The Lessee of Fleeger et al., 11 Pet., 185; Cooley *v.* Board of Wardens of Port of Philadelphia et al., 12 How., 299; Peete *v.* Morgan, 19 Wall., 581; Cannon *v.* New Orleans, 20 Wall., 577; Inman Steamship Company *v.* Tinker, 94 U. S., 238.

ARTICLE. II.

SECTION. 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

[2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Leitensdorfer et al. *v.* Webb, 20 How., 176.

["The electors shall meet in their respective States, and vote by ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President."]

This clause has been superseded by the twelfth amendment, p. 30.

[3] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[4] No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

English *v.* the Trustees of the Sailors' Snug Harbor, 3 Pet., 99.

[5] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[6] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[7] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION. 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

United States *v.* Wilson, 7 Pet., 150; Ex parte William Wells, 18 How., 307; Ex parte Garland, 4 Wall., 333; Armstrong's Foundry, 6 Wall., 766; The Grape Shot, 9 Wall., 129; United States *v.* Padelford, 9 Wall., 542; United States *v.* Klein, 13 Wall., 128; Armstrong *v.* The United States, 13 Wall., 152; Pargond *v.* The United States, 13 Wall., 156; Hamilton *v.* Dillin, 21 Wall., 73; Mechanics and Traders' Bank *v.* Union Bank, 22 Wall.; 276; Lamar, ex., *v.* Browne et al., 92 U. S., 187; Wallach et al. *v.* Van Riswick, 92 U. S., 202.

[2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and

by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Ware *v.* Hylton et al., 3 Dall., 199; Marbury *v.* Madison, 1 Cr., 137; United States *v.* Kirkpatrick, 9 Wh., 720; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Foster and Elam *v.* Neilson, 2 Pet., 253; Cherokee Nation *v.* State of Georgia, 5 Pet., 1; Patterson *v.* Gwinn et al., 5 Pet., 233; Worcester *v.* State of Georgia, 6 Pet., 515; City of New Orleans *v.* De Armas et al., 9 Pet., 224; Holden *v.* Joy, 17 Wall., 211.

[3]The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

The United States *v.* Kirkpatrick et al., 9 Wh.,720.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Marbury *v.* Madison, 1 Cr., 137; Kendall, Postmaster-General, *v.* The United States, 12 Pet., 524; Luther *v.* Borden, 7 How., 1; The State of Mississippi *v.* Johnson, President, 4 Wall., 475; Stewart *v.* Kahn, 11 Wall., 493.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Stuart *v.* Laird, 1 Cr., 299; United States *v.* Peters, 5 Cr., 115; Cohens *v.* Virginia, 6 Cr., 264; Martin *v.* Hunter's Lessee, 1 Wh., 304; Osborn *v.* United States Bank, 9 Wh., 738; Benner et al. *v.* Porter, 9 How., 235; The United States *v.* Ritchie, 17 How., 525; Murray's Lessee et al. *v.* Hoboken Land and Improvement Company, 18 How., 272; Ex parte Vallandigham, 1 Wall., 243.

SECTION. 2. [1]The judical Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;— to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Hayburn's case (note), 2 Dall., 410; Chisholm, ex., *v.* Georgia, 2 Dall., 419; Glass et al. *v.* Sloop Betsey, 3 Dall., 6; United States *v.* La Vengeance, 3 Dall., 297; Hollingsworth et al. *v.* Virginia, 3 Dall., 378; Mossman, ex., *v.* Higginson, 4 Dall., 12; Marbury *v.* Madison, 1 Cr., 137; Hepburn et al. *v.* Ellezley, 2 Cr., 444; United States *v.* Moore, 3 Cr., 159; Strawbridge et al. *v.* Curtiss et al., 3 Cr., 267; Ex parte Bollman and Swartwout, 4 Cr., 75; Rose *v.* Himely, 4 Cr., 241; Chappedelaine et al. *v.* Dechenaux, 4 Cr., 305; Hope Insurance Company *v.* Boardman et al., 5 Cr., 57; Bank of United States *v.* Devaux et al., 5 Cr., 61; Hodgson et als. *v.* Bowerbank et als., 5 Cr., 303; Owings *v.* Norwood's Lessee, 5 Cr., 344; Durousseau *v.* The United States, 6 Cr., 307; United States *v.* Hudson and Goodwin, 7 Cr., 32; Martin *v.* Hunter, 1 Wh., 304; Colson et al. *v.* Lewis. 2 Wh., 377; United States *v.* Bevens, 3 Wh., 336; Cohens *v.* Virginia, 6 Wh., 264; Ex parte Kearney, 7 Wh., 38; Matthews *v.* Zane, 7 Wh., 164; Osborn *v.* United States Bank, 9 Wh., 738; United States *v.* Ortega, 11 Wh., 467; American Insurance Company *v.* Canter (356 bales cotton), 1 Pet., 511; Jackson *v.* Twentyman, 2 Pet., 136; Cherokee Nation *v.* State of Georgia, 5 Pet., 1; State of New Jersey *v.* State of New York, 5 Pet., 283; Davis *v.* Packard et al., 6 Pet., 41; United States *v.* Arredondo et al., 6 Pet., 691; Davis *v.* Packard et al., 7 Pet., 276; Breedlove et al. *v.* Nickolet et al., 7 Pet., 413; Brown *v.*

Keene, 8 Pet., 112; Davis *v.* Packard et al., 8 Pet., 312; City of New Orleans *v.* De Armas et al., 9 Pet., 224; The State of Rhode Island *v.* The Commonwealth of Massachusetts, 12 Pet., 657; The Bank of Augusta *v.* Earle, 13 Pet., 519; The Commercial and Railroad Bank of Vicksburg *v.* Slocomb et al., 14 Pet. 60; Suydam et al. *v.* Broadnax, 14 Pet., 67; Prigg *v.* The Commonwealth of Pennsylvania, 16 Pet., 539; Louisville, Cincinnati and Charleston Railway Company *v.* Letson, 2 How., 497; Cary et als. *v.* Curtis, 3 How., 236; Warring *v.* Clark, 5 How., 441; Luther *v.* Borden, 7 How., 1; Sheldon et al. *v.* Sill, 8 How., 441; The Propeller Genesee Chief *v.* Fitzhugh et al., 12 How., 443; Fretz et al. *v.* Ball et al., 12 How., 466; Neves et al. *v.* Scott et al., 13 How., 268; State of Pennsylvania *v.* The Wheeling, &c., Bridge Company et al., 13 How., 518; Marshall *v.* The Baltimore and Ohio R. R. Co., 16 How., 314; The United States *v.* Guthrie, 17 How., 284; Smith *v.* State of Maryland, 18 How., 71; Jones et al. *v.* Leagne, 18 How., 76; Murray's Lessee et al. *v.* Hoboken Land and Improvement Company, 18 How., 272; Hyde et al. *v.* Stone, 20 How., 170; Irvine *v.* Marshall et al., 20 How., 558; Fenn *v.* Holmes, 21 How., 481; Moorewood et al. *v.* Erequist, 23 How., 491; Commonwealth of Kentucky *v.* Dennison, Governor, 24 How., 66; Ohio and Mississippi Railroad Company *v.* Wheeler, 1 Black, 286; The Steamer Saint Lawrence, 1 Black, 522; The Propeller Commerce, 1 Black, 574; Ex parte Vallandigham, 1 Wall., 243; Ex parte Milligan, 4 Wall., 1; The Moses Taylor, 4 Wall., 411; State of Mississippi *v.* Johnson, President, 4 Wall., 475; The Hine *v.* Trevor, 4 Wall., 555; City of Philadelphia *v.* The Collector, 5 Wall., 720; State of Georgia *v.* Stanton, 6 Wall., 50; Payne *v.* Hook, 7 Wall., 425; The Alicia, 7 Wall., 571; Ex parte Yerger, 8 Wall., 85; Insurance Company *v.* Dunham, 11 Wall., 1; Virginia *v.* West Virginia, 11 Wall., 39; Coal Company *v.* Blatchford, 11 Wall., 172; Railway Company *v.* Whitton's adm., 13 Wall., 270; Tarble's Case, 13 Wall., 397; Blyew et al. *v.* The United States, 13 Wall., 581; Davis *v.* Gray, 16 Wall., 203; Case of the Sewing Machine Companies, 18 Wall., 553; Insurance Company *v.* Morse, 20 Wall., 445; Vannevar *v.* Bryant, 21 Wall., 41; The Lottawanna, 21 Wall., 558; Gaines *v.* Fuentes et al., 92 U. S., 10; Miller *v.* Dows, 94 U. S., 444; Doyle *v.* Continental Insurance Company, 94 U. S., 535.

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Chisholm, ex., *v.* Georgia, 2 Dall., 419; Wiscart et al. *v.* Dauchy, 3 Dall., 321; Marbury *v.* Madison, 1 Cr., 137; Durousseau et al. *v.* United States, 6 Cr., 307; Martin *v.* Hunter's Lessee, 1 Wh., 304; Cohens *v.* Virginia, 6 Wh., 234; Ex parte Kearney, 7 Wh., 38; Wayman *v.* Southard, 10 Wh., 1; Bank of the United States *v.* Halstead, 10 Wh., 51; United States *v.* Ortega, 11 Wh., 467; The Cherokee Nation *v.* The State of Georgia, 5 Pet., 1; Ex parte Crane et als., 5 Pet., 189; The State of New Jersey *v.* The State of New York, 5 Pet., 283; Ex parte Sibbald *v.* United States, 12 Pet., 488; The State of Rhode Island *v.* The State of Massachusetts, 12 Pet., 657; State of Pennsylvania *v.* The Wheeling, &c., Bridge Company, 13 How., 518; In re Kaine, 14 How., 103; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Freeborn *v.* Smith, 2 Wall., 160; Ex parte McCardle, 6 Wall., 318; Ex parte McCardle, 7 Wall., 506; Ex parte Yerger, 8 Wall., 85; The Lucy, 8 Wall., 307; The Justices *v.* Murray, 9 Wall., 274; Pennsylvania *v.* Quicksilver Company, 10 Wall., 553; Murdock *v.* City of Memphis, 20 Wall., 590.

[3] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Ex parte Milligan, 4 Wall., 2.

SECTION. 3. [1] Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

United States *v.* The Insurgents, 2 Dall., 335; United States *v.* Mitchell, 2 Dall., 348; Ex parte Bollman and Swartwout, 4 Cr., 75; United States *v.* Aaron Burr, 4 Cr., 469.

[2] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Bigelow *v.* Forest, 9 Wall., 339; Day *v.* Micou, 18 Wall., 156; Ex parte Lange, 18 Wall., 163; Wallack et al. *v.* Van Riswick, 92 U. S., 202.

ARTICLE IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by

general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Mills *v.* Duryee, 7 Cr., 481; Hampton *v.* McConnel, 3 Wh., 234; Mayhew *v.* Thatcher, 6 Wh., 129; Darby's Lessee *v.* Mayer, 10 Wh., 465; The United States *v.* Amedy, 11 Wh., 392; Caldwell et al. *v.* Carrington's heirs, 9 Pet., 86; M'Elmoyle *v.* Cohen, 13 Pet., 312; The Bank of Augusta *v.* Earle, 13 Pet., 519; Bank of the State of Alabama *v.* Dalton, 9 How., 522; D'Arcy *v.* Ketchum, 11 How., 165; Christmas *v.* Russell, 5 Wall., 290; Green *v.* Van Baskirk, 7 Wall., 139; Paul *v.* Virginia, 8 Wall., 168; Board of Public Works *v.* Columbia College, 17 Wall., 521; Thompson *v.* Whitman, 18 Wall., 457.

SECTION. 2. [1]The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Bank of United States *v.* Devereaux, 5 Cr., 61; Gassies *v.* Ballou, 6 Pet., 761; The State of Rhode Island *v.* The Commonwealth of Massachusetts, 12 Pet., 657; The Bank of Augusta *v.* Earle, 13 Pet., 519; Moore *v.* The People of the State of Illinois, 14 How., 13; Conner et al. *v.* Elliott et al., 18 How., 591; Dred Scott *v.* Sanford, 19 How., 393; Crandall *v.* State of Nevada, 6 Wall., 35; Woodruff *v.* Parham, 8 Wall., 123; Paul *v.* Virginia, 8 Wall., 168; Downham *v.* Alexandria Council, 10 Wall., 173; Liverpool Insurance Company *v.* Massachusetts, 10 Wall., 566; Ward *v.* Maryland, 12 Wall., 418; Slaughterhouse Cases, 16 Wall., 36; Bradwell *v.* The State, 16 Wall., 130; Chemung Bank *v.* Lowery, 93 U. S., 72; McCready *v.* Virginia, 94 U. S., 391.

[2]A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime.

Holmes *v.* Jennison et al., 14 Pet., 540; Commonwealth of Kentucky *v.* Dennison, governor, 24 How., 66; Taylor *v.* Tainter, 16 Wall., 366.

[3]No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Prigg *v.* The Commonwealth of Pennsylvania, 16 Pet., 539; Jones *v.* Van Zandt, 5 How., 215; Strader et al. *v.* Graham, 10 How., 82; Moore *v.* The People of the State of Illinois, 14 How., 13; Dred Scott *v.* Sanford, 19 How., 393; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506.

SECTION. 3. [1]New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

American Insurance Company et al. *v.* Canter (356 bales cotton), 1 Pet., 511; Pollard's Lessee *v.* Hagan, 3 How., 212; Cross et al. *v.* Harrison, 16 How., 164.

[2]The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

McCulloch *v.* State of Maryland, 4 Wh., 316; American Insurance Company *v.* Canter, 1 Pet., 511; United States *v.* Gratiot et al., 14 Pet., 526; United States *v.* Rogers, 4 How., 567; Cross et al. *v.* Harrison, 16 How., 164; Muckey et al. *v.* Coxe, 18 How., 100; Gibson *v.* Chateau, 13 Wall., 92; Clinton *v.* Englebert, 13 Wall., 434; Beall *v.* New Mexico, 16 Wall., 535.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Luther *v.* Borden, 7 How., 1; Texas *v.* White, 7 Wall., 700.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses

in the Ninth Section of the first Article: and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

[1]All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[2]This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Hayburn's case, 2 Dall., 409; Ware *v.* Hylton, 3 Dall., 199; Calder and wife *v.* Bull and wife, 3 Dall., 386; Marbury *v.* Madison, 1 Cr., 137; Chirac *v.* Chirac, 2 Wh., 259; McCulloch *v.* The State of Maryland, 4 Wh., 316; Society *v.* New Haven, 8 Wh., 464; Gibbons *v.* Ogden, 9 Wh., 1; Foster and Elam *v* Neilson, 2 Pet., 253; Buckner *v.* Finley, 2 Pet., 586; Worcester *v.* State of Georgia, 6 Pet., 515; Kennett et al. *v.* Chambers, 14 How., 38; Dodge *v.* Woolsey, 18 How., 331; State of New York *v.* Dibble, 21 How., 366; Ableman *v.* Booth and United States *v.* Booth, 21 How., 506; Sinnot *v.* Davenport, 22 How., 227; Foster *v.* Davenport, 22 How., 244; Haver *v.* Yaker, 9 Wall., 32.

[3]The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Ex parte Garland, 4 Wall., 333.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven, and of the Independance of the United States of America the Twelfth **In Witness** whereof We have hereunto subscribed our Names,

G°: WASHINGTON—
Presidt. and Deputy from Virginia

New Hampshire.

JOHN LANGDON
NICHOLAS GILMAN

Massachusetts.

NATHANIEL GORHAM
RUFUS KING

Connecticut.

WM. SAML. JOHNSON
ROGER SHERMAN

New York.

ALEXANDER HAMILTON

New Jersey.

WIL: LIVINGSTON
DAVID BREARLEY
WM. PATERSON
JONA: DAYTON

Pennsylvania.

B. FRANKLIN
THOMAS MIFFLIN
ROBT. MORRIS
GEO. CLYMER
THOS. FITZSIMONS
JARED INGERSOLL
JAMES WILSON
GOUV MORRIS

Delaware.

GEO: READ
GUNNING BEDFORD Jun
JOHN DICKINSON
RICHARD BASSETT
JACO: BROOM

Maryland.

JAMES MCHENRY
DAN OF ST THOS JENIFER
DANL. CARROLL

Virginia.

JOHN BLAIR—
JAMES MADISON Jr.

North Carolina.

WM. BLOUNT
RICHD. DOBBS SPAIGHT
HU WILLIAMSON.

South Carolina.

J. RUTLEDGE,
CHARLES COTESWORTH PINCKNEY
CHARLES PINCKNEY
PIERCE BUTLER.

Georgia.

WILLIAM FEW
ABR BALDWIN

Attest WILLIAM JACKSON *Secretary*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I.]*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Terrett et al. *v.* Taylor et al., 9 Cr., 43; Vidal et al. *v.* Girard et al., 2 How., 127; Ex parte Garland, 4 Wall., 333; United States *v.* Cruikshank et al., 92 U. S., 542.

[ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall

---

*The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789. They were ratified by the following States, and the notifications of ratification by the governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791, and Virginia, December 15, 1791. There is no evidence on the Journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Smith *v.* State of Maryland, 18 How., 71; Murray's Lessee et al. *v.* Hoboken Land and Improvement Company, 18 How., 272; Ex parte Milligan, 4 Wall., 2.

[ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States *v.* Perez, 9 Wh., 579; Barron *v.* The City of Baltimore, 7 Pet., 243; Fox *v.* Ohio, 5 How., 410; West River Bridge Company *v.* Dix et al., 6 How., 507; Mitchell *v.* Harmony, 13 How., 115; Moore, ex., *v.* The People of the State of Illinois, 14 How., 13; Murray's Lessee et al. *v.* Hoboken Land and Improvement Company, 18 How., 272; Dynes *v.* Hoover, 20 How., 65; Withers *v.* Buckley et al., 20 How., 84; Gilman *v.* The City of Sheboygan, 2 Black, 510; Ex parte Milligan, 4 Wall., 2; Twitchell *v.* The Commonwealth, 7 Wall., 321; Hepburn *v.* Griswold, 8 Wall., 603; Miller *v.* United States, 11 Wall., 268; Legal Tender Cases, 12 Wall., 457; Pumpelly *v.* Green Bay Company, 13 Wall., 166; Osborn *v.* Nicholson, 13 Wall., 654; Ex parte Lange, 18 Wall., 163; Kohl et al. *v.* United States, 91 U. S., 367.

[ARTICLE VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

United States *v.* Cooledge, 1 Wh., 415; Ex parte Kearney, 7 Wh., 38; United States *v.* Mills, 7 Pet., 142; Baron *v.* City of Baltimore, 7 Pet., 243; Fox *v.* Ohio, 5 How., 410; Withers *v.* Buckley et al., 20 How., 84; Ex parte Milligan, 4 Wall., 2; Twitchell *v.* The Commonwealth, 7 Wall., 321; Miller *v.* The United States, 11 Wall., 268; United States *v.* Cook, 17 Wall., 168; United States *v.* Cruikshank et al., 92 U. S., 542.

[ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

United States *v.* La Vengeance, 3 Dall., 297; Bank of Columbia *v.* Oakley, 4 Wh., 235; Parsons *v.* Bedford et. al., 3 Pet., 433; Lessee of Livingston *v.* Moore et al., 7 Pet., 469; Webster *v.* Reid, 11 How., 437; State of Pennsylvania *v.* The Wheeling, &c., Bridge Company et al., 13 How., 518; The Justices *v.* Murray, 9 Wall., 274; Edwards *v.* Elliott et al., 21 Wall., 532.

[ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Pervear *v.* Commonwealth, 5 Wall., 475.

[ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Lessee of Livingston *v.* Moore et al., 7 Pet., 469.

[ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Chisholm, ex., *v.* State of Georgia, 2 Dall., 419; Hollingsworth et al. *v.* The State of Virginia, 3 Dall., 378; Martin *v.* Hunter's Lessee, 1 Wh., 304; McCulloch *v.* State of Maryland, 4 Wh., 316; Anderson *v.* Dunn., 6 Wh., 204; Cohens *v.* Virginia, 6 Wh., 264; Osborn *v.* United States Bank, 9 Wh., 738; Buchler *v.* Finley, 2 Pet., 586; Ableman *v.* Booth, 21 How., 506; The Collector *v.* Day, 11 Wall., 113; Claflin v. Houseman assignee, 93 U. S., 130; Inman Steanship Company *v.* Tinker, 94 U. S., 238.

[ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

State of Georgia *v.* Brailsford et al., 2 Dall., 402; Chisholm, ex., *v.* State of Georgia, 2 Dall., 419; Hollingsworth et al. *v.* Virginia, 3 Dall., 378; Cohen *v.* Virginia, 6 Wh., 264; Osborn *v.* United States Bank, 9 Wh., 738; United States *v.* The Planters' Bank, 9 Wh., 904; The Governor of Georgia *v.* Juan Madrazo, 1 Pet., 110; Cherokee Nation *v.* State of Georgia, 5 Pet., 1; Briscoe *v.* The Bank of the Commonwealth of Kentucky, 11 Pet., 257; Curran *v.* State of Arkansas et al., 15 How., 304.

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 5th September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States.

[ARTICLE XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second article; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804 to have been ratified by the legislatures of three-fourths of the States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

Dred Scott *v.* Sanford, 19 How., 393; White *v.* Hart., 13 Wall, 646; Osborn *v.* Nicholson, 13 Wall., 654; Slaughter-house Cases, 16 Wall., 36.

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States, viz: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Crandall *v.* The State of Nevada, 6 Wall., 35; Paul *v.* Virginia, 8 Wall., 168; Ward *v.* Maryland, 12 Wall., 418; Slaughter-house Cases, 16 Wall., 36; Bradwell *v.* The State, 16 Wall., 130; Bartemeyer *v.* Iowa, 18 Wall., 129; Minor *v.* Happersett, 21 Wall., 162; Walker *v.* Sauvinet, 92 U. S., 90; Kennard *v.* Louisiana, ex rel. Morgan, 92 U. S., 480; United States *v.* Cruikshank, 92 U. S., 542; Munn *v.* Illinois, 94 U. S., 113.

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 16th of June, 1866. On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution, declaring that "the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore, *Resolved*, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State." The Secretary of State accordingly issued a proclamation, dated the 28th of July, 1868, declaring that the proposed fourteenth amendment had been ratified, in the manner hereafter mentioned, by the legislatures of thirty of the thirty-six States, viz: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866, (and the legislature of the same State passed a resolution in April, 1868, to withdraw its consent to it;) Oregon, September 19, 1866; Vermont, November 9, 1866; Georgia rejected it November 13, 1866, and ratified it July 21, 1868; North Carolina rejected it December 4, 1866, and ratified it July 4, 1868; South Carolina rejected it December 20, 1866, and ratified it July 9, 1868; New York ratified it January 10, 1867; Ohio ratified it January 11, 1867, (and the legislature of the same State passed a resolution in January, 1868, to withdraw its consent to it;) Illinois ratified it January 15, 1867; West Virginia, January 16, 1867; Kansas, January 18, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Missouri, January 26, 1867; Indiana, January 29, 1867; Minnesota, February 1, 1867; Rhode Island, February 7, 1867; Wisconsin, February 13, 1867; Pennsylvania, February 13, 1867; Michigan, February 15, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, April 3, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; Louisiana, July 9, 1868; and Alabama, July 13, 1868. Georgia again ratified the amendment February 2, 1870. Texas rejected it November 1, 1866, and ratified it February 18, 1870. Virginia rejected it January 19, 1867, and ratified October 8, 1869. The amendment was rejected by Kentucky January 10, 1867; by Delaware February 8, 1867; by Maryland March 23, 1867; and was not afterward ratified by either State.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

United States *v.* Reese et al., 92 U. S., 214; United States *v.* Cruikshank et al., 92 U. S., 542.

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress, on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States. The dates of these ratifications (arranged in the order of their reception at the Department of State) were: from North Carolina, March 5, 1869; West Virginia, March 3, 1869; Massachusetts, March 9–12, 1869; Wisconsin, March 9, 1869; Maine, March 12, 1869; Louisiana, March 5, 1869; Michigan, March 8, 1869; South Carolina, March 16, 1869; Pennsylvania, March 26, 1869; Arkansas, March 30, 1869; Connecticut, May 19, 1869; Florida, June 15, 1869; Illinois, March 5, 1869; Indiana, May 13–14, 1869; New York, March 17–April 14, 1869, (and the legislature of the same State passed a resolution January 5, 1870, to withdraw its consent to it;) New Hampshire, July 7, 1869; Nevada, March 1, 1869; Vermont, October 21, 1869; Virginia, October 8, 1869; Missouri, January 10, 1870; Mississippi, January 15–17, 1870; Ohio, January 27, 1870; Iowa, February 3, 1870; Kansas, January 18–19, 1870; Minnesota, February 19, 1870; Rhode Island, January 18, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870. The State of Georgia also ratified the amendment February 2, 1870.

ANALYTICAL INDEX

TO THE

CONSTITUTION OF THE UNITED STATES

AND THE

AMENDMENTS THERETO.

A.

	Art.	Sec.	Cl.	Page.
Abridged. The privileges or immunities of citizens of the United States shall not be. [Amendments]	14	1	–	31
Absent members, in such manner and under such penalties as it may provide. Each House is authorized to compel the attendance of	1	5	1	18
Accounts of receipts and expenditures of public money shall be published from time to time. A statement of the	1	9	7	21
Accusation. In all criminal prosecutions the accused shall be informed of the cause and nature of the. [Amendments]	6	–	–	29
Accused shall have a speedy public trial. In all criminal prosecutions the. [Amendments]	6	–	–	29
He shall be tried by an impartial jury of the State and district where the crime was committed. [Amendments]	6	–	–	29
He shall be informed of the nature of the accusation. [Amendments]	6	–	–	29
He shall be confronted with the witnesses against him. [Amendments]	6	–	–	29
He shall have compulsory process for obtaining witnesses in his favor. [Amendments]	6	–	–	29
He shall have the assistance of counsel for his defense. [Amendments]	6	–	–	29
Actions at common law involving over twenty dollars shall be tried by jury. [Amendments]	7	–	–	29
Acts, records, and judicial proceedings of another State. Full faith and credit shall be given in each State to the	4	1	–	25
Acts. Congress shall prescribe the manner of proving such acts, records, and proceedings.	4	1	–	25
Adjourn from day to day. A smaller number than a quorum of each House may	1	5	1	18
Adjourn for more than three days, nor to any other place than that in which they shall be sitting. Neither House shall, during the session of Congress, without the consent of the other	1	5	4	19
Adjournment, the President may adjourn them to such time as he shall think proper. In case of disagreement between the two Houses as to	2	3	–	24
Admiralty and maritime jurisdiction. The judicial power shall extend to all cases of	3	2	–	24
Admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State. New States may be	4	3	1	26
Nor shall any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures and of Congress	4	3	1	26
Adoption of the Constitution shall be valid. All debts and engagements contracted by the confederation and before the	6	–	1	27
Advice and consent of the Senate. The President shall have power to make treaties by and with the	2	2	2	23
To appoint ambassadors or other public ministers and consuls by and with the	2	2	2	23
To appoint all other officers of the United States not herein otherwise provided for by and with the	2	2	2	23
Affirmation. Senators sitting to try impeachments shall be on oath or	1	3	6	18
To be taken by the President of the United States. Form of the oath or	2	1	7	23
No warrants shall be issued but upon probable cause and on oath or. [Amendments]	4	–	–	28
To support the Constitution. Senators and Representatives, members of State legislatures, executive and judicial officers, both State and Federal, shall be bound by oath or	6	–	3	27
Age. No person shall be a Representative who shall not have attained twenty-five years of	1	2	2	18
No person shall be a Senator who shall not have attained thirty years of	1	3	3	18
Agreement or compact with another State without the consent of Congress. No State shall enter into any	1	10	3	22

	Art.	Sec.	Cl.	Page.
Aid and comfort. Treason against the United States shall consist in levying war against them, adhering to their enemies, and giving them	3	3	1	25
Alliance or confederation. No State shall enter into any treaty of	1	10	1	21
Ambassadors, or other public ministers and consuls. The President may appoint	2	2	2	23
The judicial power of the United States shall extend to all cases affecting	3	2	1	24
Amendments to the Constitution. Whenever two-thirds of both Houses shall deem it necessary, Congress shall propose	5	–	–	29
To the Constitution. On application of the legislatures of two-thirds of the States, Congress shall call a convention to propose	5	–	–	29
Shall be valid when ratified by the legislatures of, or by conventions in, three-fourths of the States	5	–	–	29
Answer for a capital or infamous crime unless on presentment of a grand jury. No person shall be held to. [Amendments]	5	–	–	29
Except in cases in the land or naval forces, or in the militia when in actual service. [Amendments]	5	–	–	29
Appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as Congress shall make. In what cases the Supreme Court shall have	3	2	2	25
Application of the legislature or the executive of a State. The United States shall protect each State against invasion and domestic violence on the	4	4	–	26
Application of the legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments to the Constitution. On the	5	–	–	29
Appointment of officers and authority to train the militia reserved to the States respectively.	1	8	16	20
Of such inferior officers as they may think proper in the President alone. Congress may by law vest the	2	2	2	23
In the courts of law or in the heads of departments. Congress may by law vest the	2	2	2	23
Apportionment of representation and direct taxation among the several States. Provisions relating to the. [Repealed by sec. 2 of 14th amendment, on page 31]	1	2	3	18
Of Representatives among the several States. Provisions relating to the. [Amendments]	14	2	–	31
Appropriate legislation. Congress shall have power to make all laws necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof	1	8	18	21
Congress shall have power to enforce the thirteenth article, prohibiting slavery by. [Amendments]	13	2	–	30
Congress shall have power to enforce the provisions of the fourteenth article by. [Amendments]	14	5	–	31
Congress shall have power to enforce the provisions of the fifteenth article by. [Amendments]	15	2	–	32
Appropriation of money for raising and supporting armies shall be for a longer term than two years. But no	1	8	12	20
Appropriations made by law. No money shall be drawn from the Treasury but in consequence of	1	9	7	21
Approve and sign a bill before it shall become a law. The President shall	1	7	2	19
He shall return it to the House in which it originated, with his objections, if he do not	1	7	2	19
Armies, but no appropriation for that use shall be for a longer term than two years. Congress shall have power to raise and support	1	8	12	20
Armies. Congress shall make rules for the government and regulation of the land and naval forces	1	8	14	20
Arms shall not be infringed. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear. [Amendments]	2	–	–	28
Arrest during their attendance at the session of their respective Houses, and in going to and returning from the same. Members shall in all cases, except treason, felony, and breach of the peace, be privileged from	1	6	1	19
Arsenals. Congress shall exercise exclusive authority over all places purchased for the erection of	1	8	17	21
Articles exported from any State. No tax or duty shall be laid on	1	9	5	21
Arts by securing to authors and inventors their patent rights. Congress may promote the progress of science and the useful	1	8	8	20
Assistance of counsel for his defense. In all criminal prosecutions the accused shall have the. [Amendments]	6	–	–	29
Assumption of the debt or obligations incurred in aid of rebellion or insurrection against the United States. Provisions against the. [Amendments]	14	4	–	31
Attainder or *ex post facto* law shall be passed. No bill of	1	9	3	21
Attainder, ex post facto law, or law impairing the obligation of contracts. No State shall pass any bill of	1	10	1	21
Attainder of treason shall not work corruption of blood or forfeiture, except during the life of the person attainted	3	3	2	25
Authors and inventors the exclusive right to their writings and inventions. Congress shall have power to secure to	1	8	8	20

B.

Bail. Excessive bail shall not be required, nor excessive fines nor cruel and unusual punishments imposed. [Amendments]	8	–	–	29
Ballot for President and Vice-President. The electors shall vote by. [Amendments]	12	–	–	30

	Art.	Sec.	Cl.	Page.
Ballot. If no person have a majority of the electoral votes for President and Vice-President, the House of Representatives shall immediately choose the President by. [Amendments]	12	–	–	30
Bankruptcies. Congress shall have power to pass uniform laws on the subject of	1	8	4	20
Basis of representation among the several States. Provisions relating to the. [Amendments]	14	2	–	31
Bear arms shall not be infringed. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and. [Amendments]	2	–	–	28
Behavior. The judges of the Supreme and inferior courts shall hold their offices during good	3	1	–	24
Bill of attainder or *ex post facto* law shall be passed. No	1	9	3	21
Bill of attainder, *ex post facto* law, or law impairing the obligation of contracts. No State shall pass any	1	10	1	21
Bills of credit. No State shall emit	1	10	1	21
Bills for raising revenue shall originate in the House of Representatives. All	1	7	1	19
Bills which shall have passed the Senate and House of Representatives shall, before they become laws, be presented to the President	1	7	2	19
If he approve, he shall sign them; if he disapprove, he shall return them, with his objections, to that House in which they originated	1	7	2	19
Upon the reconsideration of a bill returned by the President with his objections, if two-thirds of each House agree to pass the same, it shall become a law	1	7	2	19
Upon the reconsideration of a bill returned by the President, the question shall be taken by yeas and nays	1	7	2	19
Not returned by the President within ten days (Sundays excepted), shall, unless Congress adjourn, become laws	1	7	2	19
Borrow money on the credit of the United States. Congress shall have power to	1	8	2	19
Bounties and pensions, shall not be questioned. The validity of the public debt incurred in suppressing insurrection and rebellion against the United States, including the debt for. [Amendments]	14	4	–	31
Breach of the peace, shall be privileged from arrest while attending the session, and in going to and returning from the same. Senators and Representatives, except for treason, felony, and	1	6	1	19
Bribery, or other high crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason	2	4	–	24

C.

Capital or otherwise infamous crime, unless on indictment of a grand jury, except in certain specified cases. No person shall be held to answer for a. [Amendments]	5	–	–	20
Capitation or other direct tax shall be laid unless in proportion to the census or enumeration. No	1	9	4	21
Captures on land and water. Congress shall make rules concerning	1	8	11	20
Casting vote. The Vice-President shall have no vote unless the Senate be equally divided.	1	3	4	18
Census or enumeration of the inhabitants shall be made within three years after the first meeting of Congress, and within every subsequent term of ten years thereafter	1	2	3	18
Census or enumeration. No capitation or other direct tax shall be laid except in proportion to the	1	9	4	20
Chief Justice shall preside when the President of the United States is tried upon impeachment. The	1	3	6	18
Choosing the electors and the day on which they shall give their votes, which shall be the same throughout the United States. Congress may determine the time of	2	1	3	23
Citizen of the United States at the adoption of the Constitution shall be eligible to the office of President. No person not a natural-born	2	1	4	23
Citizen of the United States. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a	1	3	3	18
No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a	1	2	1	17
Citizenship. Citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States	4	2	1	26
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]	14	1	–	31
No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]	14	1	–	31
Nor shall any State deprive any person of life, liberty, or property without due process of law. [Amendments]	14	1	–	31
Nor deny to any person within its jurisdiction the equal protection of the laws. [Amendments]	14	1	–	31
Citizens or subjects of a foreign state. The judicial power of the United States shall not extend to suits in law or equity brought against one of the States by the citizens of another State, or by. [Amendments]	11	–	–	30
Civil officers of the United States shall, on impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors, be removed. All	2	4	–	24
Claims of the United States or any particular State in the territory or public property. Nothing in this Constitution shall be construed to prejudice	4	3	2	26
Classification of Senators. Immediately after they shall be assembled after the first election, they shall be divided as equally as may be into three classes	1	3	2	18

	Art.	Sec.	Cl.	Page.
Classification of Senators. The seats of the Senators of the first class shall be vacated at the expiration of the second year	1	3	2	18
The seats of the Senators of the second class at the expiration of the fourth year	1	3	2	18
The seats of the Senators of the third class at the expiration of the sixth year	1	3	2	18
Coin a tender in payment of debts. No State shall make anything but gold and silver	1	10	1	21
Coin money and regulate the value thereof and of foreign coin. Congress shall have power to	1	8	5	20
Coin of the United States. Congress shall provide for punishing the conterfeiting the securities and current	1	8	6	20
Color, or previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race. [Amendments]	15	1	–	32
Comfort. Treason against the United States shall consist in levying war against them, and giving their enemies aid and	3	3	1	25
Commander-in-chief of the Army and Navy, and of the militia when in actual service. The President shall be	2	2	1	23
Commerce with foreign nations, among the States, and with Indian tribes. Congress shall have power to regulate	1	8	3	19
Commerce or revenue. No preference shall be given to the ports of one State over those of another by any regulation of	1	9	6	21
Vessels clearing from the ports of one State shall not pay duties in those of another.	1	9	6	21
Commissions to expire at the end of the next session. The President may fill vacancies that happen in the recess of the Senate by granting	2	2	3	24
Common defense, promote the general welfare, &c. To insure the. [Preamble]	–	–	–	17
Common defense and general welfare. Congress shall have power to provide for the	1	8	1	19
Common law, where the amount involved exceeds twenty dollars, shall be tried by jury. Suits at. [Amendments]	7	–	–	29
No fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of the. [Amendments]	7	–	–	29
Compact with another State. No State shall, without the consent of Congress, enter into any agreement or	1	10	3	22
Compact with a foreign power. No State shall, without the consent of Congress, enter into any agreement or	1	10	3	22
Compensation of Senators and Representatives to be ascertained by law	1	6	1	19
Compensation of the President shall not be increased nor diminished during the period for which he shall be elected	2	1	6	23
Compensation of the judges of the Supreme and inferior courts shall not be diminished during their continuance in office	3	1	–	24
Compensation. Private property shall not be taken for public use without just. [Amendments]	5	–	–	29
Compulsory process for obtaining witnesses in his favor. In criminal prosecutions the accused shall have. [Amendments]	6	–	–	29
Confederation. No State shall enter into any treaty, alliance, or	1	10	1	21
Confederation. All debts contracted and engagements entered into before the adoption of this Constitution shall be valid against the United States under it, as under the	6	–	1	27
Confession in open court. Conviction of treason shall be on the testimony of two persons to the overt act, or upon	3	3	1	25
Congress of the United States. All legislative powers shall be vested in a	1	1	–	17
Shall consist of a Senate and House of Representatives	1	1	–	17
Shall assemble at least once in every year, which shall be on the first Monday of December, unless they by law appoint a different day	1	4	2	18
May at any time alter regulations for elections of Senators and Representatives, except as to the places of choosing Senators	1	4	1	18
Each House shall be the judge of the elections, returns, and qualifications of its own members	1	5	1	18
A majority of each House shall constitute a quorum to do business	1	5	1	18
A smaller number may adjourn from day to day and compel the attendance of absent members	1	5	1	18
Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member	1	5	2	18
Each House shall keep a journal of its proceedings	1	5	3	18
Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days	1	5	4	19
Senators and Representatives shall receive a compensation to be ascertained by law	1	6	1	19
They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during attendance at their respective Houses, and in going to and returning from the same	1	6	1	19
No Senator or Representative shall, during his term, be appointed to any civil office which shall have been created, or of which the emoluments shall have been increased, during such term	1	6	2	19
No person holding any office under the United States, shall, while in office, be a member of either House of Congress	1	6	2	19
All bills for raising revenue shall originate in the House of Representatives	1	7	1	19
Proceedings in cases of bills returned by the President with his objections	1	7	2	19
Shall have power to lay and collect duties, imposts, and excises, pay the debts, and provide for the common defense and general welfare	1	8	1	19
Shall have power to borrow money on the credit of the United States	1	8	2	19

	Art.	Sec.	Cl.	Page.
Congress of the United States. To regulate foreign and domestic commerce, and with the Indian tribes	1	8	3	19
To establish uniform rule of naturalization and uniform laws on the subject of bankruptcies	1	8	4	20
To coin money, regulate its value and the value of foreign coin, and to fix the standard of weights and measures	1	8	5	20
To punish the counterfeiting the securities and currrent coin of the United States	1	8	6	20
To establish post-offices and post-roads	1	8	7	20
To promote the progress of science and the useful arts	1	8	8	20
To constitute tribunals inferior to the Supreme Court	1	8	9	20
To define and punish piracies and felonies on the high seas and to punish offenses against the law of nations	1	8	10	20
To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water	1	8	11	20
To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years	1	8	12	20
To provide and maintain a Navy	1	8	13	20
To make rules for the government of the Army and Navy	1	8	14	20
To call out the militia to execute the laws, suppress insurrections, and repel invasions	1	8	15	20
To provide for organizing, arming, and equipping the militia	1	8	16	20
To exercise exclusive legislation over the District fixed for the seat of government, and over forts, magazines, arsenals, and dockyards	1	8	17	21
To make all laws necessary and proper to carry into execution all powers vested by the Constitution in the Government of the United States	1	8	18	21
No person holding any office under the United States shall accept of any present, emolument, office, or title of any kind from any foreign state, without the consent of	1	9	8	21
May determine the time of choosing the electors for President and Vice-President and the day on which they shall give their votes	2	1	3	23
The President may, on extraordinary occasions, convene either House of	2	3	–	24
The manner in which the acts, records, and judicial proceedings of the States shall be prescribed by	4	1	–	25
New States may be admitted by Congress into this Union	4	3	1	26
Shall have power to make all needful rules and regulations respecting the territory or other property belonging to the United States	4	3	2	26
Amendments to the Constitution shall be proposed whenever it shall be deemed necessary by two-thirds of both Houses of	5	–	–	29
Persons engaged in insurrection or rebellion against the United States disqualified for Senators or Representatives in. [Amendments]	14	3	–	31
But such disqualification may be removed by a vote of two-thirds of both Houses of. [Amendments]	14	3	–	31
Shall have power to enforce, by appropriate legislation, the thirteenth amendment. [Amendments]	13	2	–	30
Shall have power to enforce, by appropriate legislation, the fourteenth amendment. [Amendments]	14	5	–	31
Shall have power to enforce, by appropriate legislation, the fifteenth amendment. [Amendments]	15	2	–	32
Consent. No State shall be deprived of its equal suffrage in the Senate without its	5	–	–	26
Consent of Congress. No person holding any office of profit or trust under the United States shall accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign potentate, without the	1	9	8	21
No State shall lay any imposts, or duties on imports, except what may be absolutely necessary for executing its inspection laws, without the	1	10	2	22
No State shall lay any duty of tonnage, keep troops or ships of war in time of peace without the	1	10	3	22
No State shall enter into any agreement or compact with another State, or with a foreign power, without the	1	10	3	22
No State shall engage in war unless actually invaded, or in such imminent danger as will not admit of delay, without the	1	10	3	22
No new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures thereof, as well as the	4	3	1	26
Consent of the legislature of the State in which the same may be. Congress shall exercise exclusive authority over all places purchased for the erection of forts, magazines, arsenals, dockyards, and other needful buildings by the	1	8	17	21
Consent of the legislatures of the States and of Congress. No States shall be formed by the junction of two or more States or parts of States without the	4	3	1	26
Consent of the other. Neither House, during the session of Congress, shall adjourn for more than three days, nor to any other place than that in which they shall be sitting, without the	1	5	4	19
Consent of the owner. No soldier shall be quartered in time of peace in any house without the. [Amendments]	3	–	–	28
Consent of the Senate. The President shall have power to make treaties, by and with the advice and	2	2	2	23
The President shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers created by law and not otherwise herein provided for, by and with the advice and	2	2	2	23

	Art.	Sec.	Cl.	Page.
Constitution, in the Government of the United States, or in any department or officer thereof. Congress shall have power to pass all laws necessary to the execution of the powers vested by the	1	8	18	21
Constitution, shall be eligible to the office of President. No person except a natural-born citizen, or a citizen at the time of the adoption of the	2	1	4	23
Constitution. The President, before he enters upon the execution of his office, shall take an oath to preserve, protect, and defend the	2	1	7	23
Constitution, laws, and treaties of the United States. The judicial power shall extend to all cases arising under the	3	2	1	24
Constitution shall be so construed as to prejudice any claims of the United States, or of any State (in respect to territory or other property of the United States). Nothing in the	4	3	2	26
Constitution. The manner in which amendments may be proposed and ratified	5	–	–	26
Constitution as under the Confederation shall be valid. All debts and engagements contracted before the adoption of the	6	–	1	27
Constitution and the laws made in pursuance thereof, and all treaties made, or which shall be made, by the United States, shall be the supreme law of the land. The	6	–	2	27
The judges in every State, anything in the constitution or laws of a State to the contrary notwithstanding, shall be bound thereby	6	–	2	27
Constitution. All officers, legislative, executive, and judicial, of the United States, and of the several States, shall be bound by an oath to support the	6	–	3	27
But no religious test shall ever be required as a qualification for any office or public trust	6	–	3	27
Constitution between the States so ratifying the same. The ratification of the conventions of nine States shall be sufficient for the establishment of the	7	–	–	27
Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. The enumeration in the. [Amendments]	9	–	–	29
Constitution, nor prohibited by it to the States, are reserved to the State respectively or to the people. Powers not delegated to the United States by the. [Amendments]	10	–	–	29
Constitution, and then engaged in rebellion against the United States. Disqualification for office imposed upon certain class of persons who took an oath to support the. [Amendments]	14	3	–	31
Constitution. Done in convention by the unanimous consent of the States present, September 17, 1787	7	–	2	27
Contracts. No State shall pass any ex post facto law, or law impairing the obligation of	1	10	1	21
Controversies to which the United States shall be a party: between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; between a State or its citizens and foreign states, citizens, or subjects. The judicial power shall extend to	3	2	1	24
Convene Congress or either House, on extraordinary occasions. The President may	2	3	–	24
Convention for proposing amendments to the Constitution. Congress, on the application of two-thirds of the legislatures of the States, may call a	5	–	–	26
Convention, by the unanimous consent of the States present on the 17th of September, 1787. Adoption of the Constitution in	7	–	2	27
Conventions of nine States shall be sufficient for the establishment of the Constitution. The ratification of the	7	–	–	27
Conviction in cases of impeachment shall not be had without the concurrence of two-thirds of the members present	1	3	7	18
Copyrights to authors for limited times. Congress shall have power to provide for	1	8	8	20
Corruption of blood. Attainder of treason shall not work	3	3	2	25
Counsel for his defense. In all criminal prosecutions the accused shall have the assistance of. [Amendments]	6	–	–	29
Counterfeiting the securities and current coin of the United States. Congress shall provide for the punishment of	1	8	6	20
Courts. Congress shall have power to constitute tribunals inferior to the Supreme Court	1	8	9	20
Courts of law. Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the heads of departments, or in the	2	2	2	23
Courts as Congress may establish. The judicial power of the United States shall be vested in one Supreme Court and such inferior	3	1	–	24
Courts. The judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	–	24
Their compensation shall not be diminished during their continuance in office	3	1	–	24
Credit. No State shall emit bills of	1	10	1	21
Credit of the United States. Congress shall have power to borrow money on the	1	8	2	19
Credit shall be given in every other State to the public acts, records, and judicial proceedings of each State. Full faith and	4	1	–	25
Crime, unless on a presentment of a grand jury. No person shall be held to answer for a capital or otherwise infamous. [Amendments]	5	–	–	29
Except in cases in the military and naval forces, or in the militia when in actual service. [Amendments]	5	–	–	29
Crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other	2	4	–	24
Crimes, except in cases of impeachment, shall be tried by jury. All	3	2	3	25
They shall be tried in the State within which they may be committed	3	2	3	25
When not committed in a State, they shall be tried at the places which Congress may by law have provided	3	2	3	25

	Art.	Sec.	Cl.	Page.
Criminal prosecutions, the accused shall have a speedy and public trial by jury in the State and district where the crime was committed. In all. [Amendments]	6	–	–	29
He shall be informed of the nature and cause of the accusation. [Amendments]	6	–	–	29
He shall be confronted with the witnesses against him. [Amendments]	6	–	–	29
He shall have compulsory process for obtaining witnesses in his favor. [Amendments]	6	–	–	29
He shall have the assistance of council in his defense. [Amendments]	6	–	–	29
Criminate himself. No person as a witness shall be compelled to. [Amendments]	5	–	–	29
Cruel and unusual punishments inflicted. Excessive bail shall not be required, nor excessive fines imposed, nor. [Amendments]	8	–	–	29

D.

Danger as will not admit of delay. No state shall, without the consent of Congress, engage in war, unless actually invaded, or in such imminent	1	10	3	22
Day on which they shall vote for President and Vice-President, which shall be the same throughout the United States. Congress may determine the time of choosing the electors, and the	2	1	3	23
Day to day, and may be authorized to compel the attendance of absent members. A smaller number than a quorum of each House may adjourn from	1	5	1	18
Death, resignation, or inability of the President, the powers and duties of his office shall devolve on the Vice-President. In case of the	2	1	5	23
Death, resignation, or inability of the President. Congress may provide by law for the case of the removal	2	1	5	23
Debt of the United States, including debts for pensions and bounties incurred in suppressing insurrection or rebellion, shall not be questioned. The validity of the public. [Amendments]	14	4	–	31
Debts. No State shall make anything but gold and silver coin a tender in payment of	1	10	1	21
Debts and provide for the common defense and general welfare of the United States. Congress shall have power to pay the	1	8	1	19
Debts and engagements contracted before the adoption of this Constitution shall be as valid against the United States, under it, as under the Confederation	6	–	1	27
Debts or obligations incurred in aid of insurrection or rebellion against the United States, or claims for the loss or emancipation of any slave. Neither the United States nor any State shall assume or pay any. [Amendments]	14	4	–	31
Declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water. Congress shall have power to	1	8	11	20
Defense, promote the general welfare, &c. To insure the common. [Preamble]	–	–	–	17
Defense and general welfare throughout the United States. Congress shall have power to pay the debts and provide for the common	1	8	1	19
Defense. In all criminal prosecutions the accused shall have the assistance of counsel for his. [Amendments]	6	–	–	29
Delaware entitled to one Representative in the first Congress	1	2	3	18
Delay. No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of	1	10	3	22
Delegated to the United States, nor prohibited to the States, are reserved to the States or to the people. The powers not. [Amendments]	10	–	–	29
Deny or disparage others retained by the people. The enumeration in the Constitution of certain rights shall not be construed to. [Amendments]	9	–	–	29
Departments upon any subject relating to their duties. The President may require the written opinion of the principal officers in each of the executive	2	2	1	23
Departments. Congress may by law vest the appointment of inferior officers in the heads of	2	2	2	23
Direct tax shall be laid unless in proportion to the census or enumeration. No capitation or other	1	9	4	21
Direct taxes and Representatives, how apportioned among the several States. [Repealed by the second section of the fourteenth amendment, on page 54]	1	2	3	18
Disability of the President and Vice-President. Provisions in case of the	2	1	5	23
Disability. No person shall be a Senator or Representative in Congress, or presidential elector, or hold any office, civil or military, under the United States, or any State, who having previously taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, to support the Constitution, afterward engaged in insurrection or rebellion against the United States. [Amendments]	14	3	–	31
But Congress may, by a vote of two-thirds of each House, remove such. [Amendments]	14	3	–	31
Disagreement between the two Houses as to the time of adjournment, the President may adjourn them to such time as he may think proper. In case of	2	3	–	24
Disorderly behavior. Each House may punish its members for	1	5	2	18
And with the concurrence of two-thirds expel a member	1	5	2	18
Disparage others retained by the people. The enumeration in the Constitution of certain rights shall not be construed to deny or. [Amendments]	9	–	–	29
Disqualification. No Senator or Representative shall, during the time for which he was elected, be appointed to any office under the United States which shall have been created or its emoluments increased during such term	1	6	2	19
No person holding any office under the United States shall be a member of either House during his continuance in office	1	6	2	19
No person shall be a member of either House, presidential elector, or hold any office under the United States, or any State, who, having previously sworn to support the Constitution, afterward engaged in insurrection or rebellion. [Amendments]	14	3	–	31

	Art.	Sec.	Cl.	Page.
Disqualification. But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	-	31
District of Columbia. Congress shall exercise exclusive legislation in all cases over the	1	8	17	21
Dockyards. Congress shall have exclusive authority over all places purchased for the erection of	1	8	17	24
Domestic tranquillity, provide for the common defense, &c. To insure. [Preamble]	-	-	-	17
Domestic violence. The United States shall protect each State against invasion and	4	4	-	26
Due process of law. No person shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without. [Amendments]	5	-	-	29
No State shall deprive any person of life, liberty, or property without. [Amendments]	14	1	-	31
Duties and powers of the office of President, in case of his death, removal, or inability to act, shall devolve on the Vice-President	2	1	5	23
In case of the disability of the President and Vice-President, Congress shall declare what officer shall act	2	1	5	23
Duties, imposts, and excises. Congress shall have power to lay and collect taxes	1	8	1	19
Shall be uniform throughout the United States	1	8	1	19
Duties shall be laid on articles exported from any State. No tax or	1	9	5	21
Duties in another State. Vessels clearing in the ports of one State shall not be obliged to pay	1	9	6	21
On imports and exports, without the consent of Congress, except where necessary for executing its inspection laws. No State shall lay any	1	10	2	22
The net produce of all such duties shall be for the use of the Treasury of the United States	1	10	2	22
All laws laying such duties shall be subject to the revision and control of Congress	1	10	2	22
Duty of tonnage without the consent of Congress. No State shall lay any	1	10	3	22

E.

Election of President and Vice-President. Congress may determine the day for the	2	1	3	23
Shall be the same throughout the United States. The day of the	2	1	3	23
Elections for Senators and Representatives. The legislatures of the States shall prescribe the times, places, and manner of holding	1	4	1	18
But Congress may, at any time, alter such regulations, except as to the places of choosing Senators	1	4	1	18
Returns and qualifications of its own members. Each House shall be the judge of the	1	5	1	18
Electors for members of the House of Representatives. Qualifications of	1	2	1	17
Electors for President and Vice-President. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress	2	1	2	23
But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector	2	1	2	23
Congress may determine the time of choosing the electors and the day on which they shall give their votes	2	1	3	23
Which day shall be the same throughout the United States	2	1	3	23
The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]	12	-	-	30
Electors shall name, in their ballots, the person voted for as President; and in distinct ballots the person voted for as Vice-President. [Amendments]	12	-	-	30
They shall make distinct lists of the persons voted for as President and of persons voted for as Vice-President, which they shall sign and certify, and transmit sealed to the seat of government, directed to the President of the Senate. [Amendments]	12	-	-	30
No person having taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, and afterwards engaged in insurrection or rebellion against the United States, shall be an elector	14	3	-	31
But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	-	31
Emancipation of any slave shall be held to be illegal and void. Claims for the loss or. [Amendments]	14	4	-	31
Emit bills of credit. No State shall	1	10	1	21
Emolument of any kind from any king, prince, or foreign state, without the consent of Congress. No person holding any office under the United States shall accept any	1	9	8	21
Enemies. Treason shall consist in levying war against the United States, in adhering to, or giving aid and comfort to their	3	3	1	25
Engagements contracted before the adoption of this Constitution shall be valid. All debts and	6	-	1	27
Enumeration of the inhabitants shall be made within three years after the first meeting of Congress, and within every subsequent term of ten years thereafter	1	2	3	18
Ratio of representation not to exceed one for every 30,000 until the first enumeration shall be made	1	2	3	18
Enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. The. [Amendments]	9	-	-	27

	Art.	Sec.	Cl.	Page.
Equal protection of the laws. No State shall deny to any person within its jurisdiction the. [Amendments]	14	1	–	31
Equal suffrage in the Senate. No State shall be deprived without its consent, of its	5	–	–	26
Establishment of this Constitution between the States ratifying the same. The ratification of nine States shall be sufficient for the	7	–	–	27
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. [Amendments]	8	–	–	29
Excises. Congress shall have power to lay and collect taxes, duties, imposts, and	1	8	1	19
Shall be uniform throughout the United States. All duties, imposts, and	1	8	1	19
Exclusive legislation, in all cases, over such district as may become the seat of government. Congress shall exercise	1	8	17	21
Over all places purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise	1	8	17	21
Executive of a State. The United States shall protect each State against invasion and domestic violence, on the application of the legislature or the	4	4	–	26
Executive and judicial officers of the United States and of the several States shall be bound by an oath to support the Constitution	6	–	3	27
Executive departments. On subjects relating to their duties the President may require the written opinions of the principal officers in each of the	2	2	1	23
Congress may by law vest the appointment of inferior officers in the heads of	2	2	2	23
Executive power shall be vested in a President of the United States of America. The	2	1	1	23
Expel a member. Each House, with the concurrence of two-thirds, may	1	5	2	18
Expenditures of public money shall be published from time to time. A regular statement of the receipts and	1	9	7	21
Exportations from any State. No tax or duty shall be laid on	1	9	5	21
Exports or imports, except upon certain conditions. No State shall, without the consent of Congress, lay any duties on	1	10	2	22
Laid by any State, shall be for the use of the Treasury. The net produce of all duties on	1	10	2	22
Shall be subject to the revision and control of Congress. All laws of the States laying duties on	1	10	2	22
Ex post facto law shall be passed. No bill of attainder or	1	9	3	21
Ex post facto law, or law impairing the obligation of contracts. No State shall pass any bill of attainder	1	10	1	21
Extraordinary occasions. The President may convene both houses, or either House of Congress, on	2	3	–	24

F.

Faith and credit in each State shall be given to the acts, records, and judicial proceedings of another State. Full	4	1	–	25
Felony, and breach of the peace. Members of Congress shall not be privileged from arrest for treason	1	6	1	19
Felonies committed on the high seas. Congress shall have power to define and punish piracies and	1	8	10	20
Fines. Excessive fines shall not be imposed. [Amendments]	8	–	–	29
Foreign coin. Congress shall have power to coin money, fix the standard of weights and measures, and to regulate the value of	1	8	5	20
Foreign nations, among the States, and with the Indian tribes. Congress shall have power to regulate commerce with	1	8	3	19
Foreign power. No State shall, without the consent of Congress, enter into any compact or agreement with any	1	10	3	22
Forfeiture, except during the life of the person attainted. Attainder of treason shall not work	3	3	2	25
Formation of new States. Provisions relating to the	4	3	1	26
Form of government. The United States shall guarantee to every State in this Union a republican	4	4	–	26
And shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence	4	4	–	26
Forts, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise exclusive authority over all places purchased for the erection of	1	8	17	21
Freedom of speech or the press. Congress shall make no law abridging the. [Amendments]	1	–	–	28
Free State, the right of the people to keep and bear arms shall not be infringed. A well-regulated militia being necessary to the security of a. [Amendments]	2	–	–	28
Fugitives from crime found in another State shall, on demand, be delivered up to the authorities of the State from which they may flee	4	2	2	26
Fugitives from service or labor in one State, escaping into another State, shall be delivered up to the party to whom such service or labor may be due	4	2	3	26

G.

General welfare and secure the blessings of liberty, &c. To promote the. [Preamble.]	–	–	–	17
General welfare. Congress shall have power to provide for the common defense and	1	8	1	19
Georgia shall be entitled to three Representatives in the first Congress	1	2	3	18
Gold and silver coin a tender in payment of debts. No State shall make anything but	1	10	1	21

	Art.	Sec.	Cl.	Page.
Good behavior. The judges of the Supreme and inferior courts shall hold their offices during	3	1	-	24
Government. The United States shall guarantee to every State in this Union a republican form of	4	4	-	26
And shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence	4	4	-	26
Grand jury. No person shall be held to answer for a capital or otherwise infamous crime, unless on the presentment of a. [Amendments]	5	-	-	28
Except in cases arising in the land and naval forces, and in the militia when in actual service. [Amendments]	5	-	-	28
Guarantee to every State in this Union a republican form of government. The United States shall	4	4	-	26
And shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence	4	4	-	26

H.

Habeas corpus shall not be suspended unless in cases of rebellion or invasion. The writ of.	1	9	2	21
Heads of departments. Congress may, by law, vest the appointment of inferior officers in the	2	2	2	23
On any subject relating to their duties, the President may require the written opinion of the principal officers in each of the executive departments	2	2	1	23
High crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other	2	4	-	24
House of Representatives. Congress shall consist of a Senate and	1	1	-	17
Shall be composed of members chosen every second year	1	2	1	17
Qualifications of electors for members of the	1	2	1	17
No person shall be a member who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States	1	2	2	18
The executives of the several States shall issue writs of election to fill vacancies in the	1	2	4	18
Shall choose their Speaker and other officers	1	2	5	18
Shall have the sole power of impeachment	1	2	5	18
Shall be the judge of the elections, returns, and qualifications of its own members	1	5	1	18
A majority shall constitute a quorum to do business	1	5	1	18
Less than a majority may adjourn from day to day, and compel the attendance of absent members	1	5	1	18
May determine its own rules of proceedings	1	5	2	18
May punish its members for disorderly behavoir, and, with the concurrence of two-thirds, expel a member	1	5	2	18
Shall keep a journal of its proceedings	1	5	3	18
Shall not adjourn for more than three days during the session of Congress without the consent of the Senate	1	5	4	19
Members shall not be questioned for any speech or debate in either House or in any other place	1	6	1	19
No person holding any office under the United States shall, while holding such office, be a member of the	1	6	2	19
No person, while a member of either House, shall be appointed to an office which shall have been created or the emoluments increased during his membership	1	6	2	19
All bills for raising revenue shall originate in the	1	7	1	19
The votes for President and Vice-President shall be counted in the presence of the Senate and. [Amendments.]	12	-	-	30
If no person have a majority of electoral votes, then from the three highest on the list the House of Representatives shall immediately, by ballot, choose a President. [Amendments.]	12	-	-	30
They shall vote by States, each State counting one vote. [Amendments.]	12	-	-	30
A quorum shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to the choice of a President. [Amendments]	12	-	-	30
No person having as a legislative, executive, or judicial officer of the United States, or of any State, taken an oath to support the Constitution, and afterwards engaged in insurrection or rebellion against the United States, shall be a member of the. [Amendments]	14	3	-	31
But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	-	31

I.

Imminent danger as will not admit of delay. No State shall, without the consent of Congress, engage in war, unless actually invaded or in such	1	10	3	22
Immunities. Members of Congress shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going and returning from the same	1	6	1	19
No soldier shall be quartered in any house without the consent of the owner in time of peace. [Amendments]	3	-	-	28

	Art.	Sec.	Cl.	Page.
Immunities. No person shall be twice put in jeopardy of life and limb for the same offence. [Amendments]	5	–	–	29
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]	14	1	–	31
No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]	14	1	–	31
Nor shall any State deprive any person of life, liberty, or property without due process of law. [Amendments]	14	1	–	31
Nor deny to any person within its jurisdiction the equal protection of the law. [Amendments]	14	1	–	31
Impeachment. The President may grant reprieves and pardons except in cases of	2	2	1	23
The House of Representatives shall have the sole power of	1	2	5	18
Impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed upon	2	4	–	24
Impeachments. The Senate shall have the sole power to try all	1	3	6	18
The Senate shall be on oath, or affirmation, when sitting for the trial of	1	3	6	18
When the President of the United States is tried the Chief Justice shall preside	1	3	6	18
No person shall be convicted without the concurrence of two-thirds of the members present	1	3	6	18
Judgment shall not extend beyond removal from office and disqualification to hold office	1	3	7	18
But the party convicted shall be liable to indictment and punishment according to law	1	3	7	18
Importation of slaves prior to 1808 shall not be prohibited by the Congress	1	9	1	21
But a tax or duty of ten dollars for each person may be imposed on such	1	9	1	21
Imports or exports except what may be absolutely necessary for executing its inspection laws. No State shall, without the consent of Congress, lay any imposts or duties on	1	10	2	22
Imports or exports laid by any State shall be for the use of the Treasury. The net produce of all duties on	1	10	2	22
Imports or exports shall be subject to the revision and control of Congress. All laws of States laying duties on	1	10	2	22
Imposts and excises. Congress shall have power to lay and collect taxes, duties	1	8	1	19
Shall be uniform throughout the United States. All taxes, duties	1	8	1	19
Inability of the President, the powers and duties of his office shall devolve on the Vice-President. In case of the death, resignation, or	2	1	5	23
Inability of the President or Vice-President. Congress may provide by law for the case of the removal, death, resignation, or	2	1	5	23
Indian tribes. Congress shall have power to regulate commerce with the	1	8	3	19
Indictment or presentment of a grand jury. No person shall be held to answer for a capital or infamous crime unless on. [Amendments]	5	–	–	29
Except in cases arising in the land and naval forces, and in the militia when in actual service. [Amendments]	5	–	–	29
Indictment, trial, judgment, and punishment, according to law. The party convicted in case of impeachment shall nevertheless be liable and subject to	1	3	7	18
Infamous crime unless on presentment or indictment of a grand jury. No person shall be held to answer for a capital or. [Amendments]	5	–	–	29
Inferior courts. Congress shall have power to constitute tribunals inferior to the Supreme Court	1	8	9	20
Inferior courts as Congress may establish. The judicial power of the United States shall be vested in one Supreme Court and such	3	1	–	24
The judges of both the Supreme and inferior courts shall hold their offices during good behavior	3	1	–	24
Their compensation shall not be diminished during their continuance in office	3	1	–	24
Inferior officers in the courts of law, in the President alone, or in the heads of Departments. Congress, if they think proper, may by law vest the appointment of	2	2	2	23
Inhabitant of the State for which he shall be chosen. No person shall be a Senator who shall not have attained the age of thirty years, been nine years a citizen of the United States, and who shall not, when elected, be an	1	3	3	18
Insurrection or rebellion against the United States. No person shall be a Senator or Representative in Congress, or presidential elector, or hold any office, civil or military, under the United States, or any State, who, having taken an oath as a legislative, executive, or judicial officer of the United States, or of a State, afterwards engaged in. [Amendments]	14	3	–	31
But Congress may, by a vote of two-thirds of each House, remove such disabilities. [Amendments]	14	3	–	31
Insurrection or rebellion against the United States. Debts declared illegal and void which were contracted in aid of. [Amendments]	14	4	–	31
Insurrections and repel invasions. Congress shall provide for calling forth the militia to suppress	1	8	15	20
Invasion. No State shall, without the consent of Congress, engage in war unless actually invaded, or in such imminent danger as will not admit of delay	1	10	3	22
Invasion. The writ of habeas corpus shall not be suspended unless in case of rebellion or	1	9	1	21
Invasion and domestic violence. The United States shall protect each State against	4	4	–	26
Invasions. Congress shall provide for calling forth the militia to suppress insurrections and repel	1	8	15	20

	Art.	Sec.	Cl.	Page.
Inventors and authors in their inventions and writings. Congress may pass laws to secure for limited times exclusive rights to	1	8	8	20
Involuntary servitude, except as a punishment for crime, abolished in the United States. Slavery and. [Amendments]	13	1	-	30

J.

Jeopardy of life and limb for the same offense. No person shall be twice put in. [Amendments]	5	-	-	29
Journal of its proceedings. Each House shall keep a	1	5	3	18
Judges in every State shall be bound by the Constitution, the laws and treaties of the United States, which shall be the supreme law of the land	6	-	2	27
Judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	-	24
Their compensation shall not be diminished during their continuance in office	3	1	-	24
Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under the United States	1	3	7	18
But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law	1	3	7	18
Judicial power of the United States. Congress shall have power to constitute tribunals inferior to the Supreme Court	1	8	9	20
The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish	3	1	-	24
The judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	-	24
Their compensation shall not be diminished during their continuance in office	3	1	-	24
It shall extend to all cases in law and equity arising under the Constitution, laws, and treaties of the United States	3	2	1	24
To all cases affecting ambassadors, other public ministers, and consuls	3	2	1	24
To all cases of admiralty and maritime jurisdiction	3	2	1	24
To controversies to which the United States shall be a party	3	2	1	24
To controversies between two or more States	3	2	1	24
To controversies between a State and citizens of another State	3	2	1	24
To controversies between citizens of different States	3	2	1	24
To citizens of the same State claiming lands under grants of different States	3	2	1	24
To controversies between a State or its citizens and foreign states, citizens, or subjects	3	2	1	24
In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction	3	2	2	25
In all other cases before mentioned, it shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make	3	2	2	25
The trial of all crimes, except in cases of impeachment, shall be by jury	3	2	3	25
The trial shall be held in the State where the crimes shall have been committed	3	2	3	25
But when not committed in a State, the trial shall be at such place or places as Congress may by law have directed	3	2	3	25
The judicial power of the United States shall not be held to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. [Amendments]	11	-	-	30
Judicial proceedings of every other State. Full faith and credit shall be given in each State to the acts, records, and	4	1	-	25
Congress shall prescribe the manner of proving such acts, records, and proceedings	4	1	-	25
Judicial and executive officers of the United States and of the several States shall be bound by an oath to support the Constitution	6	-	3	27
Judiciary. The Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a State may be a party	3	2	2	25
The Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and regulations as Congress may make	3	2	2	25
Junction of two or more States or parts of States without the consent of the legislatures and of Congress. No State shall be formed by the	4	3	1	26
Jurisdiction of another State. No new State shall, without the consent of Congress, be formed or erected within the	4	3	1	26
Jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress may make. The Supreme Court shall have appellate	3	2	2	25
Jurisdiction. In all cases affecting ambassadors and other public ministers and consuls, and in cases where a State is a party, the Supreme Court shall have original	3	2	2	25
Jury. The trial of all crimes, except in cases of impeachment, shall be by	3	2	3	25
In all criminal prosecutions the accused shall have a speedy and public trial by. [Amendments]	6	-	-	29
All suits at common law, where the value exceeds twenty dollars, shall be tried by. [Amendments]	7	-	-	29
Where a fact has been tried by a jury it shall not be re-examined except by the rules of the common law. [Amendments]	7	-	-	29
Just compensation. Private property shall not be taken for public use without. [Amendments]	5	-	-	29
Justice, insure domestic tranquillity, &c. To establish. [Preamble]	-	-	-	17

L.

	Art.	Sec.	Cl.	Page.
Labor, in one State escaping into another State shall be delivered up to the party to whom such service or labor may be due. Fugitives from service or	4	2	3	26
Land and naval forces. Congress shall make rules for the government and regulation of the	1	8	14	20
Law and fact, with exceptions and under regulations to be made by Congress. The Supreme Court shall have appellate jurisdiction as to	3	2	2	25
Law of the land. The Constitution, the laws made in pursuance thereof, and treaties of the United States, shall be the supreme	6	–	2	27
The judges in every State shall be bound thereby	6	–	2	27
Law of nations. Congress shall provide for punishing offenses against the	1	8	10	20
Laws. Congress shall provide for calling forth the militia to suppress insurrection, repel invasion, and to execute the	1	8	15	20
Laws and treaties of the United States. The judicial power shall extend to all cases in law and equity arising under the Constitution, or the	3	2	1	24
Laws necessary to carry into execution the powers vested in the government, or in any department or officer of the United States. Congress shall make all	1	8	18	21
Legal tender in payment of debts. No State shall make anything but gold and silver coin a.	1	10	1	21
Legislation in all cases over such district as may become the seat of government. Congress shall exercise exclusive	1	8	17	21
Over all places purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. Congress shall exercise exclusive	1	8	17	21
Legislation. Congress shall have power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States, or in any department or officer thereof	1	8	18	21
Legislation. Congress shall have power to enforce article xiii, prohibiting slavery, by appropriate. [Amendments]	13	2	–	30
Congress shall have power to enforce the fourteenth amendment by appropriate. [Amendments]	14	5	–	31
Congress shall have power to enforce the fifteenth amendment by appropriate. [Amendments]	15	2	–	32
Legislative powers herein granted shall be vested in Congress. All	1	1	–	17
Legislature, or the Executive (when the legislature cannot be convened). The United States shall protect each State against invasion and domestic violence, on the application of the	4	4	–	26
Legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments to the Constitution. On the application of the	5	–	–	26
Letters of marque and reprisal. Congress shall have power to grant	1	8	11	20
No State shall grant	1	10	1	21
Liberty to ourselves and our posterity, &c. To secure the blessings of. [Preamble]	–	–	–	17
Life, liberty, and property without due process of law. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of. [Amendments]	5	–	–	29
No State shall abridge the privileges or immunities of citizens of the United States, nor deprive any person of. [Amendments]	14	1	–	31
Life or limb for the same offense. No person shall be twice put in jeopardy of. [Amendments]	5	–	–	29
Loss or emancipation of any slave shall be held illegal and void. Claims for the. [Amendments]	14	4	–	31

M.

Magazines, arsenals, dock-yards, and other needful buildings. Congress shall have exclusive authority over all places purchased for the erection of	1	8	17	21
Majority of each House shall constitute a quorum to do business. A	1	5	1	18
But a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members	1	5	1	18
Majority of all the States shall be necessary to a choice. When the choice of a President shall devolve on the House of Representatives, a quorum shall consist of a member or members from two-thirds of the States; but a. [Amendments]	12	–	–	30
When the choice of a Vice-President shall devolve on the Senate, a quorum shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. [Amendments]	12	–	–	30
Maritime jurisdiction. The judicial power shall extend to all cases of admiralty and	3	2	1	24
Marque and reprisal. Congress shall have power to grant letters of	1	8	11	20
No State shall grant any letters of	1	10	1	21
Maryland entitled to six Representatives in the first Congress	1	2	3	18
Massachusetts entitled to eight Representatives in the first Congress	1	2	3	18
Measures. Congress shall fix the standard of weights and	1	8	5	20
Meeting of Congress. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day	1	4	2	18
Members of Congress and of State legislatures shall be bound by oath or affirmation to support the Constitution	6	–	3	27
Militia to execute the laws, suppress insurrections, and repel invasions. Congress shall provide for calling forth the	1	8	15	20
Congress shall provide for organizing, arming, and disciplining the	1	8	16	20

	Art.	Sec.	Cl.	Page.
Militia to execute the laws, suppress insurrections, and repel invasions. Congress shall provide for governing such part of them as may be employed by the United States.	1	8	16	20
Reserving to the States the appointment of the officers and the right to train the militia according to the discipline prescribed by Congress	1	8	16	20
A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. [Amendments]	2	–	–	28
Misdemeanors. The President, Vice-President, and all civil officers shall be removed on impeachment for and conviction of treason, bribery, or other high crimes and	2	4	–	24
Money on the credit of the United States. Congress shall have power to borrow	1	8	2	19
Regulate the value thereof and of foreign coin. Congress shall have power to coin	1	8	5	20
Shall be drawn from the Treasury but in consequence of appropriations made by law. No	1	9	7	21
Shall be published from time to time. A regular statement and account of receipts and expenditures of public	1	9	7	21
For raising and supporting armies. No appropriation of money shall be for a longer term than two years	1	8	12	20

N.

Nations. Congress shall have power to regulate commerce with foreign	1	8	3	19
Congress shall provide for punishing offences against the law of	1	8	10	20
Natural-born citizen, or a citizen at the adoption of the Constitution, shall be eligible to the office of President. No person except a	2	1	4	23
Naturalization. Congress shall have power to establish a uniform rule of	1	8	4	20
Naturalized in the United States, and subject to their jurisdiction, shall be citizens of the United States and of the States in which they reside. All persons born, or. [Amendments]	14	1	–	31
Naval forces. Congress shall make rules and regulations for the government and regulation of the land and	1	8	14	20
Navy. Congress shall have power to provide and maintain a	1	8	13	20
New Hampshire entitled to three Representatives in the first Congress	1	2	3	18
New Jersey entitled to four Representatives in the first Congress	1	2	3	18
New States may be admitted by Congress into this Union	4	3	1	26
But no new State shall be formed within the jurisdiction of another State without the consent of Congress	4	3	1	26
Nor shall any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures and of Congress	4	3	1	26
New York entitled to six Representatives in the first Congress	1	2	3	18
Nobility shall be granted by the United States. No title of	1	9	8	21
No State shall grant any title of	1	10	1	21
Nominations for office by the President. The President shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors and other public officers	2	2	2	23
He may grant commissions to fill vacancies that happen in the recess of the Senate, which shall expire at the end of their next session	2	2	3	24
North Carolina entitled to five Representatives in the first Congress	1	2	3	18
Number of electors for President and Vice-President in each State shall be equal to the number of Senators and Representatives to which such State may be entitled in Congress	2	1	2	23

O.

Oath of office of the President of the United States. Form of the	2	1	7	23
Oath or affirmation. No warrants shall be issued but upon probable cause supported by. [Amendments]	4	–	–	28
Oath or affirmation to support the Constitution. Senators and Representatives, members of State legislatures, executive and judicial officers of the United States and of the several States, shall be bound by	6	–	3	27
But no religious test shall ever be required as a qualification for office	6	–	3	27
The Senators when sitting to try impeachment shall be on	1	3	6	18
Objections. If he shall not approve it, the President shall return the bill to the House in which it originated with his	1	7	2	19
Obligation of contracts. No State shall pass any ex post facto law, or law impairing the	1	10	1	21
Obligations incurred in aid of insurrection or rebellion against the United States to be held illegal and void. All debts or. [Amendments]	14	4	–	31
Offense. No person shall be twice put in jeopardy of life or limb for the same. [Amendments]	5	–	–	29
Offenses against the law of nations. Congress shall provide for punishing	1	8	10	20
Against the United States, except in cases of impeachment. The President may grant reprieves or pardons for	2	2	1	23
Office under the United States. No person shall be a member of either House while holding any civil	1	6	2	19
No Senator or Representative shall be appointed to any office under the United States which shall have been created, or its emoluments increased, during the term for which he is elected	1	6	2	19
Or title of any kind from any king, prince, or foreign State, without the consent of Congress. No person holding any office under the United States shall accept of any present, emolument	1	9	8	21

	Art.	Sec.	Cl.	Page.
Office of President, in case of his removal, death, resignation, or inability, shall devolve on the Vice-President. The powers and duties of the	2	1	5	23
During the term of four years. The President and Vice-President shall hold	2	1	1	23
Of trust or profit under the United States shall be an elector for President and Vice-President. No person holding an	2	1	2	23
Civil or military under the United States, or any State, who had taken an oath as a legislative, executive, or judicial officer of the United States, or of any State, and afterward engaged in insurrection or rebellion. No person shall be a Senator, Representative, or Presidential elector, or hold any. [Amendments]	14	3	–	31
Officers in the President alone, in the courts of law, or in the heads of Departments. Congress may vest the appointment of inferior	2	2	2	23
Of the United States shall be removed on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. The President, Vice-President, and all civil	2	4	–	24
The House of Representatives shall choose their Speaker and other	1	2	5	18
The Senate, in the absence of the Vice-President, shall choose a President *pro tempore*, and also their other	1	3	5	18
Offices becoming vacant in the recess of the Senate may be filled by the President, the commissions to expire at the end of the next session	2	2	3	24
One-fifth of the members present, be entered on the journal of each House. The yeas and nays shall, at the desire of	1	5	3	18
Opinion of the principal officers in each of the Executive Departments on any subject relating to their duties. The President may require the written	2	2	1	23
Order, resolution, or vote (except on a question of adjournment) requiring the concurrence of the two Houses, shall be presented to the President. Every	1	7	3	19
Original jurisdiction, in all cases affecting ambassadors, other public ministers, and consuls, and in which a State may be a party. The Supreme Court shall have	3	2	2	25
Overt act, or on confession in open court. Conviction of treason shall be on the testimony of two witnesses to the	3	3	1	25

P.

Pardons, except in cases of impeachment. The President may grant reprieves and	2	2	1	23
Patent rights to inventors. Congress may pass laws for securing	1	8	8	20
Peace. Members of Congress shall not be privileged from arrest for treason, felony, and breach of the	1	6	1	19
No State shall, without the consent of Congress, keep troops or ships of war in time of	1	10	3	22
No soldier shall be quartered in any house without the consent of the owner in time of. [Amendments]	3	–	–	28
Pensions and bounties shall not be questioned. The validity of the public debt incurred in suppressing insurrection and rebellion against the United States, including the debt for. [Amendments]	14	4	–	31
Pennsylvania entitled to eight Representatives in the first Congress	1	2	3	18
People, peaceably to assemble and petition for redress of grievances, shall not be abridged by Congress. The right of the. [Amendments]	1	–	–	28
To keep and bear arms shall not be infringed. A well-regulated militia being necessary to the security of a free State, the right of the. [Amendments]	2	–	–	28
To be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. The right of the. [Amendments]	4	–	–	28
People. The enumeration of certain rights in the Constitution shall not be held to deny or disparage others retained by the. [Amendments]	9	–	–	29
People. Powers not delegated to the United States, nor prohibited to the States, are reserved to the State or to the. [Amendments]	10	–	–	29
Perfect Union, &c. To establish a more. [Preamble]	–	–	–	17
Persons, houses, papers, and effects against unreasonable searches and seizures. The people shall be secured in their. [Amendments]	4	–	–	28
Persons, as any State may think proper to admit, shall not be prohibited prior to 1808. The migration or importation of such	1	9	1	21
But a tax or duty of ten dollars shall be imposed on the importation of each of such	1	9	1	21
Petition for the redress of grievances. Congress shall make no law abridging the right of the people peaceably to assemble and to. [Amendments]	1	–	–	28
Piracies and felonies committed on the high seas. Congress shall define and punish	1	8	10	20
Place than that in which the two Houses shall be sitting. Neither House during the session shall, without the consent of the other, adjourn for more than three days, nor to any other	1	5	4	19
Places of choosing Senators. Congress may by law make or alter regulations for the election of Senators and Representatives, except as to the	1	4	1	18
Ports of one State over those of another. Preference shall not be given by any regulation of commerce or revenue to the	1	9	6	21
Vessels clearing from the ports of one State shall not pay duties in another	1	9	6	21
Post offices and post roads. Congress shall establish	1	8	7	20
Powers herein granted shall be vested in Congress. All legislative	1	1	–	17
Powers vested by the Constitution in the Government or in any Department or officer of the United States. Congress shall make all laws necessary to carry into execution the	1	8	18	21
Powers and duties of the office shall devolve on the Vice-President, on the removal, death, resignation, or inability of the President. The	2	1	5	23

	Art.	Sec.	Cl.	Page.
Powers not delegated to the United States nor prohibited to the States are reserved to the States and to the people. [Amendments]	10	–	–	29
The enumeration of certain rights in this Constitution shall not be held to deny or disparage others retained by the people. [Amendments]	9	–	–	29
Preference, by any regulation of commerce or revenue, shall not be given to the ports of one State over those of another	4	9	6	21
Prejudice any claims of the United States or of any particular State in the territory or property of the United States. Nothing in this Constitution shall	4	3	2	26
Present, emolument, office, or title of any kind whatever from any king, prince, or foreign State. No person holding any office under the United States shall, without the consent of Congress, accept any	1	9	8	21
Presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service. No person shall be held to answer for a capital or otherwise infamous crime unless on a. [Amendments]	5	–	–	29
President of the United States. The Senate shall choose a President *pro tempore* when the Vice-President shall exercise the office of	1	3	5	18
The Chief Justice shall preside upon the trial of the	1	3	6	18
Shall approve and sign all bills passed by Congress before they shall become laws	1	7	2	19
Shall return to the House in which it originated, with his objections, any bill which he shall not approve	1	7	2	19
If not returned within ten days (Sundays excepted), it shall become a law, unless Congress shall adjourn before the expiration of that time	1	7	2	19
Every order, resolution, or vote which requires the concurrence of both Houses, except on a question of adjournment, shall be presented to the	1	7	3	19
If disapproved by him, shall be returned and proceeded on as in the case of a bill	1	7	3	19
The executive power shall be vested in a	2	1	1	23
He shall hold his office during the term of four years	2	1	1	23
In case of the removal of the President from office, or of his death, resignation, or inability to discharge the duties of his office, the Vice-President shall perform the duties of	2	1	5	23
Congress may declare, by law, in the case of the removal, death, resignation, or inability of the President, what officer shall act as	2	1	5	23
The President shall receive a compensation which shall not be increased nor diminished during his term, nor shall he receive any other emolument from the United States	2	1	6	23
Before he enters upon the execution of his office he shall take an oath of office	2	1	7	23
Shall be commander-in-chief of the Army and Navy and of the militia of the States when called into actual service	2	2	1	23
He may require the opinion, in writing, of the principal officer in each of the Executive Departments	2	2	1	23
He may grant reprieves or pardons for offenses, except in cases of impeachment	2	2	1	23
He may make treaties by and with the advice and consent of the Senate, two-thirds of the Senators present concurring	2	2	2	23
He may appoint, by and with the advice and consent of the Senate, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers whose appointments may be authorized by law and not herein provided for	2	2	2	23
Congress may vest the appointment of inferior officers in the	2	2	2	23
He may fill up all vacancies that may happen in the recess of the Senate by commissions which shall expire at the end of their next session	2	2	3	24
He shall give information to Congress of the state of the Union, and recommend measures	2	3	–	24
On extraordinary occasions he may convene both Houses or either House of Congress	2	3	–	24
In case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper	2	3	–	24
He shall receive ambassadors and other public ministers	2	3	–	24
He shall take care that the laws be faithfully executed	2	3	–	24
He shall commission all the officers of the United States	2	3	–	24
On impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors, shall be removed from office. The	2	4	–	24
No person except a natural-born citizen, or a citizen of the United States at the adoption of the Constitution, shall be eligible to the office of	2	1	4	23
No person who shall not have attained the age of thirty-five years and been fourteen years a citizen of the United States shall be eligible to the office of	2	1	4	23
President and Vice-President. Manner of choosing. Each State, by its legislature, shall appoint a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress	2	1	2	23
No Senator or Representative or person holding an office of trust or profit under the United States shall be an elector	2	1	2	23
Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States	2	1	3	23
The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]	12	–	–	30
They shall name in distinct ballots the person voted for as President and the person voted for as Vice-President. [Amendments]	12	–	–	30

	Art.	Sec.	Cl.	Page.
President and Vice-President. Manner of choosing. They shall make distinct lists of the persons voted for as President and as Vice-President, which they shall sign and certify and transmit sealed to the President of the Senate at the seat of government. [Amendments]	12	–	–	30
The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. [Amendments]	12	–	–	30
The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed. [Amendments]	12	–	–	30
If no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. [Amendments]	12	–	–	30
In choosing the President, the votes shall be taken by States, the representation from each State having one vote. [Amendments]	12	–	–	30
A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]	12	–	–	30
But if no choice shall be made before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or disability of the President. [Amendments]	12	–	–	30
President of the Senate, but shall have no vote unless the Senate be equally divided. The Vice-President shall be	1	3	4	18
President pro tempore. In the absence of the Vice-President the Senate shall choose a	1	3	5	18
When the Vice-President shall exercise the office of President of the United States, the Senate shall choose a	1	3	5	18
Press. Congress shall pass no law abridging the freedom of speech or of the. [Amendments]	1	–	–	28
Previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or. [Amendments]	15	1	–	32
Private property shall not be taken for public use without just compensation. [Amendments]	5	–	–	29
Privilege. Senators and Representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same	1	6	1	19
They shall not be questioned for any speech or debate in either House in any other place	1	6	1	19
Privileges and immunities of citizens of the United States. The citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States	4	2	1	26
No soldier shall be quartered in any house without the consent of the owner in time of peace. [Amendments]	3	–	–	28
No person shall be twice put in jeopardy of life and limb for the same offense. [Amendments]	5	–	–	29
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. [Amendments]	14	1	–	31
No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. [Amendments]	14	1	–	31
No State shall deprive any person of life, liberty, or property without due process of law. [Amendments]	14	1	–	31
Nor deny to any person within its jurisdiction the equal protection of its laws. [Amendments]	14	1	–	31
Prizes captured on land or water. Congress shall make rules concerning	1	8	11	20
Probable cause. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. And no warrant shall issue for such but upon. [Amendments]	4	–	–	28
Process of law. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due. [Amendments]	5	–	–	29
No State shall deprive any person of life, liberty, or property, without due. [Amendments]	14	1	–	31
Process for obtaining witnesses in his favor. In all criminal prosecutions the accused shall have. [Amendments]	6	–	–	29
Progress of science and useful arts. Congress shall have power to promote the	1	8	8	20
Property of the United States. Congress may dispose of and make all needful rules and regulations respecting the territory or	4	3	2	26
Property, without due process of law. No person shall be compelled in any criminal case to be a witness against himself; nor shall he be deprived of his life, liberty, or. [Amendments]	5	–	–	29
No State shall abridge the privileges or immunities of citizens of the United States; nor deprive any person of his life, liberty, or. [Amendments]	14	1	–	31
Prosecutions. The accused shall have a speedy and public trial in all criminal. [Amendments]	6	–	–	29
He shall be tried by a jury in the State or district where the crime was committed. [Amendments]	6	–	–	29
He shall be informed of the nature and cause of the accusation. [Amendments]	6	–	–	29
He shall be confronted with the witnesses against him. [Amendments]	6	–	–	29
He shall have compulsory process for obtaining witnesses. [Amendments]	6	–	–	29
He shall have counsel for his defense. [Amendments]	6	–	–	29

	Art.	Sec.	Cl.	Page.
Protection of the laws. No State shall deny to any person within its jurisdiction the equal [Amendments]	14	1	–	31
Public debt of the United States incurred in suppressing insurrection or rebellion shall not be questioned. The validity of the. [Amendments]	14	4	–	31
Public safety may require it. The writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the	1	9	2	21
Public trial by jury. In all criminal prosecutions the accused shall have a speedy and. [Amendments]	6	–	–	29
Public use. Private property shall not be taken for, without just compensation. [Amendments]	5	–	–	29
Punishment according to law. Judgment in cases of impeachment shall not extend further than to removal from, and disqualification for, office; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and	1	3	7	18
Punishments inflicted. Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual. [Amendments]	8	–	–	29

Q.

Qualification for office. No religious test shall ever be required as a	6	–	3	27
Qualifications of electors of members of the House of Representatives shall be the same as electors for the most numerous branch of the State legislature	1	2	1	17
Qualifications of members of the House of Representatives. They shall be twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the State in which chosen	1	2	2	18
Of Senators. They shall be thirty years of age, nine years a citizen of the United States, and an inhabitant of the State in which chosen	1	3	3	18
Of its own members. Each House shall be the judge of the election, returns, and	1	5	1	18
Of the President. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President	2	1	4	23
Neither shall any person be eligible to the office of President who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States	2	1	4	23
Of the Vice-President. No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President. [Amendments]	12	–	–	30
Quartered in any house without the consent of the owner in time of peace. No soldier shall be. [Amendments]	3	–	–	28
Quorum to do business. A majority of each House shall constitute a	1	5	1	18
But a smaller number than a quorum may adjourn from day to day and may be authorized to compel the attendance of absent members	1	5	1	18
Of the House of Representatives for choosing a President shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]	12	–	–	30
Quorum to elect a Vice-President by the Senate. Two-thirds of the whole number of Senators shall be a. [Amendments]	12	–	–	30
A majority of the whole number shall be necessary to a choice. [Amendments]	12	–	–	30

R.

Race, color, or previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of. [Amendments]	15	1	–	32
Ratification of amendments to the Constitution shall be by the legislatures of three-fourths of the several States or by conventions in three-fourths of the States, accordingly as Congress may propose	5	–	–	26
Ratification of the conventions of nine States shall be sufficient to establish the Constitution between the States so ratifying the same	7	–	–	27
Ratio of representation until the first enumeration under the Constitution shall be made not to exceed one for every thirty thousand	1	2	3	18
Ratio of representation shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. [Amendments]	14	2	–	31
But when the right to vote for Presidential electors or members of Congress, or the legislative, executive, and judicial officers of the State, except for engaging in rebellion or other crime, shall be denied or abridged by a State, the basis of representation shall be reduced therein in the proportion of such denial or abridgment of the right to vote. [Amendments]	14	2	–	31
Rebellion against the United States. Persons who, while holding certain Federal and State offices, took an oath to support the Constitution, afterward engaged in insurrection or rebellion, disabled from holding office under the United States. [Amendments]	14	3	–	31
But Congress may by a vote of two-thirds of each House remove such disability. [Amendments]	14	3	–	31
Rebellion against the United States. Debts incurred for pensions and bounties for services in suppressing the rebellion shall not be questioned. [Amendments]	14	4	–	31
All debts and obligations incurred in aid of the rebellion, and all claims for the loss or emancipation of slaves, declared and held to be illegal and void. [Amendments]	14	4	–	31

	Art.	Sec.	Cl.	Page.
Rebellion or invasion. The writ of *habeas corpus* shall not be suspended except when the public safety may require it in cases of	1	9	2	21
Receipts and expenditures of all public money shall be published from time to time. A regular statement of	1	9	7	21
Recess of the Senate. The President may grant commissions, which shall expire at the end of the next session, to fill vacancies that may happen during the	2	2	3	24
Reconsideration of a bill returned by the President with his objections. Proceedings to be had upon the	1	7	2	19
Records, and judicial proceedings of every other State. Full faith and credit shall be given in each State to the acts	4	1	–	25
Congress shall prescribe the manner of proving such acts, records, and proceedings	4	1	–	25
Redress of grievances. Congress shall make no law abridging the right of the people peaceably to assemble and to petition for the. [Amendments]	1	–	–	28
Regulations, except as to the places of choosing Senators. The time, places, and manner of holding elections for Senators and Representatives shall be prescribed by the legislatures of the States, but Congress may at any time by law make or alter such	1	4	1	18
Regulations of commerce or revenue. Preference to the ports of one State over those of another shall not be given by any	1	9	6	21
Religion or prohibiting the free exercise thereof. Congress shall make no law respecting the establishment of. [Amendments]	1	–	–	28
Religious test shall ever be required as a qualification for any office or public trust under the United States. No	6	–	3	27
Removal of the President from office, the same shall devolve on the Vice-President. In case of the	2	1	5	23
Representation. No State, without its consent, shall be deprived of its equal suffrage in the Senate	5	–	–	26
Representation and direct taxation, how apportioned among the several States. [This provision is changed by the 14th amendment, section 2, on page 31]	1	2	3	18
Representation until the first enumeration under the Constitution not to exceed one for every thirty thousand. The ratio of	1	2	3	18
Representation in any State. The executive thereof shall issue writs of election to fill vacancies in the	1	2	4	18
Representation among the several States shall be according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. The ratio of. [Amendments]	14	2	–	31
But where the right to vote in certain Federal and State elections is abridged for any cause other than rebellion or other crime, the basis of representation shall be reduced. [Amendments]	14	2	–	31
Representatives. Congress shall consist of a Senate and House of	1	1	–	17
Qualifications of electors of members of the House of	1	2	1	17
No person shall be a Representative who shall not have attained the age of twenty-five years, been seven years a citizen of the United States, and an inhabitant of the State in which he shall be chosen	1	2	2	18
And direct taxes, how apportioned among the several States. [Amended by 14th amendment, section 2, on page 31]	1	2	3	18
Shall choose their Speaker and other officers. The House of	1	2	5	18
Shall have the sole power of impeachment. The House of	1	2	5	18
Executives of the States shall issue writs of election to fill vacancies in the House of	1	2	4	18
The times, places, and manner of choosing Representatives shall be prescribed by the legislatures of the States	1	4	1	18
But Congress may at any time by law make or alter such regulations except as to the places of choosing Senators	1	4	1	18
And Senators shall receive a compensation, to be ascertained by law	1	6	1	19
Shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during attendance at the session of the House, and in going to and returning from the same	1	6	1	19
Shall not be questioned in any other place for any speech or debate. Members of the House of	1	6	1	19
No member shall be appointed during his term to any civil office which shall have been created, or the emoluments of which shall have been increased, during such term	1	6	2	19
No person holding any office under the United States shall, while holding such office, be a member of the House of	1	6	2	19
All bills for raising revenue shall originate in the House of	1	7	1	19
No Senator or Representative shall be an elector for President or Vice-President	2	1	2	23
Representatives shall be bound by an oath or affirmation to support the Constitution of the United States. The Senators and	6	–	3	27
Representatives among the several States. Provisions relative to the apportionment of. [Amendments]	14	2	–	31
Representatives and Senators. Prescribing certain disqualifications for office as. [Amendments]	14	3	–	31
But Congress may, by a vote of two-thirds of each House, remove such disqualification. [Amendments]	14	3	–	31
Reprieves and pardons except in cases of impeachment. The President may grant	2	2	1	23
Reprisal. Congress shall have power to grant letters of marque and	1	8	11	20
No State shall grant any letters of marque and	1	10	1	21
Republican form of government. The United States shall guarantee to every State in this Union a	4	4	–	26

	Art.	Sec.	Cl.	Page.
Republican form of government. And shall protect each of them against invasion; and on the application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence	4	4	–	26
Reserved rights of the States and the people. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. [Amendments]	9	–	–	29
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. [Amendments]	10	–	–	29
Resignation, or inability of the President, the duties and powers of his office shall devolve on the Vice-President. In case of the death	2	1	5	23
Resignation, or inability of the President. Congress may by law provide for the case of the removal, death	2	1	5	23
Resolution, or vote (except on a question of adjournment) requiring the concurrence of the two Houses shall, before it becomes a law, be presented to the President. Every order	1	7	3	19
Revenue shall originate in the House of Representatives. All bills for raising	1	7	1	19
Revenue. Preference shall not be given to the ports of one State over those of another by any regulations of commerce or	1	9	6	21
Rhode Island entitled to one Representative in the first Congress	1	2	3	18
Right of petition. Congress shall make no law abridging the right of the people peaceably to assemble and to petition for the redress of grievances. [Amendments]	1	–	–	28
Right to keep and bear arms. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. [Amendments]	2	–	–	28
Rights in the Constitution shall not be construed to deny or disparage others retained by the people. The enumeration of certain. [Amendments]	9	–	–	29
Rights not delegated to the United States nor prohibited to the States are reserved to the States or to the people. [Amendments]	10	–	–	29
Rules of its proceedings. Each House may determine the	1	5	2	18
Rules and regulations respecting the territory or other property of the United States. Congress shall dispose of and make all needful	4	3	2	26
Rules of the common law. All suits involving over twenty dollars shall be tried by jury according to the. [Amendments]	7	–	–	29
No fact tried by a jury shall be re-examined except according to the. [Amendments]	7	–	–	29

S.

Science and the useful arts by securing to authors and inventors the exclusive right to their writings and discoveries. Congress shall have power to promote the progress of	1	8	8	20
Searches and seizures shall not be violated. The right of the people to be secure against unreasonable. [Amendments]	4	–	–	28
And no warrants shall be issued but upon probable cause, on oath or affirmation, describing the place to be searched and the persons or things to be seized. [Amendments.]	4	–	–	28
Seat of Government. Congress shall exercise exclusive legislation in all cases over such district as may become the	1	8	17	21
Securities and current coin of the United States. Congress shall provide for punishing the counterfeiting of the	1	8	6	20
Security of a free State, the right of the people to keep and bear arms shall not be infringed. A well-regulated militia being necessary to the. [Amendments]	2	–	–	28
Senate and House of Representatives. The Congress of the United States shall consist of a	1	1	–	17
Senate of the United States. The Senate shall be composed of two Senators from each State, chosen by the legislature for six years	1	3	1	18
If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature.	1	3	2	18
The Vice-President shall be President of the Senate, but shall have no vote unless the Senate be equally divided	1	3	4	18
The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President	1	3	5	18
The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation	1	3	6	18
When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present	1	3	6	18
It shall be the judge of the elections, returns, and qualifications of its own members.	1	5	1	18
A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members	1	5	1	18
It may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds expel a member	1	5	2	18
It shall keep a journal of its proceedings and from time to time publish the same, except such parts as may in their judgment require secrecy	1	5	3	18
It shall not adjourn for more than three days during a session without the consent of the other House	1	5	4	19
It may propose amendments to bills for raising revenue, but such bills shall originate in the House of Representatives	1	7	1	19

	Art.	Sec.	Cl.	Page.
Senate of the United States. The Senate shall advise and consent to the ratification of all treaties, provided two-thirds of the members present concur	2	2	2	23
It shall advise and consent to the appointment of ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers not herein otherwise provided for	2	2	2	23
It may be convened by the President on extraordinary occasions	2	3	1	24
No State, without its consent, shall be deprived of its equal suffrage in the Senate	5	–	–	26
Senators. They shall, immediately after assembling, under their first election, be divided into three classes, so that the seats of one-third shall become vacant at the expiration of every second year	1	3	2	18
No person shall be a Senator who shall not be thirty years of age, nine years a citizen of the United States, and an inhabitant when elected of the State for which he shall be chosen	1	3	3	18
The times, places, and manner of choosing senators may be fixed by the legislature of a State, but Congress may by law make or alter such regulations, except as to the places of choosing	1	4	1	18
If vacancies happen during the recess of the legislature of a State, the executive thereof may make temporary appointments until the next meeting of the legislature.	1	3	2	18
They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Senate and in going to and returning from the same	1	6	1	19
Senators and Representatives shall receive a compensation to be ascertained by law.	1	6	1	19
Senators and Representatives shall not be questioned for any speech or debate in either House in any other place	1	6	1	19
No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the United States which shall have been created, or of which the emoluments shall have been increased, during such term	1	6	2	19
No person holding any office under the United States shall be a member of either House during his continuance in office	1	6	2	19
Senators. No Senator or Representative or person holding an office of trust or profit under the United States shall be an elector for President and Vice-President	2	1	2	23
Senators and Representatives shall be bound by an oath or affirmation to support the Constitution	6	–	3	27
No person shall be a Senator or Representative who, having, as a Federal or State officer, taken an oath to support the Constitution, afterward engaged in rebellion against the United States. [Amendments]	14	3	–	31
But Congress may, by a vote of two-thirds of each House, remove such disability. [Amendments]	14	3	–	31
Service or labor in one State, escaping into another State, shall be delivered up to the party to whom such service or labor may be due. Fugitives from	4	2	3	26
Servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States or any place subject to their jurisdiction. Neither slavery nor involuntary [Amendments]	13	1	–	30
Servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of [Amendments]	15	1	–	32
Ships of war in time of peace, without the consent of Congress. No State shall keep troops or	1	10	3	22
Silver coin a tender in payment of debts. No State shall make anything but gold and	1	10	1	21
Slave. Neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion, or any claim for the loss or emancipation of any [Amendments]	14	4	–	31
Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States, or any places subject to their jurisdiction. Neither [Amendments]	13	1	–	30
Soldiers shall not be quartered, in time of peace, in any house without the consent of the owner. [Amendments]	3	–	–	28
South Carolina entitled to five Representatives in the first Congress	1	2	3	18
Speaker and other officers. The House of Representatives shall choose their	1	2	5	18
Speech or of the press. Congress shall make no law abridging the freedom of [Amendments].	1	–	–	28
Speedy and public trial by a jury. In all criminal prosecutions the accused shall have a [Amendments]	6	–	–	29
Standard of weights and measures. Congress shall fix the	1	8	5	20
State of the Union. The President shall, from time to time, give Congress information of the	2	3	–	24
State legislatures, and all executive and judicial officers of the United States, shall take an oath to support the Constitution. All members of the several	6	–	3	27
States. When vacancies happen in the representation from any State, the executive authority shall issue writs of election to fill such vacancies	1	2	4	18
Congress shall have power to regulate commerce among the several	1	8	3	19
No State shall enter into any treaty, alliance, or confederation	1	10	1	21
Shall not grant letters of marque and reprisal	1	10	1	21
Shall not coin money	1	10	1	21
Shall not emit bills of credit	1	10	1	21
Shall not make anything but gold and silver coin a tender in payment of debts	1	10	1	21
Shall not pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts	1	10	1	21

	Art.	Sec.	Cl.	Page.
States. Shall not grant any title of nobility	1	10	1	21
Shall not, without the consent of Congress, lay any duties on imports or exports, except what may be absolutely necessary for executing its inspection laws	1	10	2	22
Shall not, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay	1	10	3	23
Full faith and credit in every other State shall be given to the public acts, records, and judicial proceedings of each State	4	1	–	25
Congress shall prescribe the manner of proving such acts, records, and proceedings	4	1	–	25
Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States	4	2	1	26
New States may be admitted by Congress into this Union	4	3	1	26
But no new State shall be formed or erected within the jurisdiction of another State	4	3	1	26
Nor any State formed by the junction of two or more States or parts of States, without the consent of the legislatures as well as of Congress	4	3	1	26
No State shall be deprived, without its consent, of its equal suffrage in the Senate	5	–	–	26
Three-fourths of the legislatures of the States, or conventions of three-fourths of the States, as Congress shall prescribe, may ratify amendments to the Constitution	5	–	–	26
The United States shall guarantee a republican form of government to every State in the Union	4	4	–	26
They shall protect each State against invasion	4	4	–	26
And on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence	4	4	–	26
The ratification by nine States shall be sufficient to establish the Constitution between the States so ratifying the same	7	–	–	27
When the choice of President shall devolve on the House of Representatives, the vote shall be taken by States. [Amendments]	12	–	–	30
But in choosing the President the vote shall be taken by States, the representation from each State having one vote. [Amendments]	12	–	–	30
A quorum for choice of President shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. [Amendments]	12	–	–	30
States or the people. Powers not delegated to the United States, nor prohibited to the States, are reserved to the. [Amendments]	10	–	–	29
Suffrage in the Senate. No State shall be deprived without its consent of its equal	5	–	–	26
Suits at common law, where the value in controversy shall exceed $20, shall be tried by jury. [Amendments]	7	–	–	29
In law or equity against one of the States, by citizens of another State, or by citizens of a foreign State. The judicial power of the United States shall not extend to [Amendments]	11	–	–	30
Supreme Court. Congress shall have power to constitute tribunals inferior to the	1	8	9	20
Supreme Court, and such inferior courts as Congress may establish. The judicial power of the United States shall be vested in one	3	1	–	24
Supreme Court. The judges of the Supreme and inferior courts shall hold their offices during good behavior	3	1	–	24
The compensation of the judges shall not be diminished during their continuance in office	3	1	–	24
Shall have original jurisdiction. In all cases affecting ambassadors, other public ministers and consuls, and in which a State may be a party, the	3	2	2	25
Shall have appellate jurisdiction, both as to law and the fact, with such exceptions and regulations as Congress may make. The	3	2	2	25
Supreme law of the land. This Constitution, the laws made in pursuance thereof, and the treaties of the United States, shall be the	6	–	2	27
The judges in every State shall be bound thereby	6	–	2	27
Suppress insurrections and repel invasions. Congress shall provide for calling forth the militia to execute the laws	1	8	15	20
Suppression of insurrection or rebellion shall not be questioned. The public debt, including the debt for pensions and bounties, incurred in the [Amendments]	14	4	–	31

T.

Tax shall be laid unless in proportion to the census or enumeration. No capitation or other direct	1	9	4	21
Tax or duty shall be laid on articles exported from any State. No	1	9	5	21
Taxes (direct) and Representatives, how apportioned among the several States. [See 14th amendment, section 2, page 31]	1	2	3	18
Taxes, duties, imposts, and excises. Congress shall have power to lay	1	8	1	19
They shall be uniform throughout the United States	1	8	1	19
Temporary appointments until the next meeting of the legislature. If vacancies happen in the Senate in the recess of the legislature of a State, the executive of the State shall make	1	3	2	18
Tender in payment of debts. No State shall make anything but gold and silver coin a	1	10	1	21
Term of four years. The President and Vice-President shall hold their offices for the	2	1	1	23
Term for which he is elected. No Senator or Representative shall be appointed to any office under the United States which shall have been created or its emoluments increased during the	1	6	2	19

	Art.	Sec.	Cl.	Page.
Territory or other property of the United States. Congress shall dispose of and make all needful rules and regulations respecting the	4	3	2	26
Test as a qualification for any office or public trust shall ever be required. No religious	6	–	3	27
Testimony of two witnesses to the same overt act, or on confession in open court. No person shall be convicted of treason except on the	3	3	1	25
Three-fourths of the legislatures of the States, or conventions in three-fourths of the States, as Congress shall prescribe, may ratify amendments to the Constitution	5	–	–	26
Tie. The Vice-President shall have no vote unless the Senate be equally divided	1	3	4	18
Times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof	1	4	1	18
But Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators	1	4	1	18
Title of nobility. The United States shall not grant any	1	9	8	21
No State shall grant any	1	10	1	21
Title of any kind, from any king, prince, or foreign state, without the consent of Congress. No person holding any office under the United States shall accept of any	1	9	8	21
Tonnage without the consent of Congress. No State shall lay any duty of	1	10	3	22
Tranquillity, provide for the common defense, &c. To insure domestic. [Preamble]	–	–	–	17
Treason shall consist only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort	3	3	1	25
No person shall, unless on the testimony of two witnesses to the same overt act, or on confession in open court, be convicted of	3	3	1	25
Congress shall have power to declare the punishment of	3	3	2	25
Shall not work corruption of blood. Attainder of	3	3	2	25
Shall not work forfeiture, except during the life of the person attainted. Attainder of	3	3	2	25
Treason, bribery, or other high crimes and misdemeanors. The President, Vice-President, and all civil officers shall be removed from office on impeachment for and conviction of	2	4	1	24
Treason, felony, and breach of the peace. Senators and Representatives shall be privileged from arrest while attending, or while going to or returning from the sessions of Congress, except in cases of	1	6	1	19
Treasury, but in consequence of appropriations made by law. No money shall be drawn from the	1	9	7	21
Treaties. The President shall have power, with the advice and consent of the Senate, provided two-thirds of the Senators present concur, to make	2	2	2	23
The judicial power shall extend to all cases arising under the Constitution, laws, and	3	2	1	24
They shall be the supreme law of the land, and the judges in every State shall be bound thereby	6	–	2	27
Treaty, alliance, or confederation. No State shall enter into any	1	10	1	21
Trial, judgment, and punishment according to law. Judgment in cases of impeachment shall not extend further than to removal from, and disqualification for, office; but the party convicted shall neverthless be liable and subject to indictment	1	3	7	18
Trial by jury. All crimes, except in cases of impeachment, shall be tried by jury	3	2	3	25
Such trial shall be held in the State within which the crime shall have been committed	3	2	3	25
But when not committed within a State, the trial shall be at such a place as Congress may by law have directed	3	2	3	25
In all criminal prosecutions the accused shall have a speedy and public. [Amendments]	6	–	–	29
Suits at common law, when the amount exceeds $20, shall be by [Amendments]	7	–	–	29
Tribunals inferior to the Supreme Court. Congress shall have power to constitute	1	8	9	20
Troops or ships of war in time of peace without the consent of Congress. No State shall keep	1	10	3	22
Trust or profit under the United States, shall be an elector for President and Vice-President. No Senator, Representative, or person holding any office of	2	1	2	23
Two-thirds of the members present. No person shall be convicted on an impeachment without the concurrence of	1	3	6	18
Two-thirds, may expel a member. Each House, with the concurrence of	1	5	2	18
Two-thirds. A bill returned by the President with his objections, may be repassed by each House by a vote of	1	7	2	19
Two-thirds of the Senators present concur. The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided	2	2	2	23
Two-thirds of the legislatures of the several States. Congress shall call a convention for proposing amendments to the Constitution on the application of	5	–	–	26
Two-thirds of both Houses shall deem it necessary. Congress shall propose amendments to the Constitution whenever	5	–	–	26
Two-thirds of the States. When the choice of a President shall devolve on the House of Representatives, a quorum shall consist of a member or members from [Amendments]	12	–	–	30
Two-thirds of the whole number of Senators. A quorum of the Senate, when choosing a Vice-President, shall consist of [Amendments]	12	–	–	30
Two-thirds, may remove the disabilities imposed by the third section of the fourteenth amendment. Congress, by a vote of [Amendments]	14	3	–	31
Two years. Appropriations for raising and supporting armies shall not be for a longe term than	1	8	12	20

U.

	Art.	Sec.	Cl.	Page.
Union. To establish a more perfect [Preamble]	–	–	–	17
The President shall, from time to time, give to Congress information of the state of the	2	3	1	24
New States may be admitted by Congress into this	4	3	1	26
But no new State shall be formed or erected within the jurisdiction of another	4	3	1	26
Unreasonable searches and seizures. The people shall be secured in their persons, houses, papers, and effects against [Amendments]	4	–	–	28
And no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. [Amendments]	4	–	–	28
Unusual punishments inflicted. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and [Amendments]	8	–	–	29
Use without just compensation. Private property shall not be taken for public. [Amendments]	5	–	–	29
Useful arts, by securing for limited times to authors and inventors the exclusive right to their writings and inventions. Congress shall have power to promote the progress of science and the	1	8	8	20

V.

Vacancies happening in the representation of a State. The executive thereof shall issue writs of election to fill	1	2	4	18
Vacancies happening in the Senate in the recess of the legislature of a State. How filled.	1	3	2	18
Vacancies that happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session. The President shall have power to fill.	2	2	3	24
Validity of the public debt incurred in suppressing insurrection against the United States, including debt for pensions and bounties, shall not be questioned. [Amendments].	14	4	–	31
Vessels bound to or from the ports of one State, shall not be obliged to enter, clear, or pay duties in another State	1	9	6	21
Veto of a bill by the President. Proceedings of the two Houses upon the	1	7	2	19
Vice-President of the United States shall be President of the Senate	1	3	4	18
He shall have no vote unless the Senate be equally divided	1	3	4	18
The Senate shall choose a President *pro tempore* in the absence of the	1	3	5	18
He shall be chosen for the term of four years	2	1	1	23
The number and the manner of appointing electors for President and	2	1	2	23
In case of the removal, death, resignation, or inability of the President, the powers and duties of his office shall devolve on the	2	1	5	23
Congress may provide by law for the case of the removal, death, resignation, or inability both of the President and	2	1	5	23
On impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors, shall be removed from office. The	2	4	–	24
Vice-President. The manner of choosing the. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. [Amendments]	12	–	–	30
The electors shall name, in distinct ballots, the person voted for as Vice-President. [Amendments]	12	–	–	30
They shall make distinct lists of the persons voted for as Vice-President, which lists they shall sign and certify, and send sealed to the seat of Government, directed to the President of the Senate. [Amendments]	12	–	–	30
The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall be then counted. [Amendments]	12	–	–	30
The person having the greatest number of votes shall be Vice-President, if such number be a majority of the whole number of electors. [Amendments]	12	–	–	30
If no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. [Amendments]	12	–	–	30
A quorum for this purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice. [Amendments]	12	–	–	30
But if the House shall make no choice of a President before the 4th of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. [Amendments]	12	–	–	30
No person constitutionally ineligible as President shall be eligible as. [Amendments]	12	–	–	30
Violence. The United States shall guarantee to every State a republican form of government, and shall protect each State against invasion and domestic	4	4	–	26
Virginia entitled to ten Representatives in the first Congress	1	2	3	18
Vote. Each Senator shall have one	1	3	1	18
The Vice-President, unless the Senate be equally divided, shall have no	1	3	4	18
Vote requiring the concurrence of the two Houses (except upon a question of adjournment) shall be presented to the President. Every order, resolution, or	1	7	3	19
Vote, shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The right of citizens of the United States to. [Amendments]	15	1	–	32
Vote of two-thirds. Each House may expel a member by a	1	5	2	18
A bill vetoed by the President may be repassed in each House by a	1	7	2	19
No person shall be convicted on an impeachment except by a	1	3	6	18

	Art.	Sec.	Cl.	Page.
Vote of two-thirds. Whenever both Houses shall deem it necessary, Congress may propose amendments to the Constitution by a	5	–	–	26
The President may make treaties with the advice and consent of the Senate, by a	2	2	2	23
Disabilities incurred by participation in insurrection or rebellion, may be relieved by Congress by a [Amendments]	14	3	–	31

W.

War, grant letters of marque and reprisal, and make rules concerning captures on land and water. Congress shall have power to declare	1	8	11	20
For governing the land and naval forces. Congress shall have power to make rules and articles of	1	8	14	20
No State shall, without the consent of Congress, unless actually invaded, or in such imminent danger as will not admit of delay, engage in	1	10	3	22
War against the United States, adhering to their enemies, and giving them aid and comfort. Treason shall consist only in levying	3	3	1	25
Warrants shall issue but upon probable cause, on oath or affirmation, describing the place to be searched, and the person or things to be seized. No [Amendments]	4	–	–	28
Weights and measures. Congress shall fix the standard of	1	8	5	20
Welfare and to secure the blessings of liberty, &c. To promote the general. [Preamble]	–	–	–	17
Welfare. Congress shall have power to provide for the common defense and general	1	8	1	19
Witness against himself. No person shall, in a criminal case, be compelled to be a [Amendments]	5	–	–	29
Witnesses against him. In all criminal prosecutions the accused shall be confronted with the [Amendments]	6	–	–	29
Witnesses in his favor. In all criminal prosecutions the accused shall have compulsory process for obtaining [Amendments]	6	–	–	29
Witnesses to the same overt act, or on confession in open court. No person shall be convicted of treason unless on the testimony of two	3	3	1	25
Writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it	1	9	2	21
Writs of election to fill vacancies in the representation of any State. The executives of the State shall issue	1	2	4	18
Written opinion of the principal officer in each of the Executive Departments on any subject relating to the duties of his office. The President may require the	2	2	1	23

Y.

Yeas and nays of the members of either House shall, at the desire of one-fifth of those present, be entered on the journals	1	5	3	18
The votes of both Houses upon the reconsideration of a bill returned by the President with his objections shall be determined by	1	7	2	19

FORTY-THIRD

CONGRESS OF THE UNITED STATES, AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF COLUMBIA, ON MONDAY, THE FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED AND SEVENTY-THREE.

AN ACT

To revise and consolidate the statutes of the United States, in force on the first day of December, anno Domini one thousand eight hundred and seventy-three.

TITLE I.

GENERAL PROVISIONS.

CHAPTER ONE.

Sec.
1. Definitions.
2. County.
3. Vessel.
4. Vehicle.
5. Company, association.
6. Seal.

Definitions.

25 Feb., 1871, c. 71, s. 2, v. 16, p. 431.
13 July, 1866, c. 184, s. 44, v. 14, p. 163.
30 June, 1864, c. 173, ss. 82, 126, v. 13, pp. 258, 287.
20 July, 1868, c. 186, s. 104, v. 15, p. 166.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, In determining the meaning of the revised statutes, or of any act or resolution of Congress passed subsequent to February twenty-fifth, eighteen hundred and seventy-one, words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender may be applied to females; the words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person; the word "person" may extend and be applied to partnerships and corporations, and the reference to any officer shall include any person authorized by law to perform the duties of such office, unless the context shows that such words were intended to be used in a more limited sense; and a requirement of an "oath" shall be deemed complied with by making affirmation in judicial form.

County.

13 July, 1866, c. 184, s. 9, v. 14, pp. 98, 110.

SEC. 2. The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States.

Vessel.

18 July, 1866, c. 201, s. 1, v. 14, p. 178.
29 June, 1870, c. 169, s. 7, v. 16, p. 170.

SEC. 3. The word "vessel" includes every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Vehicle.

18 July, 1866, c. 201, s. 1, v. 14, p. 178.

SEC. 4. The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land.

Company, association.

25 July, 1866, c. 242, s. 9, v. 14, p. 241.

SEC. 5. The word "company" or "association," when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association," in like manner as if these last-named words, or words of similar import, were expressed.

Seal.

31 May, 1854, c. 60, s. 2, v. 10, p. 297.

SEC. 6. In all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary; which shall be as valid as if made on wax or other adhesive substance.

CHAPTER TWO.

FORM OF STATUTES AND EFFECT OF REPEALS.

Sec.
7. Enacting clause.
8. Resolving clause.
9. No enacting words after first section.
10. Numbering and frame of sections.
11. Title of appropriation acts.
12. Repeal not to revive former act.
13. Repeals not to affect liabilities, unless, &c.

Enacting clause.

25 Feb., 1871, c. 71, s. 1, v. 16, p. 431.

SEC. 7. The enacting clause of all acts of Congress hereafter enacted shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

Resolving clause.

25 Feb., 1871, c. 71, s. 1, v. 16, p. 431.

SEC. 8. The resolving clause of all joint resolutions shall be in the following form: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

No enacting words after first section.

25 Feb., 1871, c. 71, s. 1, v. 16, p. 431.

SEC. 9. No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.

Numbering and frame of sections.

25 Feb., 1871, c. 71, s. 1, v. 16, p. 431.

SEC. 10. Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment.

Title of appropriation acts.

26 Aug., 1842, c. 207, s. 2, v. 5, v. 537.

SEC. 11. The style and title of all acts making appropriations for the support of Government shall be as follows: "An act making appropriations, (here insert the object) for the year ending June thirtieth (here insert the calendar year.)

Repeal not to revive former act.

25 Feb., 1871, c. 71, s. 3, v. 16, p. 431.

SEC. 12. Whenever an act is repealed, which repealed a former act, such former act shall not thereby be revived, unless it shall be expressly so provided.

Repeals not to affect liabilities, unless, &c.

25 Feb., 1871, c. 71, s. 4, v. 16, p. 432. United States v. Ulrici, 3 Dill., 532.

SEC. 13. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

TITLE II.

THE CONGRESS.

CHAPTER ONE.

ELECTION OF SENATORS.

Sec.
14. When Senators to be elected.
15. Mode of election.
16. Vacancy occurring before meeting of legislature.
17. Vacancy during session of legislature.
18. Election of Senators certified.
19. Countersign of certificate.

When Senators to be elected.

SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

25 July, 1866, c. 245, s. 1, v. 14, p. 243.

Mode of election.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva-voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva-voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a Senator is elected.

25 July, 1866, c. 245, s. 1, v. 14, p. 243.

Vacancy occurring before meeting of legislature.

SEC. 16. Whenever on the meeting of the legislature of any State a vacancy exists in the representation of such State in the Senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

25 July, 1866, c. 245, s. 2, v. 14, p. 243.

Vacancy during session of legislature.

SEC. 17. Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature has organized and has notice of such vacancy.

25 July, 1866, c. 245, s. 2, v. 14, p. 243.

Election of Senators certified.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

25 July, 1866, c. 245, s. 3, v. 14, p. 244.

Countersign of certificate.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the State.

25 July, 1866, c. 245, s. 3, v. 14, p. 244.

CHAPTER TWO.

APPORTIONMENT AND ELECTION OF REPRESENTATIVES.

Sec.
20. Number and apportionment of Representatives.
21. Representatives assigned to new States.
22. Reduction of representation under amendment 14.
23. Elections by districts.
24. Representative from California in Forty-fourth Congress.
25. Time of election.
26. Vacancies.
27. Votes by ballot.

Number and apportionment of Representatives.

2 Feb., 1872, c. 11, s. 1, v. 17, p. 28.

SEC. 20. After the third day of March, eighteen hundred and seventy-three, the House of Representatives shall be composed of two hundred and ninety-two members, to be apportioned among the several States as follows:

Maine	5
New Hampshire	3
Vermont	3
Massachusetts	11
Rhode Island	2
Connecticut	4
New York	33
New Jersey	7
Pennsylvania	27
Delaware	1
Maryland	6
Virginia	9
North Carolina	8
South Carolina	5
Georgia	9
Alabama	8
Mississippi	6
Louisiana	6
Ohio	20
Kentucky	10
Tennessee	10
Indiana	13
Illinois	19
Missouri	13
Arkansas	4
Michigan	9
Florida	2
Texas	6
Iowa	9
Wisconsin	8
California	4
Minnesota	3
Oregon	1
Kansas	3
West Virginia	3
Nevada	1
Nebraska	1

Representatives assigned to new States.

SEC. 21. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be in addition to the number two hundred and ninety-two.

23 May, 1850, c. 11, s. 25, v. 9, p. 432. Conway *v.* United States, 1 Penn & H., 68.

Reduction of representation under amendment 14.

2 Feb., 1872, c. 11, s. 6, v. 17, p. 29.

SEC. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article fourteen, section two, except for participation in the rebellion or other crime, the number of representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

Election by districts.

SEC. 23. In each State entitled under this apportionment to more than one Representative, the number to which such State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative; but in the election of Representatives to the Forty-third Congress in any State to which an increased number of Representatives is given by this apportionment, the additional Representative or Representatives may be elected by the State at large, and the other Representatives by the districts as now prescribed by law, unless the legislature of the State shall otherwise provide before the time fixed by law for the election of Representatives therein.

2 Feb., 1872, c. 11, s. 2, v. 17, p. 28.
30 May, 1872, c. 239, v. 17, p. 192.

Representative from California in Forty-fourth Congress.

SEC. 24. On the first Wednesday in September, in the year eighteen hundred and seventy-four, there shall be elected in each congressional district in the State of California one Representative to represent said State in the Forty-fourth Congress.

3 Mar, 1873, c. 239, c. 187, v. 18, p. 48.

v. 17, p. 578. 21 *May*, 1874,

Time of election.

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter. [See §§ 1863, 1905, 1906.]

2 Feb., 1872, c. 11, s. 3, v. 17, p. 28.
3 *Mar.*, 1875, c. 130, s. 6, v. 18, p. 400.

Vacancies.

SEC. 26. The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

2 Feb., 1872, c. 11, s. 4, v. 17, p. 29.

Votes by ballot.

SEC. 27. All votes for Representatives in Congress must be by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect. But this section shall not apply to any State voting otherwise whose election for Representatives occurs previous to the regular meeting of its legislature next after the twenty-eighth day of February, eighteen hundred and seventy-one. [See §§ 5511-5515, 5520.]

28 Feb., 1871, c. 99, s. 19, v. 16, p. 440.
30 May 1872, c. 239, v. 17, p. 192.

CHAPTER THREE.

ORGANIZATION OF MEETINGS OF CONGRESS.

Sec.
28. Oath of Senators.
29. Oath of President of the Senate.
30. Oath of Speaker, members, and Delegates.
31. Roll of Representatives-elect.
32. When roll made by Sergeant-at-Arms.
33. When by Door-keeper.
34. President may change place of meeting, when.

Oath of Senators.

SEC. 28. The oath of office shall be administered by the President of the Senate to each Senator who shall hereafter be elected, previous to his taking his seat.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Oath of President of the Senate.

SEC. 29. When a President of the Senate has not taken the oath of office, it shall be administered to him by any member of the Senate.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Oath of Speaker, members, and Delegates.

SEC. 30. At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any member of the House of Representatives to the Speaker; and by the Speaker to all the members and delegates present, and to the Clerk, previous to entering on any other business; and to the members and delegates who afterward appear, previous to their taking their seats.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Roll of Representatives-elect.

21 Feb., 1867, c. 56, s. 1, v. 14, p. 397. 3 Mar., 1863, c. 108, v. 12, p. 804.

SEC. 31. Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States.

When roll made by Sergeant-at-Arms.

21 Feb., 1867, c. 56, s. 2, v. 14, p. 397.

SEC. 32. In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives.

When by Door-keeper.

21 Feb., 1867, c. 56, s. 2, v. 14, p. 397.

SEC. 33. In case of vacancies in the offices of both the Clerk and the Sergeant-at-Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Door-keeper of the next preceding House of Representatives.

President may change place of meeting, when.

3 April, 1794, c. 17, v. 1, p. 353.

SEC. 34. Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of Government, the President is authorized, by proclamation, to convene Congress at such other place as he may judge proper.

CHAPTER FOUR.

COMPENSATION OF MEMBERS

Sec.
35. Salaries of members of Congress.
36. Compensation of the President of the Senate.
37. Salary of the Speaker of the House.
38. Salary payable monthly to Representatives and Delegates elect.
39. Salary payable monthly after taking oath.
40. Deductions for absence.
41. Deductions for withdrawal from seat.
42. Deductions for books.
43. Newspapers.
44. Postage.
45. Salary in lieu of all allowances except traveling.
46. Mode of payment.
47. Certificate of salary and accounts.
48. Effect of certificate.
49. Pay of member dying after the commencement of a Congress.
50. Limits of the rule.
51. Pay of members elected to fill vacancies.

Salaries of members of Congress.

3 Mar., 1863, c. 226, s. 1, v. 17, p. 486. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

SEC. 35. Each Senator, Representative, and Delegate is entitled to a salary (except as to the Speaker) of seven thousand five hundred dollars a year.

The act of January 20, 1874, c. 11, v. 18, p. 4, reduced the pay of Senators, Representatives, and Delegates to five thousand dollars each, and the compensation of the Speaker of the House of Representatives to eight thousand dollars.

Compensation of President of Senate.

SEC. 36. Whenever there is no Vice-President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice-President.

16 Aug., 1856, c. 123, s. 2, v. 11, p. 48. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

Salary of Speaker.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

SEC. 37. The Speaker of the House of Representatives is entitled to receive, in full for all his services, compensation at the rate of ten thousand dollars a year.

Salary payable monthly to Representatives and Delegates elect.

SEC. 38. Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section thirty-one, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker; but, in case the Clerk of the House of Representatives shall be notified that the election of any such holder of a certificate of election will be contested, his name shall not be placed upon the roll of members-elect so as to entitle him to be paid, until he shall have been sworn in as a member, or until such contest shall be determined.

3 Mar., 1873, c. 126, s. 1, v. 17, p. 488.

20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

Repealed in part by 3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 389.

So much of this section as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elect to Congress those holders of legal certificates whose election he may be notified will be contested, was repealed by a provision in c. 130, St. 1875, v. 18, p. 389.

Salary payable monthly after taking oath.

SEC. 39. Each member and delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month.

29 Mar., 1867, Res. No. 18, v. 15, p. 24.

Deductions for absence.

SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each member or delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such member or delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

16 Aug., 1856, c. 123, s. 6, v. 11, p. 49.

Deductions for withdrawal from seat.

SEC. 41. When any member or delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives respectively.

17 July, 1862, Res. No. 68, s. 2, v. 12, p. 628.

Deductions for books.

SEC. 42. When any book is ordered to and received by any member or delegate, by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation of such member or delegate; except books ordered to be printed by the Congressional Printer during the Congress for which the member or delegate was elected.

16 Aug., 1856, c. 123, s. 5, v. 11, p. 49.

Newspapers.

SEC. 43. No member or delegate is entitled to any allowance for newspapers.

12 Feb., 1868, c. 8, s. 1, v. 15, p. 35.

Postage.

SEC. 44. No compensation or allowance shall now or hereafter be made to Senators, Representatives, or Delegates on account of postage.

31 Jan., 1873, c. 82, v. 17, p. 421. 3 *Mar.*, 1877, *c.* 103, *s.* 7, *v.* 19, *p.* 336.

Salary in lieu of all allowances, except traveling.

SEC. 45. The compensation of Senators, Representatives, and Delegates, as prescribed in section thirty-five, shall be in lieu of all pay and allowance, except actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, or Delegate belongs, to be certified under his hand to the disbursing officer and filed as a voucher.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

Mode of payment.

SEC. 46. The compensation of members and delegates shall be passed as public accounts, and paid out of the public Treasury.

22 Jan., 1818, c. 5, s. 3, v. 3, p. 404. 10 Feb., 1854, c. 11, s. 1, v. 10, p. 267.

Certificate of salary and accounts.

28 July, 1866, c. 296, s. 17, v. 14, p. 323. 22 Jan., 1818, c. 5, s. 3, v. 3, p. 404.

SEC. 47. The salary and accounts for traveling expenses in going to and returning from Congress of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives.

Effect of certificate.

30 Sept., 1850, c. 90, s. 1, v. 9, p. 523.

SEC. 48. The certificate given pursuant to the preceding section shall be conclusive upon all the Departments and officers of the Government.

Pay of member dying after commencement of a Congress.

3 Mar., 1859, Res. No. 14, s. 1, v. 11, p. 442. 20 Jan., 1874, c. 11, v. 18, p. 4.

SEC. 49. When any person who has been elected a member of or delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that has elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of seven thousand five hundred dollars a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress.

Limits of the rule.

3 Mar., 1859, Res. No. 14, s. 1, v. 11, p. 442.

SEC. 50. Salaries allowed under the preceding section shall be computed and paid, in all cases, for a period of not less than three months from the commencement of the Congress.

Pay of members elected to fill vacancies.

12 July, 1862, Res. No. 54, v. 12, p. 624.

SEC. 51. Whenever a vacancy occurs in either House of Congress, by death or otherwise, of any member or delegate elected or appointed thereto after the commencement of the Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

CHAPTER FIVE.

OFFICERS AND PERSONS IN THE EMPLOY OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Sec.
52. Officers and employés of the Senate.
53. Officers and employés of the House of Representatives.
54. Reporters for House of Representatives.
55. Chaplains' salaries.
56. Secretary of the Senate a disbursing officer.
57. Bond of Secretary of the Senate.
58. Bond of clerk of the House.
59. Custody of bonds.
60. Reports of Secretary and Clerk.
61. What to exhibit.
62. Reports of subordinate disbursing officers.
63. Reports of expenditures.
64. Statements of appropriations and offices.
65. Advertisements for stationery.
66. Form of advertisement.
67. Notice of acceptance of proposals.
68. Contracts for separate parts of stationery.
69. American goods to be preferred.
70. Detailed reports of receipts and expenditures.
71. Fees for copies from journals.
72. Accounts of property.
73. Door-keepers' duties.
74. Mileage of officers serving process.
75. Abridgments of accompanying documents.
76. Payments from contingent fund.
77. Congressional Directory.
78. Printing of debates.
79. Publication of laws.

Officers and employés of Senate.

3 Mar., 1873, c. 226, v. 17, p. 486. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

SEC. 52. The following persons are employed in the service of the Senate:*

One Secretary of the Senate, at a salary of five thousand dollars a year.

One officer charged with the disbursements of the Senate, at a salary of five hundred and seventy-six dollars a year.

One chief clerk, at a salary of three thousand dollars a year, and while such office is held by the present incumbent, and no longer, an additional sum of one thousand dollars.

*See schedule of salaries in Appendix.

One principal clerk, at a salary of three thousand six hundred dollars a year; one principal executive clerk, one minute and journal clerk, and one financial clerk, in the office of the Secretary of the Senate, at a salary of three thousand dollars a year each.

Librarian and seven clerks in the office of the Secretary of the Senate, at a salary of two thousand five hundred dollars a year each.

One keeper of the stationery, at a salary of two thousand four hundred dollars a year.

One assistant keeper of the stationery, at a salary of one thousand eight hundred dollars a year.

One laborer in stationery-room, at a salary of nine hundred and ninety-three dollars and sixty cents a year.

One messenger, at a salary of one thousand four hundred and ninety dollars and forty cents a year.

One page, at a salary of eight hundred and twenty-eight dollars a year.

One Sergeant-at-Arms and Door-keeper, at a salary of four thousand three hundred and twenty dollars a year; but he is prohibited from receiving, directly or indirectly, any fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 85. 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 344.

One assistant door-keeper, while such position is held by the present incumbent, and no longer, at a salary of three thousand dollars a year, and, after it ceases to be so held, at a salary of two thousand five hundred and ninety-two dollars a year.

One acting assistant door-keeper, at a salary of two thousand five hundred and ninety-two dollars a year.

One postmaster to the Senate, at a salary of two thousand five hundred and ninety-two dollars a year.

One assistant postmaster and mail-carrier, at a salary of two thousand dollars a year.

Two mail-carriers, at a salary of one thousand seven hundred dollars a year each.

One superintendent of the document-room, at a salary of two thousand five hundred dollars a year.

One first assistant in document-room, at a salary of two thousand five hundred dollars a year.

One second assistant in document-room, at a salary of one thousand eight hundred dollars a year.

One superintendent of the folding-room, at a salary of two thousand four hundred and eighty-four dollars a year.

Three messengers, acting as assistant door-keepers, at a salary of two thousand and seventy dollars a year each.

Twenty messengers, to be appointed and removed by the Sergeant-at-Arms, with the approval of the Committee to Audit and Control the Contingent Expenses of the Senate, at a salary of one thousand six hundred and fifty-six dollars a year each.

One secretary to the President of the Senate, at a salary of two thousand four hundred and seventeen dollars and seventy-six cents a year.

One clerk to the Committee on Finance, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk to the Committee on Claims, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk of printing records, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk to the Committee on Appropriations, at a salary of two thousand five hundred and fifty-three dollars a year.

One laborer in charge of private passage, at a salary of nine hundred and ninety-three dollars and sixty cents a year.

One special policeman, at a salary of one thousand two hundred and ninety-six dollars a year.

One Chaplain to the Senate, at a salary of nine hundred dollars a year.

One chief engineer, at a salary of two thousand four hundred and eighty-four dollars a year.

Three assistant engineers, at a salary of one thousand eight hundred dollars a year each.

Two firemen, at a salary of one thousand two hundred and fifty-nine dollars and twenty-five cents a year each.

Three laborers, at a salary of eight hundred and thirty-nine dollars and fifty cents a year each.

Fourteen pages for the Senate Chamber, two riding-pages, one page for the Vice-President's room, and one page for the office of the Secretary of the Senate, to be appointed and removed by the Sergeant-at-Arms, with the approval of the Committee to Audit and Control the Contingent Expenses of the Senate, at a salary of three dollars and forty-five cents a day each while actually employed.

Officers and employés of House of Representatives.

SEC. 53. The following persons are employed in the service of the House of Representatives:*

One Clerk of the House, at a salary of five thousand dollars a year.

3 Mar., 1873, c. 226, v. 17, p. 486.

One officer charged with disbursing the contingent fund and other expenses of the House of Representatives, at an annual allowance of five hundred and seventy-six dollars.

20 *Jan.*, 1874, c. 11, *v.* 18, p. 4.

3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 345.

One chief clerk, while such position is held by the present incumbent, and no longer, at a salary of three thousand six hundred dollars a year, and when it ceases to be so held, at a salary of three thousand dollars a year.

One journal-clerk, while such position is held by the present incumbent and no longer, at a salary of three thousand six hundred dollars a year, and when it ceases to be so held, at a salary of three thousand dollars a year.

Six assistant clerks, at a salary of three thousand dollars a year each.

One assistant clerk, at a salary of three thousand dollars a year.

Ten assistant clerks, including a librarian and assistant librarian, at a salary of two thousand five hundred dollars a year each.

Four assistant clerks, at a salary of one thousand eight hundred dollars a year each.

One chief messenger, at a salary of six dollars and sixty-two and two-fifths cents a day.

One private secretary to the Speaker, at a salary of two thousand four hundred and seventeen dollars and seventy-six cents a year.

One clerk to the Speaker, at a salary of six dollars and sixty-two and two-fifth cents a day.

Three messengers, at a salary of one thousand six hundred and fifty-six dollars a year each.

One messenger in the House library, at a salary of one thousand six hundred and fifty-six dollars a year.

One chief engineer, at a salary of two thousand four hundred and eighty-four dollars a year.

Three assistant engineers, at a salary of one thousand six hundred and fifty-six dollars a year each.

Six firemen, at a salary of one thousand two hundred and fifty-nine dollars and twenty-five cents a year each.

One clerk to the Committee of Ways and Means, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One messenger to the Committee of Ways and Means, at a salary of one thousand three hundred and fourteen dollars a year.

One clerk to the Committee on Appropriations, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One messenger to the Committee on Appropriations, at a salary of one thousand three hundred and fourteen dollars a year.

One clerk to the Committee of Claims, at a salary of two thousand four hundred and eighty-four dollars a year.

One clerk to the Committee on Public Lands, at a salary of two thousand four hundred and eighty-four dollars a year.

*See schedule of salaries, Appendix.

One Sergeant-at-Arms, at a salary of four thousand three hundred and twenty dollars a year, who is prohibited from receiving, directly or indirectly, any fees or other compensation or emolument whatever for performing the duties of his office, or in connection therewith. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 87.

One clerk to the Sergeant-at-Arms, at a salary of two thousand eight hundred and seventy-five dollars a year.

One paying-teller for the Sergeant-at-Arms, at a salary of two thousand and seventy dollars a year.

One messenger to the Sergeant-at-Arms, at a salary of one thousand six hundred and fifty-six dollars a year.

One Doorkeeper, at a salary of three thousand dollars a year; while such position is held by the present incumbent, and no longer, and after it ceases to be so held, at a salary of two thousand five hundred and ninety-two dollars a year.

One first assistant door-keeper, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One Postmaster to the House, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One first assistant postmaster, at a salary of two thousand four hundred and one dollars and twenty cents a year.

Four messengers, at a salary of one thousand nine hundred and eighty-seven dollars and twenty cents a year each.

Three mail-carriers, at a salary of one thousand nine hundred and eighty-seven dollars and twenty cents a year each.

Seven mail-carriers, at a salary of one thousand and forty-two dollars a year each.

One Chaplain to the House, at a salary of nine hundred dollars a year.

Two stenographers, at a salary of five thousand and thirty-seven dollars a year each.

One superintendent of the folding-room, at a salary of two thousand four hundred and eighty-four dollars a year.

One superintendent of the document-room, at a salary of two thousand one hundred and sixty dollars a year.

One assistant superintendent of the document-room, at a salary of two thousand one hundred and sixty dollars a year.

One document-file clerk, at a salary of two thousand and seventy dollars a year.

Five messengers, at a salary of two thousand and seventy dollars a year each.

Six messengers, at a salary of one thousand six hundred and fifty-six dollars a year each.

Twelve messengers, during the session, at the rate of one thousand six hundred and fifty-six dollars a year each.

One laborer, at a salary of nine hundred and forty-three dollars a year.

Fifteen laborers, at a salary of eight hundred and twenty-eight dollars a year each.

Seven laborers, during the session, at a salary of eight hundred and twenty-eight dollars a year each.

Twenty-eight pages, including three riding pages, at a salary of three dollars and forty-five cents a day each while actually employed.

SEC. 54. No person shall be employed as a reporter for the House of Representatives without the approval of the Speaker. Reporters for House of Representatives.

2 April, 1872, c. 79, s. 3, v. 17, p. 47.

SEC. 55. The salaries of the Chaplains of the two Houses of Congress are payable as follows: one-twelfth thereof on the last day of each month during each regular session of Congress, and the residue at the end of each regular session. Chaplains' salaries.

4 Aug., 1854, c. 242, s. 12, v. 10, p. 573. 3 Mar., 1857, Res. No. 14, v. 11, p. 255.

Secretary of the Senate a disbursing officer.

10 Feb., 1854, c. 11, s. 1, v. 10, p. 267.

SEC. 56. The moneys which may be appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, shall be paid at the Treasury, on requisitions drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law, and the Secretary shall be deemed a disbursing officer. [See § 1775.]

Bond of Secretary of Senate.

10 Feb., 1854, c. 11, s. 2, v. 13, p. 267.
23 Feb., 1815, c. 51, s. 1, v. 3, p. 112.

SEC. 57. The Secretary of the Senate shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the compensation of members and officers or the contingent expenses of the Senate, give a bond to the United States, with one or more sureties to be approved by the First Comptroller of the Treasury, in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such funds as may be drawn by him from the Treasury as disbursing officer of the Senate.

Bond of Clerk of the House.

23 Feb., 1815, c. 51, s. 1, v. 3, p. 212.

SEC. 58. The Clerk of the House of Representatives shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the contingent expenses of the House, give a bond to the United States, with one or more sureties, to be approved by the First Comptroller of the Treasury, in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such portions of the contingent fund of the House as shall come into his hands.

Custody of bonds.

23 Feb., 1815, c. 51, s. 1, v. 3, p. 212.

SEC. 59. The bonds given pursuant to the two preceding sections shall be deposited in the office of the First Comptroller of the Treasury.
10 Feb., 1854, c. 11, s. 2, v. 10, p. 267.

Reports of Secretary and Clerk.

26 Aug., 1842, c. 202, ss. 11 and 20, v. 5, pp. 525, 527.

SEC. 60. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and submit to the two Houses, respectively, at the commencement of each session of Congress, the following statements in writing:

First. A statement showing the names of all the clerks and other persons who have been, during the preceding year or any part thereof, employed in their respective offices, and those of the messengers of the respective Houses; together with the time that each clerk or other person and each messenger was actually employed, and the sums paid to each. This statement must also show whether such clerks or other persons, or such messengers, have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any particular persons, and the appointment of others in their stead, is required for the better dispatch of business.

Second. A detailed statement, by items, of the manner in which the contingent fund for each House has been expended during the preceding year. This statement must give the names of every person to whom any portion of the fund has been paid; and if for anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary, and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent.

What to exhibit.

1 Mar., 1823, Res. No. 1, v. 3, p. 789.

SEC. 61. Each of the statements required by the preceding section shall exhibit, also, the several sums drawn by the Secretary and Clerk, respectively, from the Treasury, and the balances, if any, remaining in their hands.

Reports of subordinate disbursing officers.

26 Aug., 1842, c. 202, s. 20, v. 5, p. 527.

SEC. 62. The Secretary of the Senate and the Clerk of the House of Representatives shall each require of the disbursing officers acting under their direction or authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time, during the next preceding year, expended by them; and the results of such returns and the sums total shall be communicated annually to Congress, by the Secretary and Clerk, respectively.

Reports of expenditures.

SEC. 63. All expenditures of the Senate and House of Representatives shall be made up to the end of each fiscal year, and shall be reported to Congress at the commencement of each regular session.

8 May, 1872, c. 140, s. 1, v. 17, p. 64. 15 Aug., 1876, c. 287, v. 19, p. 156.

Statements of appropriations and offices.

SEC. 64. The Secretary of the Senate and the Clerk of the House of Representatives shall, as soon as may be after the close of each session of Congress, prepare and publish a statement of all appropriations made during the session, a statement of the new offices created and the salaries attached to each, and a statement of the offices the salaries attached to which are increased and the amount of such increase.

4 July, 1836, c. 356, s. 6, v. 5, p. 117.

Advertisements for stationery.

SEC. 65. [*The Secretary of the Senate and the Clerk of the House of Representatives shall, immediately after the expiration of each Congress, advertise three weeks successively, in two newspapers printed in the District of Columbia, for proposals for supplying the Senate and House of Representatives, respectively, during the succeeding Congress, with the necessary stationery.*] [The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress with the necessary stationery.]

3 Mar., 1815, Res. No. 11, v. 3, p. 249. 18 *Feb.*, 1875, c. 80, v. 18, p. 316.

Form of advertisement.

SEC. 66. The advertisement published under the preceding section must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance.

3 Mar., 1815, Res, No. 11, v. 3, p. 249.

Notice of acceptance of proposals.

SEC. 67. [*The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall, in the month of April, after completing the publication of the advertisement directed in the two preceding sections, notify the lowest bidder whose sureties are deemed sufficient, of the acceptance of his proposals.*] [All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract price in case of failure; and in case the lowest bidder shall fail to enter into such contract and give such security, within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract, and give such security. And in case of failure by the person entering into such contract to perform the same, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States.]

3 Mar., 1815, Res. No. 11, v. 3, p. 249. 18 *Feb.*, 1875, c. 80, v. 18, pp. 316, 317.

Contracts for separate parts of stationery.

SEC. 68. The three preceding sections shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

American goods to be preferred.

SEC. 69. The Secretary of the Senate and the Clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.

17 June, 1844, c. 105, s. 1, v. 5, p. 681.

Detailed reports of receipts and expenditures.

SEC. 70. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.

15 July, 1870, c. 302, s. 1, v. 16, p. 365.

Fees for copies from journals.

8 Aug., 1846, c. 107, s. 2, v. 9, p. 80. 15 Sept., 1789, c. 14, s. 6, v. 1, p. 69. 23 April, 1856, c. 20, v. 11, p. 5.

SEC. 71. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the journal of the Senate or the executive journal of the Senate when the injunction of secrecy has been removed, or from the journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the persons for whom such transcripts are prepared the sum of ten cents for each sheet containing one hundred words.

Accounts of property.

15 July, 1870, c. 302, s. 2, v. 16, p. 365.

SEC. 72. The Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant-at-Arms, the Postmasters of the Senate and House of Representatives, and the Door-keeper of the House of Representatives, shall, severally, make out and return to Congress, on the first day of each regular session, and at the expiration of their respective terms of service, a full and complete account of all property belonging to the United States in their possession, respectively, at the time of returning such account.

Door-keepers' duties.

12 April, 1792, c. 20, v. 1, p. 252.

SEC. 73. The Door-keepers of the Senate and House of Representatives shall perform the usual services pertaining to their respective offices during the session of Congress, and shall in the recess, under the direction of the Secretary of the Senate and Clerk of the House of Representatives, take care of the apartments occupied by the respective Houses, and provide fuel and other accommodations for their subsequent session.

Mileage of officers serving process.

5 Feb., 1859, c. 21, s. 2, v. 11, p. 379. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72. *Repealed by St.* 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

SEC. 74. [*The mileage or traveling allowance to the officer or other person executing any precept or summons of either House of Congress, shall not exceed ten cents for each mile necessarily and actually traveled in the execution thereof.*

Abridgment of accompanying documents.

25 June, 1864, c. 155, s. 1, v. 13, p. 184.

SEC. 75. The Joint Committee on Public Printing shall appoint a competent person who shall edit such portion of the documents accompanying the annual reports of the Departments as they may deem suitable for popular distribution, and prepare an alphabetical index thereto.

Payments from contingent fund.

14 Mar., 1864, c. 30, s. 1, v. 13, p. 22, (26.)

SEC. 76. No payment shall be made from the contingent fund of either House of Congress, unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or the Committee on Accounts of the House of Representatives, respectively.

Congressional Directory.

14 Feb,, 1865, Res. No. 15, v. 13, p. 568.

SEC. 77. A congressional directory shall be compiled at each session of Congress under the direction of the Joint Committee on Public Printing, and the first edition for each session shall be ready for distribution within one week after the commencement thereof.

Printing of debates.

3 Mar., 1873, c. 227, s. 1, v. 17, p. 510. 22 *Jan.*, 1874, *c.* 14, *v.* 18, *p.* 5.

SEC. 78. Until a contract for publishing the debates of Congress is made, such debates shall be printed by the Congressional Printer, under the direction of the Joint Committee on Public Printing on the part of the Senate.

Publication of laws.

8 May, 1872, c. 140., s. 1, v. 17, p. 66. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 90. 20 *June*, 1874, *c.* 334, *v.* 18, p. 115. 23 *June*, 1874, *c.* 456, *s.* 4, *v.* 18, *p.* 232. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

SEC. 79. After the fourth day of March, eighteen hundred and seventy-five, [*no money shall be paid from the Treasury for*] the publication of the laws in newspapers [shall cease.]

CHAPTER SIX.

THE LIBRARY OF CONGRESS.

Sec.
80. Collections composing.
81. Library to be in two departments.
82. Joint Committee on Library.
83. Incidental expenses of law library.
84. Purchasing of books for law library.
85. Regulations for the Library.
86. Duplicate, injured, or wasted books.
87. Agents for exchange, &c., of documents.
88. Appointment of librarian.
89. Librarian's bond.
90. Librarian's salary.
91. Assistant librarians.
92. No maps to be taken out.
93. Who may take out books.
94. Persons specially privileged to use Library.
95. Use and regulation of law library.
96. Copies of Statutes at Large.
97. Copies of journals and documents.
98. Deposit in Library of journals of Senate and House.
99. Smithsonian library.
100. How to be kept and used.

Collections composing.

SEC. 80. The Library of Congress, composed of the books, maps, and other publications which now remain in existence, from the collections heretofore united under the act of January twenty-six, eighteen hundred and two, chapter two; the resolution of October twenty-one, eighteen hundred and fourteen; the act of January thirty, eighteen hundred and fifteen, chapter twenty-seven; the act of June twenty-five, eighteen hundred and sixty-four, chapter one hundred and forty-seven, section one; the resolution of July twenty-five, eighteen hundred and sixty-six; the act of March two, eighteen hundred and sixty-seven, chapter one hundred and sixty-seven, section one; and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, deposit to secure copyright, and otherwise, shall be preserved in the Capitol in the rooms which were, on the fourth day of July, eighteen hundred and seventy-two, appropriated to its use, and in such others as may hereafter be assigned thereto.

26 Jan., 1802, c. 2, v. 2, p. 128. 21 Oct., 1814, Res. 3, v. 3, p. 246. 30 Jan., 1815, c. 27, v. 3, p. 195. 25 June, 1864, c. 147, s. 1, v. 13, p. 148. 25 July, 1866, Res. 77, v. 14, p. 365. 2 Mar., 1867, c. 167, s. 1, v. 14, p. 464.

Library to be in two departments.

SEC. 81. The Library of Congress shall be arranged in two departments, a general library and a law library.

14 July, 1832, c. 221, s. 1, v. 4, p. 579.

Joint Committee on Library.

SEC. 82. The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a joint committee of Congress upon the Library, to consist of three members of the Senate and three members of the House of Representatives.

24 April, 1800, c. 37, s. 5, v. 2, p. 56. 26 Jan., 1802, c. 2, s. 6, v. 2, p. 129.

Incidental expenses of law library.

SEC. 83. The incidental expenses of the law library shall be paid out of the appropriations for the Library of Congress.

14 July, 1832, c. 221, s. 3, v. 4, p. 579.

Purchase of books for law library.

SEC. 84. The Librarian shall make the purchases of books for the law library, under the direction of and pursuant to the catalogue furnished him by the Chief Justice of the Supreme Court.

14 July, 1832, c. 221, s. 4, v. 4, p. 579.

Regulations for the Library.

SEC. 85. The Joint Committee upon the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof; and from time to time to alter, amend, or repeal the same; but such regulations as to the law library shall be subject to those imposed by the justices of the Supreme Court under section ninety-five. And until they impose new regulations or restrictions, the care and business of the Library shall continue to be regulated by such rules as may have been heretofore imposed by any lawful authority.

26 Jan., 1802, c. 2, s. 2, v. 2, p. 129.

Duplicate, injured, or wasted books.

SEC. 86. The Joint Committee upon the Library may, at any time, exchange, or otherwise dispose of duplicate, injured, or wasted books of the Library, or documents, or any other matter in the Library not deemed proper to it, as they deem best.

26 June, 1848, c. 73, s. 1, v. 9, p. 240.

Agents for exchange, &c., of documents.

26 June, 1848, c. 73, s. 1, v. 9, p. 240.

SEC. 87. The Joint Committee upon the Library may from time to time appoint such agents as they deem requisite, to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose.

Appointment of Librarian.

26 Jan., 1802, c. 2, s. 3, v. 2, p. 129.

SEC. 88. The President, solely, shall appoint from time to time a Librarian to take charge of the Library of Congress.

Librarian's bond.

26 Jan., 1802, c. 2, s. 3, v. 2, p. 129.

SEC. 89. The Librarian of Congress shall, before entering upon the duties of his office, give a bond, payable to the United States, in such a sum and with such security as the Joint Committee upon the Library may deem sufficient, for the safe-keeping of the books, maps, and furniture confided to his care, and for the faithful discharge of his trust according to the regulations established for the government of the Library. Such bond shall be deposited in the office of the Secretary of the Senate.

Librarian's salary.

8 July, 1870, c. 230, s. 85, v. 16, p. 212.

SEC. 90. The Librarian of Congress is entitled to a salary of four thousand dollars a year.

Assistant librarians.

3 Mar., 1871, c. 136, v. 16, p. 584.

20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

SEC. 91. The Librarian of Congress is authorized to employ from time to time the following assistants in the business of the Library:*

Three assistant librarians, at a salary of two thousand eight hundred and seventy-five dollars a year each.

Two assistants, at a salary of two thousand and seventy dollars a year each.

One assistant, at a salary of one thousand eight hundred and forty dollars a year.

Two assistants, at a salary of one thousand six hundred and fifty-six dollars a year each.

Three assistants, at a salary of one thousand three hundred and eighty dollars a year each.

Two assistants, at a salary of one thousand one hundred and fifty dollars a year each.

One assistant, at a salary of eleven hundred and four dollars a year.

No maps to be taken out.

26 Jan., 1802, c. 2, s. 4, v. 2, p. 129.

SEC. 92. No map shall be taken out of the Library by any person.

Who may take out books.

26 Jan. 1802, c. 2, s. 4, v. 2, p. 129.

3 *Mar.*, 1875, *c.* 179, *v.* 18, *p.* 512.

SEC. 93. No book shall be taken from the Library except by the President, the Vice-President, Senators, Representatives, and Delegates in Congress, and the persons enumerated in section ninety-four, or otherwise authorized by law.

Persons specially privileged to use Library.

1 May, 1810, c. 50, v. 2, p. 612.
2 Mar., 1812, Res. 1, v. 2, p. 786.
16 April, 1816, c. 46, s. 3, v. 3, p. 284.
13 Jan., 1830, Res. 2, v. 4, p. 429.
11 Aug., 1848, Res. 26, v. 9, p. 340.
3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.
5 April, 1866, c. 25, s. 3, v. 14, p. 13.
3 *Mar.*, 1875, *c.* 179, *v.* 18, *p.* 512.

SEC. 94. The Joint Committee on the Library is authorized to grant the privilege of using and drawing books from the Library, in the same manner and subject to the same regulations as members of Congress, to any of the following persons:

First. Heads of Departments.

Second. The Chief Justice and associate justices, the reporter, and clerk of the Supreme Court.

Third. Members of the diplomatic corps.

Fourth. The judges and clerk of the Court of Claims.

Fifth. The Solicitor-General, and Assistant Attorneys-General.

Sixth. The Secretary of the Senate.

Seventh. The Clerk of the House of Representatives.

Eighth. The Chaplains of the two Houses of Congress.

Ninth. The Solicitor of the Treasury.

Tenth. The financial agent of the Joint Committee on the Library.

Eleventh. The Smithsonian Institution, through its Secretary.

Twelfth. Any person, when in the District of Columbia, who has been President.

*See schedule of salaries, Appendix.

SEC. 95. The justices of the Supreme Court shall have free access to the law library; and they are authorized to make regulations, not inconsistent with law, for the use of the same during the sittings of the court. But such regulations shall not restrict any person authorized to take books from the Library from having access to the law library, or using the books therein in the same manner as he may be entitled to use the books of the general Library.

Use and regulation of law library.

14 July, 1832, c. 221, s. 2, v. 4, p. 579.

SEC. 96. Ten of the copies of the Statutes at Large, published by Little, Brown & Co., which were deposited in the Library prior to February fifth, eighteen hundred and fifty-nine, shall be retained by the Librarian for the use of the justices of the Supreme Court during the terms of court.

Copies of Statutes at Large.

5 Feb., 1859, c. 22, s. 11, v. 11, p. 381.

SEC. 97. Two copies of the journals and documents, and of each book printed by either House of Congress, well bound in calf, shall be deposited in the Library, and must not be taken therefrom.

Copies of journals and documents.

28 Jan., 1857, Res. No. 5, s. 5, v. 11, p. 253.

SEC. 98. Twenty-five copies of the public journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of Government, to be delivered to members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the Librarian, and giving their responsible receipts for the same, in like manner as for other books.

Deposit in Library of journals of Senate and House.

27 Dec., 1813, Res. 1, v. 3, p. 140. 20 July, 1840, Res. 5, v. 5, p. 409.

SEC. 99. The library collected by the Smithsonian Institution under the provisions of the act of August ten, eighteen hundred and forty-six, chapter twenty-five, and removed from the building of that Institution, with the consent of the Regents thereof, to the Library of Congress, shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided.

Smithsonian library.

5 April, 1866, c. 25, s. 1, v. 14, p. 13.

SEC. 100. The Smithsonian Institution shall have the use thereof in like manner as before its removal, and the public shall have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian library shall be properly cared for and preserved in like manner as are those of the Congressional Library; from which the Smithsonian library shall not be removed except on re-imbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the Regents of the Institution.

How to be kept and used.

5 April, 1866, c. 25, s. 2, v. 14, p. 13.

CHAPTER SEVEN.

CONGRESSIONAL INVESTIGATIONS.

Sec.
101. Oaths to witnesses, by whom administered.
102. Refusal of witnesses to testify.
103. No privilege to refuse to answer criminating questions.
104. Proceedings against witnesses failing to testify.

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Oaths to witnesses, by whom administered.

3 May, 1798, c. 36, s. 1, v. 1, p. 554. 8 Feb., 1817, c. 10, v. 3, p. 345.

SEC. 102. Every person who having been summoned as a witness by the authority of either House of Congress, to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the ques-

Refusal of witness to testify.

24 Jan., 1857, c. 19, s. 1, v. 11, p. 155.

tion under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.

No privilege to refuse to answer criminating questions.

24 Jan., 1862, c. 11, v. 12, p. 333.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. [See § 859.]

Proceedings against witnesses failing to testify.

24 Jan., 1857, c. 19, s. 3, v. 11, p. 156.

SEC. 104. Whenever a witness summoned as mentioned in section one hundred and two fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

CHAPTER EIGHT.

CONTESTED ELECTIONS.

Sec.
105. Notice of intention to contest.
106. Time for answer.
107. Time for taking testimony.
108. Notice of deposition; service.
109. Testimony taken at several places at same time.
110. Who may issue subpœnas.
111. What the subpœna shall contain.
112. When justices of the peace may act.
113. Depositions by consent.
114. Service of subpœna.
115. Witnesses need not attend out of the county.
116. Penalty for failing to attend or testify.
117. Witnesses outside of district.
118. Party notified may select an officer.
119. Depositions taken by party or agent.
120. Examination of witnesses.
121. Testimony, to what confined.
122. Testimony, how written out and attested.
123. Production of papers.
124. Adjournments.
125. Notice, &c., attached to depositions.
126. Copy of notice and answer to accompany testimony.
127. How testimony to be sent to Clerk of House; how opened.
128. Fees of witnesses.
129. Fees of officers.
130. Expenses of contest.

Notice of intention to contest.

19 Feb., 1851, c. 11, s. 1, v. 9, p. 568.

SEC. 105. Whenever any person intends to contest an election of any member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice, in writing, to the member whose seat he designs to contest, of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest.

Time for answer.

19 Feb., 1851, c. 11, s. 2, v. 9, p. 568.

SEC. 106. Any member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant.

Time for taking testimony.

10 Jan., 1873, c. 24, s. 1, v. 17, p. 408.

Construed by St. 2 Mar., 1875, c. 119, v. 18, p. 338.

SEC. 107. In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period.

The statute of 1875, c. 119, v. 18, p. 338, provides that this section shall be so construed as to require that in all cases of contested election, the testimony shall be taken within ninety days from the day on which the answer of the returned member is served upon the contestant.

Notice of depositions; service.

SEC. 108. The party desiring to take a deposition under the provisions of this chapter shall give the opposite party notice, in writing, of the time and place, when and where the same will be taken, of the name of the witnesses to be examined and their places of residence, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made; but if, by the use of such diligence, personal service cannot be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service. Testimony in rebuttal may be taken on five days' notice.

10 Jan., 1873, c. 24, ss. 1, 3, v. 17, p. 408.
19 Feb., 1851, c. 11, s. 6, v. 9, p. 569.

Testimony taken at several places at same time.

SEC. 109. Testimony in contested-election cases may be taken at two or more places at the same time.

10 Jan., 1873, c. 24, s. 1, v. 17, p. 408.

Who may issue subpœnas.

SEC. 110. When any contestant or returned member is desirous of obtaining testimony respecting a contested election, he may apply for a subpœna to either of the following officers who may reside within the congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any register in bankruptcy or notary public.

19 Feb., 1851, c. 11, s. 3, v. 9, p. 568.
23 Jan., 1860, c. 15, v. 15, p. 267.

What the subpœna shall contain.

SEC. 111. The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpœna, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpœna, in order to be examined respecting the contested election.

19 Feb., 1851, c. 11, s. 3, v. 9, p. 568.

When justices of the peace may act.

SEC. 112. In case none of the officers mentioned in section one hundred and ten are residing in the congressional district from which the election is proposed to be contested, the application thereby authorized may be made to any two justices of the peace residing within the district; and they may receive such application, and jointly proceed upon it.

19 Feb., 1851, c. 11, s. 10, v. 9, p. 570.

Depositions by consent.

SEC. 113. It shall be competent for the parties, their agents or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; also, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law, or civil actions, or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with the depositions.

10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

Service of subpœna.

SEC. 114. Each witness shall be duly served with a subpœna, by a copy thereof delivered to him or left at his usual place of abode, at least five days before the day on which the attendance of the witness is required.

19 Feb., 1851, c. 11, s. 4, v. 9, p. 569.

Witnesses need not attend out of the county.

SEC. 115. No witness shall be required to attend an examination out of the county in which he may reside or be served with a subpœna.

19 Feb., 1851, c. 11, s. 4, v. 9, p. 569.

Penalty for failure to attend or testify.

SEC. 116. Any person who, having been summoned in the manner above directed, refuses or neglects to attend and testify, unless prevented by sickness or unavoidable necessity, shall forfeit the sum of twenty dollars, to be recovered, with costs of suit, by the party at whose instance the subpœna was issued, and for his use, by an action of debt, to any

19 Feb., 1851, c. 11, s. 5, v. 9, p. 569.

court of the United States; and shall also be liable to an indictment for a misdemeanor, and punishment by fine and imprisonment.

Witnesses outside of district.

10 Jan., 1873, c. 24, s. 2, v. 17, p. 408.

SEC. 117. Depositions of witnesses residing outside of the district and beyond the reach of a subpœna may be taken before any officer authorized by law to take testimony in contested-election cases in the district in which the witness to be examined may reside.

Party notified may select an officer.

10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

SEC. 118. The party notified as aforesaid, his agent or attorney, may, if he see fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the notice, in the taking of the depositions; and if both such officers attend, the depositions shall be taken before them both, sitting together, and be certified by them both. But if only one of such officers attend, the depositions may be taken before and certified by him alone.

Depositions taken by party or agent.

10 Jan., 1873, c. 24, s. 3., v. 17, p. 408.

SEC. 119. At the taking of any deposition under this chapter, either party may appear and act in person, or by agent or attorney

Examination of witnesses.

19 Feb., 1851, c. 11, s. 7, v. 9, p. 569.

SEC. 120. All witnesses who attend in obedience to a subpœna, or who attend voluntarily at the time and place appointed, of whose examination notice has been given, as provided by this chapter, shall then and there be examined on oath by the officer who issued the subpœna, or, in case of his absence, by any other officer who is authorized to issue such subpœna, or by the officer before whom the depositions are to be taken by written consent, or before whom the depositions of witnesses residing outside of the district are to be taken, as the case may be, touching all such matters respecting the election about to be contested as shall be proposed by either of the parties or their agents.

Testimony, to what confined.

19 Feb., 1851, c. 11, s. 9, v. 9, p. 569.

SEC. 121. The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer mentioned in sections one hundred and five and one hundred and six.

Testimony, how written out and attested.

19 Feb., 1851, c. 11, s. 7, v. 9, p. 569.

SEC. 122. The officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses respectively.

Production of papers.

19 Feb., 1851, c. 11, s. 8, v. 9, p. 569.

SEC. 123. The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section one hundred and sixteen. All papers thus produced, and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

Adjournments.

10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

SEC. 124. The taking of the testimony may, if so stated in the notice, be adjourned from day to day.

Notice, &c., attached to depositions.

19 Feb., 1851, c.

SEC. 125. The notice to take depositions, with the proof or acknowledgment of the service thereof, and a copy of the subpœna, where any has been served, shall be attached to the depositions when completed.

11, s. 7, v. 9, p. 569. 10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

Copy of notice and answer to accompany testimony.

19 Feb., 1851, c.

SEC. 126. A copy of the notice of contest, and of the answer of the returned member, shall be prefixed to the depositions taken, and transmitted with them to the Clerk of the House of Representatives.

11, s. 9, v. 9, p. 569.

How testimony to be sent to Clerk of House; how opened.

10 Jan., 1873, c. 24, s. 4, v. 17, p. 409.

SEC. 127. All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail, addressed to the Clerk of the House of Representatives of the United States, Washington,

D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement. Upon the written request of either party the Clerk of the House of Representatives shall open any deposition at any time after he shall have received the same, and he may furnish either party with a copy thereof.

Repealed in part by St. 2 Mar., 1875, c. 119, v. 18, p. 338.

So much of this section as requires the Clerk of the House of Representatives to open any deposition, and authorizes him to furnish a copy to either party, was repealed by c. 119, st. 1875, vol. 18, p. 338.

Fees of witnesses.

SEC. 128. Every witness attending by virtue of any subpœna herein directed to be issued shall be entitled to receive the sum of seventy-five cents for each day's attendance, and the further sum of five cents for every mile necessarily traveled in going and returning. Such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned.

19 Feb., 1851, c. 11, s. 11, v. 9, p. 570.

Fees of officers.

SEC. 129. Each judge, justice, chancellor, chief executive officer of a town or city, register in bankruptcy, notary public, and justice of the peace, who shall be necessarily employed pursuant to the provisions of this chapter, and all sheriffs, constables, or other officers who may be employed to serve any subpœna or notice herein authorized, shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the State wherein such service may be rendered.

19 Feb., 1851, c. 11, s. 11, v. 9, p. 570.

Expenses of contest.

SEC. 130. No payment shall be made by the House of Representatives, out of its contingent fund or otherwise, to either party to a contested-election case for expenses incurred in prosecuting or defending the same.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 485, (490.)

TITLE III.

THE PRESIDENT.

CHAPTER ONE.

PRESIDENTIAL ELECTIONS.

Sec.
131. Time of appointing electors.
132. Number of electors.
133. Vacancies in electoral college.
134. Failure to make a choice on the appointed day.
135. Meeting of electoral college.
136. List of names of electors to be furnished to them.
137. Manner of voting.
138. Certificates to be made and signed.
139. Certificates to be sealed and indorsed.
140. Transmission of the certificates.
141. When Secretary of State shall send for district judge's list.
142. Counting the electoral votes in Congress.
143. Provision for absence of President of the Senate.
144. Mileage of messengers.
145. Forfeiture for messenger's neglect of duty.
146. Vacancy in both offices.
147. Notification of vacancies to be published.
148. Requisites of notification.
149. Time of holding election to fill vacancy.
150. Regulations for quadrennial election made applicable to election to fill vacancies.
151. Resignation or refusal of office.

Time of appointing electors.

1 Mar., 1792, c. 8, s. 1, v. 1, p. 239.
23 Jan., 1845, c. 1, v. 5, p. 721.
29 *Jan.*, 1877, *c.* 37, *v.* 19, *p.* 227.

SEC. 131. Except in case of a presidential election prior to the ordinary period, as specified in sections one hundred and forty-seven to one hundred and forty-nine, inclusive, when the offices of President and Vice-President both become vacant, the electors of President and Vice-President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice-President. [See § 5520.]

Number of electors.

1 Mar., 1792, c. 8, s. 1, v. 1, p. 239.

SEC. 132. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice-President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives.

Vacancies in electoral college.

23 Jan., 1845, c. 1, v. 5, p. 721.

SEC. 133. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

Failure to make a choice on the appointed day.

23 Jan., 1845, c. 1, v. 5, p. 721.

SEC. 134. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

Meeting of electoral college.

1 Mar., 1792, c. 8, s. 2, v. 1, p. 239.

SEC. 135. The electors for each State shall meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place, in each State, as the legislature of such State shall direct.

List of names of electors to be furnished to them.

1 Mar., 1792, c. 8, s. 3, v. 1, p. 240.

SEC. 136. It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the day on which they are required, by the preceding section, to meet.

Manner of voting.

26 Mar., 1804, c. 50 s. 1, v. 2, p. 295.

SEC. 137. The electors shall vote for President and Vice-President, respectively, in the manner directed by the Constitution.

Certificates to be made and signed.

1 Mar., 1792, c. 8, ss. 2, 3, v. 1, p. 239. 26 Mar., 1804, c. 50, s. 1, v. 2, p. 295.

SEC. 138. The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice-President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

Certificates to be sealed and indorsed.

1 Mar., 1792, c. 8. s. 1, vol. 2, p. 295.

SEC. 139. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice-President, are contained therein.

s. 2, v. 1, p. 239. 26 Mar., 1804, c. 50,

Transmission of the certificates.

1 Mar., 1792, c. 8, s. 2, v. 1, p. 239. 26 Mar., 1804, c. 50, s. 1, v. 2, p. 295.

SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

Two. They shall forthwith forward by the post-office to the President of the Senate, at the seat of Government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.

When Secretary of State shall send for district judge's list.

1 Mar., 1792, c. 8, s. 4, v. 1, p. 240.

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of Government on the first Wednesday of January indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government.

Counting the electoral votes in Congress.

1 Mar., 1792, c. 8, s. 5, v. 1, p. 240.

SEC. 142. Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared, agreeable to the Constitution.

Provision for absence of President of the Senate.

1 Mar., 1792, c. 8, s. 6, v. 1, p. 240.

SEC. 143. In case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate.

Mileage of messengers.

1 Mar., 1792, c. 8, s. 7, v. 1, p. 240.

SEC. 144. Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of Government of the United States.

Forfeiture for messenger's neglect of duty.

1 Mar., 1792, c. 8, s. 8, v. 1, p. 240.

SEC. 145. Every person who, having been appointed, pursuant to subdivision one of section one hundred and forty or to section one hundred and forty-one, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of one thousand dollars.

Vacancy in both offices.

1 Mar., 1792, c. 8, s. 9, v. 1, p. 240.

SEC. 146. In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected.

Notification of vacancies to be published.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

SEC. 147. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

Requisites of the notification.

1 Mar., 1792, c. 8, c. 37, v. 19, p. 227.

SEC. 148. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States, as follows:

s. 10, v. 1, p. 240. 29 *Jan.*, 1877,

First. If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

Second. If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the third day of March next ensuing, the notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the third day of March next ensuing, the notification shall not specify that electors are to be appointed or chosen.

Time of holding election to fill vacancy.

SEC. 149. Electors appointed or chosen upon the notification prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

Regulations for quadrennial election made applicable to election to fill vacancies.

SEC. 150. The provisions of this Title, relating to the quadrennial election of President and Vice-President, shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

Resignation or refusal of office.

SEC. 151. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

1 Mar., 1792, c. 8, s. 11, v. 1, p. 241.

CHAPTER TWO.

OFFICE AND COMPENSATION OF THE PRESIDENT.

Sec.
152. Commencement of term of office.
153. President's salary.
154. Vice-President's salary.
155. Officers of the President's household.
156. Duties of the steward.
157. The steward's bond.

Commencement of term of office.

SEC. 152. The term of four years for which a President and Vice-President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the electors have been given.

1 Mar., 1792, c. 8, s. 12, v. 1, p. 241.

President's salary.

SEC. 153. The President shall receive in full for his services during the term for which he shall have been elected the sum of fifty thousand dollars a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion. [See § 1829.]

24 Sept., 1789, c. 19, v. 1, p. 72.
18 Feb., 1793, c. 9, v. 1, p. 318.
3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

Vice-President's salary.

SEC. 154. The Vice-President shall receive in full for his services during the term for which he shall have been elected the sum of ten thousand dollars a year, to be paid monthly.

3 March, 1873, c. 226, s. 1, v. 17, p. 486.
20 *Jan.*, 1874, *c.* 11, *v.* 8, *p.* 4.

The act of January 20, 1874, c. 11, v. 18, p. 4, reduced the salary of the Vice-President to eight thousand dollars.

Officers of the President's household.

SEC. 155. The President is authorized to appoint or employ in his official household the following officers:

One private secretary, at a salary of three thousand five hundred dollars a year.

3 Mar., 1857, c. 108, s. 2, v. 11, p. 228.

One assistant secretary, who shall be a short-hand writer, at a salary of two thousand five hundred dollars a year.

23 July, 1866, c. 208, s. 4, v. 14, p. 206.

Two executive clerks, at a salary of two thousand three hundred dollars a year each.

20 July, 1868, c. 176, s. 1, v. 15, p. 96.

One steward of the President's household, at a salary of two thousand dollars a year.

One messenger, at a salary of one thousand two hundred dollars a year.

Duties of the steward.

SEC. 156. The steward of the President's household shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and other public property in the President's mansion, and shall discharge such other duties as the President may assign him. [See § 1832.]

3 Mar., 1857, c. 108, s. 2, v. 11, p. 228.

23 July, 1866, c. 208, s. 4, v. 14, p. 206.

The steward's bond.

SEC. 157. The steward of the President's household shall, before entering upon the duties of his office, give a bond to the United States for the faithful discharge of his trust. Such bond must be in such sum as the Secretary of the Interior shall deem sufficient, and must be approved by him.

23 July, 1866, c. 208, s. 4, v. 14, p. 206.

TITLE IV.

PROVISIONS APPLICABLE TO ALL THE EXECUTIVE DEPARTMENTS.

Sec.
158. Application of provisions of this Title.
159. Word "Department."
160. Salaries of heads of Departments.
161. Departmental regulations.
162. Hours of business.
163. Classification of Department clerks.
164. Examinations.
165. Clerkships open to women.
166. Distribution of clerks.
167. Salaries of persons employed in the Departments.
168. Temporary clerks.
169. Authority to employ clerks and other employés.
170. Extra compensation to clerks prohibited.
171. Restriction on employing extra clerks.
172. Restriction on employment of subordinate assistants.
173. Chief clerks to supervise subordinate clerks.
174. Chief clerks to distribute duties, &c.
175. Duty of chief on receipt of report.
176. Disbursing clerks.
177. Vacancies, how temporarily filled.
178. Vacancies in subordinate offices.
179. Discretionary authority of the President.

Sec.
180. Temporary appointments limited to ten days.
181. Restriction on temporary appointments.
182. Extra compensation disallowed.
183. Oaths, when administered by officers, &c.
184. Subpœnas to witnesses.
185. Witness fees.
186. Compelling testimony.
187. Professional assistance, how obtained.
188. Evidence to be furnished by the Departments in suits pending in the Court of Claims.
189. Employment of attorneys or counsel.
190. Persons formerly in the Departments not to prosecute claims in them.
191. Certified balances.
192. Expenditures for newspapers.
193. Annual report of expenditure of contingent funds.
194. Report of clerks employed.
195. Time of making annual reports.
196. Department reports, when to be furnished to printer.
197. Inventories of property.
198. Biennial list of persons employed in each Department to be filed in the Interior Department.

Application of provisions of this Title.

Wilcox vs. Jackson, 13 Pet., 512, 13.

SEC. 158. The provisions of this Title shall apply to the following Executive Departments:

First. The Department of State.
Second. The Department of War.
Third. The Department of the Treasury.
Fourth. The Department of Justice.
Fifth. The Post-Office Department.
Sixth. The Department of the Navy.
Seventh. The Department of the Interior.

Word "Department."

SEC. 159. The word "Department" when used alone in this Title, and Titles five, six, seven, eight, nine, ten, and eleven, means one of the Executive Departments enumerated in the preceding section.

Salaries of heads of Departments.

SEC. 160. Each head of a Department is entitled to a salary of ten thousand dollars a year, to be paid monthly.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4. 3 *Mar.*, 1875, c. 130, *v.* 18, *p.* 396.

By the act of January 20, 1874, *c.* 11, v. 18, p. 4, the salary of each head of a Department was reduced to eight thousand dollars.

Departmental regulations.

SEC. 161. The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

27 July, 1789, c. 4, v. 1, p. 28. 15 Sept., 1789, c. 14, v. 1, p. 68. 7 Aug., 1849, c. 7, v. 1, p. 49. 2 Sept., 1789, c. 12, v. 1, p. 65. 8 June, 1872, c. 335, v. 17, p. 283. 30 April, 1798, c. 35, v. 1, p. 553. 22 June, 1870, c. 150, s. 8, v. 16, p. 163. 3 Mar., 1849, c. 108, v. 9, p. 395. 15 *Aug.*, 1876, *c.* 287, *s.* 3, *v.* 18, *p.* 169.

Hours of business.

SEC. 162. From the first day of October until the first day of April, in each year, all the Bureaus and offices in the State, War, Treasury, Navy, and Post-Office Departments, and in the General Land-Office,

4 July, 1836, c. 352, s. 12, v. 5, p. 112.

shall be open for the transaction of the public business at least eight hours in each day; and from the first day of April until the first day of October, in each year, at least ten hours in each day; except Sundays and days declared public holidays by law. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109.

SEC. 163. The clerks in the Departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes. Classification of Department clerks.

3 Mar., 1853, c. 77, s. 3, v. 10, p. 209. 3 Mar., 1855, c. 175, s. 4, v. 10, p. 669. 15 *Aug.*, 1876, *c.* 287, *s.* 3, *v.* 19, *p.* 169.

SEC. 164. No clerk shall be appointed in any Department in either of the four classes above designated, until he has been examined and found qualified by a board of three examiners, to consist of the chief of the Bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the Department. Examinations. 3 Mar., 1853, c. 97, s. 3, v. 10, p. 209. 3 Mar., 1855, c. 175, s. 4, v. 10, p. 669.

SEC. 165. Women may, in the discretion of the head of any Department, be appointed to any of the clerkships therein authorized by law, upon the same requisites and conditions, and with the same compensations, as are prescribed for men. Clerkships open to women. 12 July, 1870, c. 251, s. 2, v. 16, pp. 230, 250.

SEC. 166. Each head of a Department may from time to time alter the distribution among the various Bureaus and offices of his Department, of the clerks allowed by law, as he may find it necessary and proper to do. Distribution of clerks. 3 Mar., 1853, c. 97, s. 3, v. 10, p. 211.

SEC. 167. The annual salaries of clerks and employés in the Departments, whose compensation is not otherwise prescribed, shall be as follows: Salaries of persons employed in the Departments.

First. To clerks of the fourth class, eighteen hundred dollars.

Second. To clerks of the third class, sixteen hundred dollars.

Third. To clerks of the second class, fourteen hundred dollars.

Fourth. To clerks of the first class, twelve hundred dollars.

Fifth. To the women employed in duties of a clerical character, subordinate to those assigned to clerks of the first class, including copyists and counters, or temporarily employed to perform the duties of a clerk, nine hundred dollars.

Sixth. To messengers, eight hundred and forty dollars.

Seventh. To assistant messengers, seven hundred and twenty dollars.

Eighth. To laborers, seven hundred and twenty dollars.

Ninth. To watchmen, seven hundred and twenty dollars.

3 Mar., 1853, c. 97, s. 3, v. 10, pp. 209, 211. 22 April, 1854, c. 52, s. 1, v. 10, p. 276. 18 Aug., 1856, Res. 18, v. 11, p. 145. 23 July, 1866, c. 208, s. 6, v. 14, p. 207. 12 July, 1870, c. 251, s. 3, v. 16, pp. 230, 250.

SEC. 168. Except when a different compensation is expressly prescribed by law, any clerk temporarily employed to perform the same or similar duties with those belonging to clerks of either class, is entitled to the same salary as is allowed to clerks of that class. [See § 242.] Temporary clerks. 22 April, 1854, c. 52, s. 1, v. 10, p. 276.

SEC. 169. Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year. Authority to employ clerks and other employés. See appropriation acts since 1856.

[See §§ 201, 214, 235, 328, 351, 393, 416, 440, 476.]

Ex parte Hennen, 13 Pet., 230. 3 *Mar.*, 1875, *c.* 129, *r.* 18, *pp.* 360, 361, *and* 365. 3 *Mar.*, 1875, *c.* 130, *ss.* 2, 3, *r.* 18, *p.* 399.

SEC. 170. No money shall be paid to any clerk employed in either Department at an annual salary, as compensation for extra services, unless expressly authorized by law. Extra compensation to clerks prohibited.

3 Mar., 1863, c. 97, s. 3, v. 10, pp. 209, 211. 17 June, 1844, c. 105, s. 1, v. 5, pp. 681, 687. 28 Feb., 1867, Res. 30, s. 2, v. 14, p. 569.

SEC. 171. No extra clerk shall be employed in any Department, Bureau, or office, at the seat of Government, except during the session of Congress, or when indispensably necessary in answering some call made by either House of Congress at one session to be answered at another; nor then, except by order of the head of the Department in which, or in some Bureau or office of which, such extra clerk shall be employed. And no extra clerk employed in either of the Departments shall receive compensation except for time actually and necessarily employed, nor any greater Restriction on employing extra clerks. 26 Aug., 1842, c. 202, s. 15, v. 5, p. 526. 15 *Aug.*, 1876, *c.* 287, *s.* 5, *r.* 19, *p.* 169.

compensation than three dollars a day for copying, or four dollars a day for any other service.

Restriction on employment of subordinate assistants.

26 Aug., 1842, c. 202, s. 15, v. 5, p. 526.

SEC. 172. No messenger, assistant messenger, laborer, nor other subordinate assistant shall be employed in any Department, Bureau, or office at the seat of Government, or paid out of the contingent fund appropriated to such Department, Bureau, or office, unless such employment is authorized by law, or is necessary to carry into effect some object for which an appropriation has been specifically made.

Chief clerks to supervise subordinate clerks.

26 Aug., 1842, c. 202, s. 13, v. 5, p. 525.

SEC. 173. Each chief clerk in the several Departments, and Bureaus, and other offices connected with the Departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein, and see that they are faithfully performed.

Chief clerks to distribute duties, &c.

26 Aug., 1842, c. 202, s. 13, v. 5, p. 525.

SEC. 174. Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business.

Duty of chief on receipt of report.

26 Aug., 1842, c. 202, s. 13, v. 5, p. 525.

SEC. 175. Each head of a Department, chief of a Bureau, or other superior officer, shall, upon receiving each monthly report of his chief clerk, rendered pursuant to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report.

Disbursing clerks.

3 Mar., 1853, c. 97, s. 3, v. 10, pp. 209, 211.

3 Mar. 1855, c. 175, s. 4, v. 10, p. 669.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 485, (492.)

SEC. 176. The disbursing clerks authorized by law in the several Departments shall be appointed by the heads of the respective Departments, from clerks of the fourth class; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the Solicitor of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct. Each disbursing clerk, except the disbursing clerk of the Treasury Department, must, when directed so to do by the head of the Department, superintend the building occupied by his Department. Each disbursing clerk is entitled to receive, in compensation for his services in disbursing, such sum in addition to his salary as a clerk of the fourth class as shall make his whole annual compensation two thousand dollars a year. [See §§ 20, 215, 235, 351, 393, 416, 440.]

Vacancies; how temporarily filled.

23 July, 1868, c. 227, s. 1, v. 15, p. 168.

SEC. 177. In case of the death, resignation, absence, or sickness of the head of any Department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such head until a successor is appointed, or such absence or sickness shall cease.

Vacancies in subordinate offices.

23 July, 1868, c. 227, s. 2, v. 15, p. 168.

SEC. 178. In case of the death, resignation, absence, or sickness of the chief of any Bureau, or of any officer thereof, whose appointment is not vested in the head of the Department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such Bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.

Discretionary authority of the President.

23 July, 1868, c. 227, s. 3, v. 15, p. 168.

SEC. 179. In any of the cases mentioned in the two preceding sections, except the death, resignation, absence, or sickness of the Attorney-General, the President may, in his discretion, authorize and direct the head of any other Department or any other officer in either Department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a suc-

cessor is appointed, or the sickness or absence of the incumbent shall cease.

22 June, 1870, c. 150, s. 2, v. 16, p. 162.

Temporary appointments limited to ten days.

SEC. 180. A vacancy occasioned by death or resignation must not be temporarily filled under the three preceeding sections for a longer period than ten days.

23 July, 1868, c. 227, s. 3, v. 15, p. 168.

Restriction on temporary appointments.

SEC. 181. No temporary appointment, designation, or assignment of one officer to perform the duties of another, in the cases covered by sections one hundred and seventy-seven and one hundred and seventy-eight, shall be made otherwise than as provided by those sections, except to fill a vacancy happening during a recess of the Senate.

23 July, 1868, c. 227, s. 2, v. 15, p. 168.

Extra compensation disallowed.

SEC. 182. An officer performing the duties of another office, during a vacancy, as authorized by sections one hundred and seventy-seven, one hundred and seventy-eight, and one hundred and seventy-nine, is not by reason thereof entitled to any other compensation than that attached to his proper office.

23 July, 1868, c. 227, s. 3, v. 15, p. 168.

Oaths, when administered by officers, &c.

SEC. 183. Any officer or clerk of any of the Departments lawfully detailed to investigate frauds or attempts to defraud on the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

10 April, 1869, Res. No. 15, s. 2, v. 16, p. 55. 7 Mar., 1870, c. 23, v. 16, p. 75.

Subpœnas to witnesses.

SEC. 184. Any head of a Department or Bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpœna for a witness being within the jurisdiction of such court, to appear at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.

14 Feb., 1871, c. 51, s. 1, v. 16, p. 412.

Witnesses' fees.

SEC. 185. Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.

14 Feb., 1871, c. 51, s. 1, v. 16, p. 412.

Compelling testimony.

SEC. 186. If any witness, after being duly served with such subpœna, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpœna issued may proceed, upon proper process, to enforce obedience to the subpœna, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpœna ad testificandum issued by such court.

14 Feb., 1871, c. 51, s. 1, v. 16, p. 412.

Professional assistance; how obtained.

SEC. 187. Whenever any head of a Department or Bureau having made application pursuant to section one hundred and eighty-four, for a subpœna to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney-General, and of all facts necessary to enable the Attorney-General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney-General to provide for such service.

14 Feb., 1871, c. 51, s. 3, v. 16, p. 412.

Evidence to be furnished by the Departments in suits pending in the Court of Claims.

SEC. 188. In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any Department, or any Bureau, officer, or agent of a Department, or where the matter or thing on which the claim is based has been passed upon and decided by any Department, Bureau, or officer authorized to adjust it, the Attorney-General shall transmit to such Department, Bureau, or officer, a printed copy of the petition filed by the claimant, with a request that the Department, Bureau, or officer, shall furnish to the Attorney-General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the Department, Bureau, or

25 June, 1868, c. 71, s. 6, v. 15, p. 76.

officer. Such Department, Bureau, or officer shall, without delay, and within a reasonable time, furnish the Attorney-General with a full statement, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the Department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the Department, Bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the Department, Bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a Department, or where such regulation has, in the opinion of the Department, Bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases, is pending, the defense to which rests upon the same facts, circumstances, and proofs, the Department, Bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases, as if made out, certified, and transmitted in each case respectively.

Employment of attorneys or counsel.
22 June, 1870, c. 150, s. 17, v. 16, p. 164.

SEC. 189. No head of a Department shall employ attorneys or counsel at the expense of the United States; but when in need of counsel or advice, shall call upon the Department of Justice, the officers of which shall attend to the same.

Persons formerly in the departments not to prosecute claims in them.
1 June, 1872, c. 256, s. 5, v. 17, p. 202.

SEC. 190. It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employé.

Certified balances.
30 Mar., 1868, c. 36, s. 1, v. 15, p. 54.

SEC. 191. The balances which may from time to time be stated by the Auditor and certified to the heads of Departments by the Commissioner of Customs, or the Comptrollers of the Treasury, upon the settlement of public accounts, shall not be subject to be changed or modified by the heads of Departments, but shall be conclusive upon the executive branch of the Government, and be subject to revision only by Congress or the proper courts. The head of the proper Department, before signing a warrant for any balance certified to him by a Comptroller, may, however, submit to such Comptroller any facts in his judgment affecting the correctness of such balance, but the decision of the Comptroller thereon shall be final and conclusive, as hereinbefore provided.

Expenditure for newspapers.
26 Aug., 1842, c. 202, s. 16, v. 5, p. 526.

SEC. 192. The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the Bureaus and offices connected therewith, shall not exceed one hundred dollars. And all newspapers purchased with the public money for the use of either of the Departments must be preserved as files for such Department.

Annual report of expenditure of contingent funds.
26 Aug., 1842, c. 202, s. 20, v. 5, p. 527.

SEC. 193. The head of each Department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the Bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that

rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress.

Report of clerks employed.

SEC. 194. The head of each Department shall make an annual report to Congress of the names of the clerks and other persons that have been employed in his Department and the offices thereof; stating the time that each clerk or other person was actually employed, and the sums paid to each; also, whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better dispatch of business.

26 Aug., 1842, c. 202, s. 11, v. 5, p. 525.

Time of making annual reports.

SEC. 195. Except where a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress by the heads of Departments shall be made at the commencement of each regular session, and shall embrace the transactions of the preceding year.

See all acts requiring reports.

Department reports, when to be furnished to printer.

SEC. 196. The head of each Department, except the Department of Justice, shall furnish to the Congressional Printer copies of the documents usually accompanying his annual report, on or before the first day of November in each year, and a copy of his annual report on or before the third Monday of November in each year.

25 June, 1864, c. 155, ss. 1, 3, v. 13, pp. 184, 5. 22 June, 1870, c. 150, s. 12, v. 16, p. 164.

Inventories of property.

SEC. 197. The Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, and Commissioner of Agriculture shall keep, in proper books, a complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by them, respectively, and under their charge, adding thereto, from time to time, an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any of such property, [except supplies of stationery and fuel in the public offices and books, pamphlets, and papers in the Library of Congress.]

15 July, 1870, c. 300, s. 1, v. 16, p. 364.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 241.

Biennial lists of employés to be filed in Interior Department.

SEC. 198. The head of each Department shall, as soon as practicable after the last day in September in each year in which a new Congress is to assemble, cause to be filed in the Department of the Interior a full and complete list of all officers, agents, clerks, and employés employed in his Department, or in any of the offices or Bureaus connected therewith. He shall include in such list all the statistics peculiar to his Department required to enable the Secretary of the Interior to prepare the Biennial Register.

27 April, 1816, Res. No. 6, s. 1, v. 3, p. 342.
3 Mar., 1851, c. 32, s. 1, v. 9, p. 600.
14 July, 1832, Res. No. 11, v. 4, p. 608.

TITLE V.

THE DEPARTMENT OF STATE.

Sec.
199. Establishment of the Department of State.
200. Assistant and Second Assistant Secretaries of State.
201. Subordinate officers, &c.
202. Management of foreign affairs.
203. Custody of seals and property.
204. Promulgation of the laws.
205. Amendments to the Constitution.
206. State statutes to be procured.
207. Report of returns of collectors and foreign agents.
208. Reports of foreign regulations of commerce, other commercial information, and consular fees.
209. Statement of expenditures from contingent fund.
210. Copies of acts and treaties furnished to printer.
211. Publication of commercial information.
212. Passports.
213. Fees for copies of record.

Establishment of the Department of State.

SEC. 199. There shall be at the seat of Government an Executive Department to be known as the Department of State, and a Secretary of State, who shall be the head thereof.

27 July, 1789, c. 4, s. 1, v. 1, p. 28. 15 Sept., 1789, c. 14, s. 1, v. 1, p. 68.

Assistant and Second Assistant Secretaries of State.

SEC. 200. There shall be in the Department of State an Assistant Secretary of State, and a Second Assistant Secretary of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year, to be paid monthly. [See § 177.]

3 March, 1853, c. 97, s. 6, v. 10, p. 212. 25 July, 1866, c. 233, s. 2, v. 14, p. 226.

By the act of January 20, 1874, c. 11, v. 18, p. 4, the salary was reduced to three thousand and five hundred dollars.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 90. 3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *p.* 396.

Subordinate officers, &c.

SEC. 201. There shall be in the Department of State:

3 March, 1855, c. 175, s. 4, v. 10, p. 669. 22 May, 1872, c. 194, v. 17, p. 145. 3 Mar., 1873, c. 226, s. 3, v. 17, p. 508. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

One chief clerk, at a salary of two thousand five hundred dollars a year.

Two chiefs of the Diplomatic Bureaus, at a salary of two thousand four hundred dollars a year, each.

Two chiefs of the Consular Bureaus, at a salary of two thousand four hundred dollars a year, each.

Chief of the Bureau of Accounts, at a salary of two thousand four hundred dollars a year.

Chief of the Bureau of Indexes and Archives, at a salary of two thousand four hundred dollars a year.

One disbursing clerk. [See §§ 169, 173, 174, 176.]

Management of foreign affairs.

SEC. 202. The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the Department, and he shall conduct the business of the Department in such manner as the President shall direct.

27 July, 1789, c. 4, s. 1, v. 1, p. 28. 15 Sept., 1789, c. 14, s. 1, v. 1, p. 68. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 90. [See §§ 3660-3665, 3669, 1794.]

Custody of seals and property.

SEC. 203. The Secretary of State shall have the custody and charge of the seal of the United States, and of the seal of the Department of State, and of all the books, records, papers, furniture, fixtures, and other property now remaining in and appertaining to the Department, or hereafter acquired for it.

15 Sept., 1789, c. 14, s. 7, v. 1, p. 69. 27 July, 1789, c. 4, ss. 2, 4, v. 1, p. 29.

Promulgation of the laws.

SEC. 204. [*Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President, or not having been returned by him with his objections, becomes a law, or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution,*

15 Sept., 1789, c. 14, s. 2, v. 1, p. 68. 7 July, 1838, c. 187, v. 5, p. 302.

or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives, in whichsoever House it shall last have been so approved; and the Secretary of State shall, as soon as conveniently may be after he receives the same, cause every such law, order, resolution, and vote, to be published in at least three of the public newspapers printed within the United States, and shall also cause one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be sent to the executive authority of each State; and he shall carefully preserve the originals.] [Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals.]

Gardner *v.* The Collector, 6 Wall., 499.

28 *Dec.*, 1874, *c.* 9, *v.* 18, *p.* 294.

Amendments to Constitution.

SEC. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

20 April, 1818, c. 30, s. 2, v. 3, p. 439.

State statutes to be procured.

SEC. 206. The Secretary of State shall procure from time to time such of the Statutes of the several States as may not be in his office.

23 Sept., 1789, Res. No. 3, v. 1, p. 97.

Report of returns of collectors and foreign agents.

SEC. 207. The Secretary of State shall lay before Congress, within ten days after the commencement of each regular session, a statement containing an abstract of all the returns made to him pursuant to law, by the collectors of the different ports, of the seamen registered by them, together with an account of such impressments and detentions as shall appear by the protests of the masters to have taken place.

2 Mar., 1799, c. 41, s. 2, v. 1, p. 731.

Reports of foreign regulations of commerce, other commercial information, and consular fees.

SEC. 208. The Secretary of State shall annually lay before Congress:

First. A statement, in a compendious form, of all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have been communicated to the Department, including all commercial information contained in the official publications of other governments, which he shall deem sufficiently important.

16 Aug., 1842, c. 181, v. 5, p. 507.

Second. A synopsis of so much of the information which may have been communicated to him by diplomatic and consular officers during the preceding year as he may deem valuable for public information; specifying the names of any consuls or commercial agents who may have been remiss in transmitting commercial information.

18 Aug., 1856, c. 127, ss. 16, 18, 22, v. 11, pp. 57, 58, 60.

18 Aug., 1856, c. 170, s. 2, v. 11, p. 139.

Third. A full list of all consular officers.

18 Aug., 1856, c. 127, s. 16, v. 11, pp. 58, 59.

Fourth. A report of any rates or tariffs of fees to be received by diplomatic or consular officers, which may have been prescribed by the President during the year preceding.

18 Aug., 1856, c. 127, s. 18, v. 11, pp. 58, 59.

Fifth. A statement of such fees as may have been collected, accounted for, and reported by the various diplomatic and consular officers during the preceding year.

22 Feb., 1873, c. 187, s. 1, v. 17, p. 473.

Sixth. A statement of the lists of passengers arriving in the United States from foreign places, returned to him quarter-yearly by the collectors of customs.

Seventh. A statement of the names of any consular officers, not citi-

zens of the United States, to whom salaries have been paid during the year preceding, together with the circumstances under which they were appointed. [See §§ 195, 196.]

Statement of expenditures from contingent fund.

9 May, 1836, c. 59, s. 2, v. 5, p. 25.

SEC. 209. The annual statement of expenditures from the contingent fund required to be made by the Secretary of State, must include all the contingent expenses of foreign intercourse and of all the missions abroad, except such expenditures as are settled upon the certificate of the President.

Copies of acts and treaties furnished to Printer.

9 Mar., 1868, c. 22, s. 1, v. 15, p. 40.

8 June, 1872, c. 335, s. 20, v. 17, p. 287.

SEC. 210. The Secretary of State shall furnish to the Congressional Printer a correct copy of every act and joint resolution, as soon as possible after its approval by the President, or after it has become a law in accordance with the Constitution without such approval; also of every treaty between the United States and any foreign government as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the Postmaster-General. [See § 399.]

Publication of commercial information.

18 Aug., 1856, c. 127, s. 2, v. 11, p. 60.

SEC. 211. The Secretary of State shall publish official notifications, from time to time, of such commercial information communicated to him by diplomatic and consular officers, as he may deem important to the public interests, in such newspapers, not to exceed three in number, as he may select.

Passports.

3 Feb., 1870, Res. No. 8, v. 16, p. 368.

20 *June*, 1874, c. 328, s. 18, *p.* 90.

SEC. 212. The clerk in the Department of State who may from time to time be assigned to the duty of examining applications for passports is authorized to receive and attest, but without charge to the affiant, all oaths or affidavits required by law or by the rules of the Department of State to be made before granting passports. [See §§ 4075–4078.]

Fees for copies of records.

15 Sept., 1789, c. 14, s. 6, v. 1, p. 69.

SEC. 213. For making out and authenticating copies of records in the Department of State, a fee of ten cents for each sheet containing one hundred words shall be paid by the person requesting such copies, except where they are requested by an officer of the United States in a matter relating to his office.

TITLE VI.

THE DEPARTMENT OF WAR.

Sec.
214. Establishment of the Department of War.
215. Subordinate officers.
216. Management of military affairs.
217. Custody of the departmental records and property.
218. Collecting flags, &c.
219. Purchase and transportation of supplies.
220. Transportation of troops, &c.
221. Meteorological observations, storm-signals.
222. Signal-stations, reports, &c.
223. Telegraph-lines connecting signal-stations.
224. Loss of certificate of discharge.
225. Power to administer oaths.
226. Surplus charts may be sold.
227. Surplus maps and publication of Signal-Office.
228. Report of unexpended balances to Congress.
229. Annual statement of contracts and purchases.
230. Report of bids for works.
231. Report of examinations of river and harbor improvements.
232. Abstract of returns of adjutants-general of States.

Establishment of the Department of War.

SEC. 214. There shall be at the seat of Government an Executive Department to be known as the Department of War, and a Secretary of War, who shall be the head thereof.

7 Aug., 1789, c. 7, s. 1, v. 1, p. 49.

Subordinate officers.

SEC. 215. There shall be in the Department of War:

One chief clerk of the Department, at a salary of two thousand five hundred dollars a year.

One disbursing clerk.

3 Mar., 1853, c. 97, s. 3, v. 10, p. 211. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 101. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.

One superintendent of the War Department building, at a salary of two hundred and fifty dollars a year.

In the office of the Adjutant-General:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Quartermaster-General:

One chief clerk, at a salary of two thousand dollars a year.

One superintendent of the building, at a salary of two hundred dollars a year. [See §§ 169, 173, 174, 176.]

In the office of the Paymaster-General:

One chief clerk, at a salary of two thousand dollars a year.

One superintendent of the building occupied by the Paymaster-General, at a salary of two hundred and fifty dollars a year.

In the office of the Commissary-General:

One chief clerk, at a salary of two thousand dollars a year.

One superintendent of building at corner of Seventeenth and F streets, at a salary of two hundred and fifty dollars a year.

In the office of the Surgeon-General:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Chief of Engineers:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Chief of Ordnance:

One chief clerk, at a salary of two thousand dollars a year.

In the office of Military Justice:

One chief clerk, at a salary of two thousand dollars a year.

[There shall be in the said Department an inferior officer, to be appointed by the said principal officer to be employed therein as he shall deem proper, and to be called the chief clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the said Department.]

Management of military affairs.

SEC. 216. The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President

7 Aug., 1789, c. 7, s. 1, v. 1, p. 49. U. S. *v.* Adams, 7 Wall., 463. 20 *April*, 1874, *c.* 117, *v.* 18, *p.* 33.

relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the Department in such manner as the President shall direct. [See §§ 3660-3665, 3669.]

Custody of the departmental records and property.

SEC. 217. The Secretary of War shall have the custody and charge of all the books, records, papers, furniture, fixtures, and other property appertaining to the Department.

7 Aug., 1789, c. 7, ss. 2, 4, v. 1, p. 50.

Collecting flags, &c.

SEC. 218. The Secretary of War shall from time to time cause to be collected and transmitted to him, at the seat of Government, all such flags, standards, and colors as are taken by the Army from the enemies of the United States.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

Purchase and transportation of supplies.

SEC. 219. The Secretary of War shall from time to time define and prescribe the kinds as well as the amount of supplies to be purchased by the Subsistence and Quartermaster Departments of the Army, and the duties and powers thereof respecting such purchases; and shall prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may by virtue of such regulations be intrusted with the same; and shall fix and make reasonable allowances for the store-rent and storage necessary for the safe-keeping of all military stores and supplies.

3 Mar., 1813, c. 48, s. 5, v. 2, p. 817.

Transportation of troops, &c.

SEC. 220. The transportation of troops, munitions of war, equipments, military property, and stores, throughout the United States, shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint.

31 Jan., 1862, c. 15, s. 4, v. 12, p. 334.

Meteorological observations, storm-signals.

SEC. 221. The Secretary of War shall provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving notice on the northern lakes and sea-coast, by magnetic telegraph and marine signals, of the approach and force of storms.

9 Feb., 1870, Res. 12, v. 16, p. 369.

Signal-stations, reports, &c.

SEC. 222. The Secretary of War shall provide, in the system of observations and reports in charge of the Chief Signal-Officer of the Army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

Telegraph-lines connecting signal-stations.

SEC. 223. The Secretary of War is authorized to establish signal-stations at light-houses and at such of the life-saving stations on the lake or sea-coast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the signal-service by means of a suitable telegraph-line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal-Officer of the Army, or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal-stations shall be subject to such regulations as may be agreed upon by said officials.

3 Mar., 1873, c. 227, s. 1, v. 17, p. 511. 3 *June*, 1874, *c.* 208, *v.* 18, *p.* 51. 23 *June*, 1874, *c.* 461, *v.* 18, *p.* 250.

Loss of certificate of discharge.

SEC. 224. Whenever satisfactory proof is furnished to the War Department that any non-commissioned officer or private soldier who served in the Army of the United States in the late war against the rebellion has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish, on request, to such non-commissioned officer or private a duplicate of such certificate of discharge, to be indelibly marked, so that it may be known as a duplicate; but such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

3 Mar., 1873, c. 248, s. 1, v. 17, p. 582.

Power to administer oaths.

SEC. 225. The Secretary of War is authorized to detail one or more of the employés of the War Department for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp and garrison equipage, quartermaster's stores, and ordnance, which oaths shall be administered without expense to the parties taking

3 Mar., 1865, c. 78, s. 25, v. 13, p. 491.

them. [In settling the accounts of the commanding officer of a company for clothing and other military supplies, the affidavit of any such officer may be received to show the loss of vouchers or company books, or any matter or circumstance tending to prove that any apparent deficiency was occasioned by unavoidable accident or lost in actual service, without any fault on his part, or that the whole or any part of such clothing and supplies had been properly and legally used and appropriated; and such affidavit may be considered as evidence to establish the facts set forth, with or without other evidence, as may seem to the Secretary of War just and proper under the circumstances of the case.]

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.

Surplus charts may be sold.

SEC. 226. Any surplus charts of the northwestern lakes may be sold to navigators upon such terms as the Secretary of War may prescribe.

3 Mar., 1869, c.1 52, s. 1, v. 15, pp. 301, 301.

Surplus maps and publications of Signal-Office.

SEC. 227. The Chief Signal-Officer may cause to be sold any surplus maps or publications of the Signal-Office, the money received therefor to be applied toward defraying the expenses of the signal-service; and an account of the same shall be rendered in each annual report of the Chief of the Signal-Service.

3 Mar., 1873, c. 227, v. 17, p. 510, (527.)

Report of unexpended balances to Congress.

SEC. 228. The Secretary of War shall make an annual report to Congress containing a statement of the appropriations of the preceding fiscal year for the Department of War, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such reports shall be accompanied by estimates of the probable demands which may remain on each appropriation. [See §§ 195, 196.]

1 May, 1820, c. 52, s. 2, v. 3, p. 567.

20 *April*, 1874, *c.* 117, *s.* 2, *v.* 18, *p.* 33.

Annual statement of contracts and purchases.

SEC. 229. The Secretary of War shall lay before Congress, at the commencement of each regular session, a statement of all contracts for supplies or services which have been made by him or under his direction during the year preceding, and also a statement of the expenditure of the moneys appropriated for the contingent expenses of the military establishment. [See §§ 195, 196.]

3 Mar., 1809, c. 28, s. 5, v. 2, p. 536.

Report of bids for works.

SEC. 230. Whenever the Secretary of War invites proposals for any works, or for any materials or labor for any work, he shall report to Congress, at its next session, all bids therefor, with the names of the bidders. [See §§ 195, 196.]

23 June, 166, c. 138, s. 14, v. 14, p. 73.

Report of examinations of river and harbor improvements.

SEC. 231. The Secretary of War shall cause to be prepared and submitted to Congress, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys, to the end that public moneys shall not be applied excepting where such improvements shall tend to subserve the general commercial and navigation interests of the United States. [See §§ 195, 196.]

27 July, 1868, Res. No. 76, v. 15, p. 262.

Abstract of returns of adjutants-general of States.

SEC. 232. The Secretary of War shall lay before Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States of the militia thereof.

[See § 1636.]

2 Mar., 1803, c. 15, s. 1, v. 2, p. 207.

TITLE VII.

THE DEPARTMENT OF THE TREASURY.

CHAPTER ONE.

THE DEPARTMENT.

Sec.
233. Establishment of the Department of the Treasury.
234. Assistant Secretaries.
235. Subordinate officers.
236. Public accounts to be settled in the Department of the Treasury.
237. Commencement of the fiscal year.
238. Commissions of officers employed in collecting revenue.
239. Accounts of receipts of internal revenue.
240. Accounts of expenditures for contingent expenses.
241. Accounts of expenditures for furniture and repairs.
242. Temporary clerks.
243. Restrictions upon officers of the Department.
244. Restrictions upon clerks in the Department.

Establishment of the Department of the Treasury.

SEC. 233. There shall be at the seat of Government an Executive Department to be known as the Department of the Treasury, and a Secretary of the Treasury, who shall be the head thereof.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65.

Assistant Secretaries.

SEC. 234. There shall be in the Department of the Treasury two Assistant Secretaries of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall each be entitled to a salary of six thousand dollars a year, to be paid monthly.

3 Mar., 1849, c. 108, s. 13, v. 9, p. 396.
3 Mar., 1857, c. 107, s. 5, v. 11, p. 220.

Statute of January 20, 1874, c. 11, v. 18, p. 4, reduced the salary to four thousand and five hundred dollars.

14 Mar., 1864, c. 11, v. 18, *p.* 4. 30, s. 3, v. 13, p. 26. 3 Mar., 1873, c. 226, v. 17, p. 486. 20 *Jan.*, 1874,

Subordinate officers.

SEC. 235. There shall be in the Department of the Treasury,

One chief clerk, at a salary of two thousand two hundred dollars a year, who shall act as superintendent of the Treasury building, and shall be entitled therefor to an additional salary of three hundred dollars a year.

3 Mar., 1853, c. 97, s. 3, v. 10, p. 211.
3 Mar., 1869, c. 123, s. 1, v. 15, p. 311.
3 Mar., 1873, c. 226, s. 1, v. 17, p. 492.
3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *pp.* 396, 398.
8 June, 1872, c. 335, s. 26, v. 17, p. 288.
25 June, 1864, c. 147, s. 2, v. 13, p. 159.
Ex parte Hennen, 13 Pet., 230.

One disbursing clerk.

One clerk of class four and one clerk of class one, to assist the chief clerk in superintending the building.

One captain of the watch, at a salary of one thousand four hundred dollars a year.

One engineer, at a salary of one thousand six hundred dollars a year.

One assistant engineer, at a salary of one thousand dollars a year.

One machinist and gas-fitter, at a salary of one thousand two hundred dollars a year.

One store-keeper, at a salary of one thousand four hundred dollars a year.

Two lieutenants of watchmen, with a salary of two hundred and eighty dollars a year each, in addition to the compensation allowed other watchmen.

29 *Jan.*, 1874, *c.* 18, *v.* 18, *p.* 6.

In the office of the First Comptroller:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Second Comptroller:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the First Auditor:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Second Auditor:
One chief clerk, at a salary of two thousand dollars a year.
One disbursing clerk.
In the office of the Third Auditor:
One chief clerk, at a salary of two thousand dollars a year.
One disbursing clerk.
In the office of the Fourth Auditor:
One chief clerk, at a salary of two thousand dollars a year.
In the office of the Fifth Auditor:
One chief clerk, at a salary of two thousand dollars a year.
In the office of the Sixth Auditor:
One chief clerk, at a salary of two thousand dollars a year.
One disbursing clerk.
Also in the money-order division:
Fifteen assorters of money-orders, at a salary of nine hundred dollars a year each.
In the office of the Treasurer of the United States:
One chief clerk, at a salary of two thousand dollars a year.
One cashier, at a salary of two thousand eight hundred dollars a year.
One assistant cashier, at a salary of two thousand five hundred dollars a year.
Five chiefs of divisions, at a salary of two thousand two hundred dollars a year each.
Two principal book-keepers, at a salary of two thousand two hundred dollars a year each.
Two tellers, at a salary of two thousand two hundred dollars a year each.
Two assistant tellers, at a salary of two thousand dollars a year each.
Seven women, as laborers, at a salary of two hundred and forty dollars a year each.
In the office of the Register:
One chief clerk, at a salary of two thousand dollars a year.
In the office of the Commissioner of Customs:
One chief clerk, at a salary of two thousand dollars a year.
In the office of the Light-House Board:
One chief clerk, at a salary of two thousand dollars a year.
In the office of the Commissioner of Internal Revenue, to be employed under the direction of the Secretary of the Treasury:
Two deputy commissioners, at a salary of three thousand dollars a year each.
Seven heads of divisions, at a salary of two thousand five hundred dollars a year each.
In the office of the Comptroller of the Currency:
Two night-watchmen, at a salary of nine hundred dollars a year each.
In the construction branch of the Treasury:
One Supervising Architect, at a salary of five thousand dollars a year.
One Assistant Supervising Architect, at a salary of two thousand five hundred dollars a year.
One chief clerk, at a salary of two thousand dollars a year.
One photographer, at a salary of two thousand five hundred dollars a year.
Two assistant photographers, one at a salary of one thousand six hundred dollars a year, and one at a salary of one thousand two hundred dollars a year.
In the Bureau of Statistics:
One chief clerk, at a salary of two thousand dollars a year.
One charwoman, at a salary of four hundred and eighty dollars a year.

3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *p.* 396.

SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

Public accounts to be settled in the Department of the Treasury.

3 March, 1817, c. 45, s. 2, v. 3, p. 366. U. S. *v.* Mann, 1 Brock, 9. Cooke et al. *v.* U. S., 91 U. S., 389.

Commencement of the fiscal year.

26 Aug., 1842, c. 207, ss. 1, 2, v. 5, p. 536.
8 May, 1872, c. 139, s. 1, v. 17, p. 61.
3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

SEC. 237 The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, shall commence on the first day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year as thus established. The fiscal year for the adjustment of the accounts of the Secretary of the Senate for compensation and traveling expenses of Senators shall extend to and include the third day of July.

Commissions of officers employed in collecting revenues.

15 May, 1820, c. 102, s. 4, v. 3, p. 582.

SEC. 238. The commissions of all officers employed in levying or collecting the public revenue shall be made out and recorded in the Department of the Treasury, and the seal of the Department affixed thereto. But the seal shall not be affixed to any such commission before the same has been signed by the President.

Accounts of receipts of internal revenue.

30 June, 1864, c. 173, s. 43, v. 13, p. 239.
18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 317.

SEC. 239. Separate accounts shall be kept at the Department of the Treasury of all moneys received from internal duties or taxes in each of the respective States, Territories, and collection-districts, and of the amount of each species of duty and tax that shall accrue; so as to exhibit, as far as may be, the amount collected from each source of revenue, with the moneys paid as compensation and for allowances to the collectors and deputy collectors, [*assessors and assistant assessors*] inspectors, and other officers employed in each of the respective States, Territories, and collection-districts.

Accounts of expenditures for contingent expenses.

3 Mar., 1869, c. 125, v. 15, p. 311.

SEC. 240. No account for contingent expenses at any of the Bureaus of the Department of the Treasury shall be allowed, except on the certificate of the superintendent of the Treasury buildings that such expenses are necessary and proper, and that the prices paid are just and reasonable; and the superintendent shall keep a full, just, and accurate account in detail of all amounts expended under the head of contingent expenses for the several Bureaus of the Department of the Treasury.

Accounts of expenditures for furniture and repairs.

3 Mar., 1869, c. 125, v. 15, p. 311.

SEC. 241. The expenditure for furniture and repairs for the Bureaus of the Department of the Treasury shall be made by the superintendent of the Treasury buildings, subject to the approval of the Secretary of the Treasury; and it shall be the duty of the superintendent to keep a just and accurate account in detail of all the amounts paid for the purchase of furniture, and also for the repairs thereof, as well as a full statement of the disposal of the old furniture.

Temporary clerks.

12 July, 1870, c. 251, s. 1, v. 16, p. 230, (238.) 3 Mar., 1871, c. 113, s. 1, v. 16, p. 483. 3 *Mar.*, 1875, *c.* 130, *s.* 2, *r.* 18, *p.* 396.

SEC. 242. No clerk temporarily employed in the Department of the Treasury shall receive a greater compensation than at the rate of twelve hundred dollars a year for the time actually employed. [See § 168.]

Restrictions upon officers of the Department.

2 Sept., 1789, c. 12, s. 8, v. 1, p. 67.

SEC. 243. No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea-vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information. [See §§ 452, 2648.]

Restrictions upon clerks in the Department.

SEC. 244. Every clerk employed in the Treasury Department who carries on any trade or business in the funds or debts of the United States, or of any State, or in any kind of public property, or who takes

or applies to his own use any emolument or gain for negotiating or transacting any business in the Department, shall be deemed guilty of a misdemeanor, and punished by a fine of five hundred dollars and removal from office. [See § 452.]

3 Mar., 1791, c. 18, s. 1, v. 1, p. 215. 8 May, 1792, c. 37, s. 12, v. 1, p. 281.

CHAPTER TWO

THE SECRETARY OF THE TREASURY.

Sec.
245. Duties of Assistant Secretaries.
246. Signing warrants.
247. Effect of warrants.
248. General duties of the Secretary.
249. Collection of duties.
250. Settlement of accounts.
251. Rules, regulations, and forms.
252. Regulations of appraisal of imports.
253. Discontinuance of ports of delivery.
254. Deposits of gold.
255. Appointment of disbursing agents.
256. Employment of persons to recover money of the United States.
257. Reports of the Secretary.
258. Reports of expenditures.
259. Reports of statistics.
260. Reports upon appropriations for Departments of War and Navy.
261. Abstract of receipts from internal taxes.
262. Accounts of superintendent of Treasury building.
263. Printing report on commerce and navigation.
264. Report of Coast-Survey expenditures.
265. Printing statement of exports and imports.
266. Quarterly publication of statement of receipts and expenditures.
267. Monthly publication of weekly statement of the Treasurer, &c.

Duties of Assistant Secretaries.

SEC. 245. The Assistant Secretaries of the Treasury shall examine letters, contracts, and warrants prepared for the signature of the Secretary of the Treasury, and perform such other duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law. [See § 177.]

3 Mar., 1849, c. 109, s. 13, v. 9, p. 396. 14 Mar., 1864, c. 30, s. 3, v. 13, p. 26.

Signing warrants.

SEC. 246. The Secretary of the Treasury may, by an appointment under his hand and official seal, delegate to one of the Assistant Secretaries of the Treasury authority to sign in his stead all warrants for the payment of money into the public Treasury, and all warrants for the disbursement from the public Treasury, of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them.

2 Mar., 1867, c. 163, v. 14, p. 439.

Effect of warrants.

SEC. 247. Warrants signed by either of the Assistant Secretaries, as authorized by the preceding section, shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself.

2 Mar., 1867, c. 163, v. 14, p. 439.

General duties of the Secretary.

SEC. 248. The Secretary of the Treasury shall, from time to time, digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall superintend the collection of the revenue; shall, from time to time, prescribe the forms of keeping and rendering all public accounts and making returns; shall grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law: shall make report, and give information to either branch of the legislature in person or in writing, as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally shall perform all such services relative to the finances as he shall be directed to perform. [See §§ 3660-3665, 3669, 3670, 3672.]

2 Sept., 1789, c. 12, s. 2, v. 1, p. 65. 8 May, 1792, c. 37, s. 9, v. 1, p. 281. 3 Mar., 1849, c. 108, s. 3, v. 9, p. 395. 20 *June*, 1874, *c.* 344, *v.* 18, *p.* 127. *Ex parte* Hennen, 13 Pet., 230. Neilson *v.* Lagow, 12 How., 98, (107.)

Collection of duties.

SEC. 249. The Secretary of the Treasury shall direct the superintendence of the collection of the duties on imports and tonnage, as he shall judge best. [See § 2652.]

8 May, 1792, c. 37, s. 6, v. 1, p. 280. 3 *Mar.*, 1875, *c.* 136, *ss.* 2, 3, *v.* 18, *pp.* 469, 470.

Settlement of accounts within fiscal year.

SEC. 250. The Secretary of the Treasury shall cause all accounts of the expenditure of public money to be settled within each fiscal year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and in respect to expenditures

3 Mar., 1817, c. 45, s. 13, v. 3, p. 368.

at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required.

Rules, regulations, and forms.

10 Feb., 1820, c. 11, ss. 14, 15, v. 3, p. 543.
6 Aug., 1846, c. 84, s. 5, v. 9, p. 55.
30 June, 1864, c. 172, s. 8, v. 13, p. 221.
14 July, 1870, c. 255, s. 34, v. 16, p. 271.
14 May, 1856, Res. 9, v. 11, p. 144.
Lennig *v.* Maxwell, 3 Blatch., 125.
Munsell *v.* Maxwell, 3 Blatch., 364.

SEC. 251. The Secretary of the Treasury shall make and issue from time to time such instructions and regulations to the several collectors, receivers, depositaries, officers, and others who may receive Treasury notes, United States notes, or other securities of the United States, or who may be in any way engaged or employed in the preparation and issue of the same, as he shall deem best calculated to promote the public convenience and security, and to protect the United States, as well as individuals, from fraud and loss; he shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal-revenue laws, or in carrying out the provisions of law relating to raising revenue from imports, or to duties on imports, or to warehousing; he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law; he shall also prescribe the forms of the annual statements to be submitted to Congress by him showing the actual state of commerce and navigation between the United States and foreign countries, or coastwise between the collection districts of the United States, in each year.

Regulation of appraisal of imports.

19 May, 1828, c. 55, s. 10, v. 4, p. 274. *Repealed by St. 27 Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.
Greely *v.* Thompson, 10 How., 225.

SEC. 252. [*The Secretary of the Treasury, under the direction of the President, shall from time to time establish such regulations, not inconsistent with law, as the President shall think proper, to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, and just and proper entries of the actual value thereof, and of the square yards, parcels, or other quantities thereof, as each case may require, and of the actual value of each.*] [See § 2902.]

Discontinuance of ports of delivery.

14 June, 1858, c. 160, s. 4, v. 11, p. 337.

SEC. 253. The Secretary of the Treasury may discontinue all ports of delivery, the revenue received at each of which does not amount to the sum of ten thousand dollars a year. [See Title 34, Ch. 1.]

Deposits of gold.

3 Mar., 1863, c. 73, s. 5, v. 12, p. 711.

SEC. 254. The Secretary of the Treasury is authorized to receive deposits of gold coin and bullion with the Treasurer or any assistant treasurer of the United States, in sums not less than twenty dollars, and to issue certificates therefor, in denominations of not less than twenty dollars, each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed twenty per centum beyond the amount of coin and bullion in the Treasury; and the certificates for coin and bullion in the Treasury shall be received at par in payment for duties on imports.

Appointment of disbursing agents.

3 Mar., 1869, c. 122, s. 1, v. 15, pp. 301, 306.

SEC. 255. The Secretary of the Treasury may designate any officer of the United States, who has given bonds for the faithful performance of his duties, to be disbursing agent for the payment of all moneys appropriated for the construction of public buildings authorized by law within the district of such officer.

Employment of persons to recover money of the United States.

8 May, 1872, c. 140, s. 1, v. 17, p. 68.
22 *June*, 1874, *c.* 393, *v.* 18, *p.* 192.

SEC. 256. The Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover or assist in recovering moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such mon-

eys. Every person so employed shall make report of his proceedings under such employment at any time when required to do so by the Secretary of the Treasury. Every person so employed who shall receive or attempt to receive any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of a written contract made in relation thereto with the Secretary of the Treasury, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars or by imprisonment of not less than two years, or both.

Reports of the Secretary.

SEC. 257. The Secretary of the Treasury shall make the following annual reports to Congress: [See §§ 195, 196. See also Title 43, Pub. Contracts.]

2 Sept., 1789, c. 12, v. 1, p. 65.
10 May, 1800, c. 58, v. 2, p. 79.
26 Aug., 1842, c. 207, s. 1, v. 5, p. 536.
3 Mar., 1809, c. 28, s. 5, v. 2, p. 536.
19 May, 1828, c. 55, s. 10, v. 4, p. 274.
20 July, 1868, c. 177, s. 1, v. 15, pp. 110, 111.
22 *June*, 1874, *c.* 391, *s.* 3, *v.* 18, *p.* 186.
3 *Mar.*, 1875, *c.* 136, *s.* 4, *v.* 18, *p.* 470.
15 *Aug.*, 1876, *c.* 274, *v.* 19, *p.* 156.

First. A report on the subject of finance, containing estimates of the public revenue and public expenditures for the fiscal year then current, and plans for improving and increasing the revenues from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures.

Second. A report containing a statement of all contracts for supplies or services which have been made by him or under his direction during the year preceding, and also a statement of the expenditure of the moneys appropriated for the discharge of miscellaneous claims not otherwise provided for, paid at the Treasury.

Third. A report of the rules and regulations established by him to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, the actual value thereof, and the number of square yards, parcels, or other quantities thereof, together with his reasons for making such rules.

Fourth. A report containing a full and complete statement in detail of the amounts collected from seamen and the amounts expended for sick and disabled seamen, under the authority of the laws creating and administering a hospital-tax for the benefit of sick and disabled seamen.

Reports of expenditures.

3 Mar., 1849, c. 110, s. 6, v. 9, p. 399.

SEC. 258. The Secretary of the Treasury shall lay before Congress at the commencement of each regular session a statement of the amount of money expended at each custom-house during the preceding fiscal year, and of the number of persons employed, and the occupation and salary of each person at each custom-house during the same period.

Report of statistics.

15 June, 1844, Res. 16, v. 5, p. 719.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.

SEC. 259. The Secretary of the Treasury shall make a report to Congress on the first Monday of January in each year, containing the results of the information collected during the preceding year, by the Bureau of Statistics, upon the condition of the [*agriculture*,] manufactures, domestic trade, currency, and banks of the several States and Territories.

Reports upon appropriations for Departments of War and Navy.

3 Mar., 1817, c. 45, s. 6, v. 3, p. 367.

SEC. 260. The Secretary of the Treasury shall lay before Congress at the commencement of each regular session, accompanying his annual statement of the public expenditure, the reports which may be made to him by the Auditors charged with the examination of the accounts of the Department of War and the Department of the Navy, respectively, showing the application of the money appropriated for those Departments for the preceding year.

Abstract of receipts from internal taxes.

30 June, 1864, c. 173, s. 43, v. 13, p. 239.

SEC. 261. The Secretary of the Treasury shall annually, in the month of December, lay before Congress an abstract, in tabular form, of the separate accounts of moneys received from internal duties or taxes in each of the respective States, Territories, and collection-districts, required by section two hundred and thirty-nine to be kept at the Treasury.

Accounts of superintendent of Treasury buildings.

3 Mar. 1869, c. 125, v. 15, p. 311.

SEC. 262. The Secretary of the Treasury shall transmit to Congress, at the commencement of each regular session, a copy of each of the accounts kept by the superintendent of the Treasury buildings of all amounts expended under the head of contingent expenses for the several Bureaus of the Department of the Treasury, and of all amounts paid for furniture and repairs of furniture, and of the disposal of old furniture.

Printing report on commerce and navigation.

SEC. 263. The Secretary of the Treasury shall cause the annual report on the statistics of commerce and navigation, required from the Chief of the Bureau of Statistics, to be prepared and printed according to law,

10 Feb., 1820, c. 11, s. 1, v. 3, p. 541. 16 Sept., 1850, c. 55, ss. 1, 2, v. 9, p. 459. 28 July, 1866, c. 208, s. 13, v. 14, p. 331.

and to be submitted to Congress at as early a day in each regular session as practicable, and not later than the first Monday in January.

Report of Coast-Survey expenditures.

3 Mar., 1853, c. 97, s. 3, v. 10, p. 209. 15 *Aug.*, 1876, *c.* 287, *r.* 19, *p.* 156.

SEC. 264. The Secretary of the Treasury shall report to Congress annually the number and names of the persons employed during the last preceding fiscal year upon the Coast Survey and business connected therewith; the amount of compensation of every kind respectively paid them, for what purpose, and the length of time employed; and shall report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey.

Printing statement of exports and imports.

3 Mar., 1863, Res. 27, s. 3, v. 12, p. 826.

SEC. 265. The Secretary of the Treasury shall furnish to the Congressional Printer on or before the first day of November of each year, the manuscript, prepared for printing, of a condensed statement of the aggregate amount of the exports and imports from foreign countries during the preceding fiscal year.

Quarterly publication of statement of receipts and expenditures.

17 June, 1844, c. 105, s. 6, v. 5, p. 696.

SEC. 266. The Secretary of the Treasury, at the expiration of thirty days from the end of each quarter, shall cause to be published in some newspaper at the seat of government a statement of the whole receipts of such quarter, specifying the amount received from customs, from public lands, and from miscellaneous sources, and, also, the whole amount of payments made during the said quarter, specifying the general head of appropriation, whether for the civil list, the Army, the Navy, Indian Affairs, fortifications, or pensions.

Monthly publication of weekly statement of the Treasurer, &c.

17 June, 1844, c. 105, s. 5, v. 5, p. 696.

SEC. 267. The Secretary of the Treasury shall cause to be published in some newspaper at the seat of Government, on the first day of each month, the last preceding weekly statement of the Treasurer of the United States, showing the amount to his credit in the different banks, in the mint, or other depositories, the amount for which drafts have been given, and those remaining unpaid, and the balance remaining subject to his draft; and he shall also specially note any changes that have been made in the depositories of the Treasury during the preceding month, and report to Congress, at the commencement of its next session, the reasons for such changes.

CHAPTER THREE.

THE COMPTROLLERS.

Sec.
268. Comptrollers.
269. Duties of the First Comptroller.
270. Appeal to First Comptroller from settlements by Sixth Auditor.
271. Power of First Comptroller to direct settlement of accounts.
272. Report to Congress of officers failing to make settlement.
273. Duties of the Second Comptroller.
274. Power of Second Comptroller to regulate payment of arrears of pay.
275. Signing bounty certificates, &c.

Comptrollers.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65. 3 Mar. 1817, c. 45, s. 3, v. 3, p. 366. 18 May, 1872, c. 172, s. 1, v. 17, p. 127. 3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *p.* 396.

SEC. 268. There shall be in the Department of the Treasury a First Comptroller and a Second Comptroller, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of five thousand dollars a year.

Duties of the First Comptroller.

2 Sept., 1789, c. 12, s. 3, v. 1, p. 66. 3 Mar., 1817, c. 45, ss. 8, 10, v. 3, p. 367. 3 Mar., 1849, c. 108, s. 12, v. 9, p. 396. Neilson *v.* Lagow, 12 How., 98.

SEC. 269. It shall be the duty of the First Comptroller:

First. To examine all accounts settled by the First Auditor, except those relating to receipts from customs, and all accounts settled by the Fifth Auditor, and by the Commissioner of the General Land-Office, and to certify the balances arising thereon to the Register.

Second. To superintend the adjustment and preservation of the public accounts subject to his revision.

Third. To countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law.

Fourth. To superintend the recovery of all debts certified by him to be

due to the United States, and for that purpose to direct all such suits and legal proceedings, and to take such measures as may be authorized by law, and are adapted to enforce prompt payment thereof. [See § 1660.]

Appeal to First Comptroller from settlements by Sixth Auditor.

SEC. 270. Whenever the Postmaster-General or any person whose accounts have been settled by the Sixth Auditor is dissatisfied with the settlement made by the Auditor, he may, within twelve months, appeal to the First Comptroller, whose decision shall be conclusive. [See § 277.]

8 June, 1872, c. 335, s. 25, v. 17, p. 288.

Power of First Comptroller to direct settlement of accounts.

SEC. 271. The First Comptroller, in every case where, in his opinion, further delays would be injurious to the United States, shall direct the First and Fifth Auditors of the Treasury forthwith to audit and settle any particular account which such officers may be authorized to audit and settle, and to report such settlement for revision and final decision by the First Comptroller.

3 Mar., 1809, c. 28, s. 2, v. 2, p. 536.

Report to Congress of officers failing to make settlement.

SEC. 272. The First Comptroller shall make an annual report to Congress of such officers as shall have failed to make settlement of their accounts for the preceding fiscal year, within the year, or within such further time as may have been prescribed by the Secretary of the Treasury for such settlement. [See §§ 195, 196.]

3 Mar., 1817, c. 45, s. 13, v. 3, p. 368.

Duties of the Second Comptroller.

SEC. 273. It shall be the duty of the Second Comptroller:

First. To examine all accounts settled by the Second, Third, and Fourth Auditors, and certify the balances arising thereon to the Secretary of the Department in which the expenditure has been incurred.

3 Mar., 1817, c. 45, s. 9, v. 3, p. 367. 7 May, 1822, c. 90, s. 3, v. 3, p. 689.

Second. To countersign all warrants drawn by the Secretaries of War and of the Navy, which shall be warranted by law. [See § 3673.]

Third. To report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing the public money in those Departments, and the manner and form of keeping and stating the accounts of the persons employed therein.

Fourth. To superintend the preservation of the public accounts subject to his revision.

Power of Second Comptroller to regulate payment of arrears of pay.

SEC. 274. The Second Comptroller may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same.

4 July, 1864, c. 248, s. 3, v. 13, p. 390.

Signing bounty certificates, &c.

SEC. 275. The Second Comptroller may detail one clerk to sign, in the place of the Comptroller, all certificates and papers issued under any provisions of law relating to bounties; but the Comptroller shall be responsible for the official acts of such clerk.

19 Mar., 1868, c. 31, s. 4, v. 15, p. 44.

CHAPTER FOUR.

THE AUDITORS.

Sec.
276. Auditors.
277. Duties of the Auditors.
278. Settlement of accounts of Army officers.
279. Signing bounty certificates, &c.
280. Settlement of advance bounties paid by paymasters.
281. Settlement of overpayments by paymasters.
282. Evidence of honorable discharge to be returned to officers and enlisted men.
283. Manner of keeping accounts of Departments of War and the Navy.
284. Settlement of accounts of pursers of lost or captured public vessels.
285. Disbursements, &c., by order of commanding officer of Navy.
286. Fixing date of loss of missing vessel.
287. Accounts of petty officers, seamen, &c., on lost vessel.
288. Compensation for personal effects lost.
289. Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.
290. Allowance for effects of officer of lost vessel.
291. Settlement of expenses of intercourse with foreign nations.
292. Collection of debts, &c., due the Post-Office Department.
293. Accounts of money-order business.

Sec.
294. Accounts of expenses paid by postmasters.
295. Compromise of judgments.
296. Papers required in suits for delinquencies in Post-Office Department.
297. Auditors may administer oaths.
298. Oaths in settlements with Sixth Auditor.
299. Settlement of accounts of district attorneys.
300. Allowance of lost checks.
300 A. Claims for quartermasters' stores.
300 B. Claims for subsistence, &c.

Auditors.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65. 3 Mar., 1817, c. 45, ss. 3, 15, v. 3, pp. 366, 368. 2 July, 1836, c. 270, s. 8, v. 5, p. 81. Ibid., s. 44, p. 89. 8 June, 1872, c. 335, s. 21, v. 17, p. 287. 2 Mar., 1799, c. 38, s. 1, v. 1, p. 729. 3 Mar., 1873, c. 226, s. 3, v. 17, p. 508. 3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *p.* 397.

SEC. 276. There shall be connected with the Department of the Treasury six auditors of accounts, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be known as the First, Second, Third, Fourth, Fifth, and Sixth Auditors, respectively. Each Auditor is entitled to a salary of four thousand dollars a year.

Duties of the Auditors.

3 Mar., 1817, c. 45, s. 4, v. 3, p. 366. 3 Mar., 1849, c. 108, v. 9, p. 395. 20 July, 1868, c. 176, s. 1, v. 15, p. 106. 3 Mar., 1849, c. 129, s. 3, v. 9, p. 415. 28 July, 1866, c. 297, s. 8, v. 14, p. 327. 30 June, 1864, c. 173, s. 2, v. 13, p. 223. 8 June, 1872, c. 335, s. 22, v. 17, p. 287. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 75.

SEC. 277. The duties of the Auditors shall be as follows:

First. The First Auditor shall receive and examine all accounts accruing in the Treasury Department, all accounts relating to the receipts from customs, including accounts of collectors and other officers of the customs, all accounts accruing on account of salaries in the Patent-Office, all accounts of the judges, marshals, clerks, and other officers, of all the courts of the United States, all accounts of the officer in charge of the public buildings and grounds in the District of Columbia, all accounts of the expenditures of the Department of Agriculture, all accounts relating to prisoners convicted in any court of the United States; and, after examination of such accounts relating to the receipts from customs, including the accounts of collectors and other officers of the customs, he shall certify the balances and transmit the same, with the vouchers and certificates, to the Commissioner of Customs for his decision thereon, and he shall certify the balances of all other accounts, and transmit the same, in like manner, to the First Comptroller for his decision thereon.

Second. The Second Auditor shall receive and examine all accounts relating to the pay and clothing of the Army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the War Department, all accounts relating to Indian affairs, and to agents of lead and other mines of the United States; and, after examination of such accounts, he shall certify the balances, and transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.

Third. The Third Auditor shall receive and examine all accounts relative to the subsistence of the Army, the Quartermaster's Department, and generally all accounts of the War Department other than those provided for; all accounts relating to pensions for the Army, and all accounts for compensation for the loss of horses and equipments of officers and enlisted men in the military service of the United States, and for the loss of horses and equipments, or of steamboats, and all other means of transportation, in the service of the United States by contract or impressment; and, after the examination of such accounts, he shall certify the balances and shall transmit such accounts, with all the vouchers and papers and the certificate, to the Second Comptroller for his decision thereon. [See §§ 3482-3488.]

Fourth. The President may assign to either the Second or the Third Auditor the settlement of the accounts in the War Department existing at the conclusion of the war of eighteen hundred and twelve.

Fifth. The Fourth Auditor shall receive and examine all accounts accruing in the Navy Department or relative thereto, and all accounts relating to Navy pensions; and, after examination of such accounts, he shall certify the balances, and shall transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.

Sixth. The Fifth Auditor shall receive and examine all accounts accruing in or relative to the Department of State, all accounts of the Com-

missioner of Internal Revenue, all accounts relating to the contingent expenses of the Patent-Office, and all accounts relating to the census.

Seventh. The Sixth Auditor shall receive all accounts arising in the Post-Office Department, or relative thereto, with the vouchers necessary to a correct adjustment thereof, and shall audit and settle the same and certify the balances thereon to the Postmaster-General. He shall keep and preserve all accounts and vouchers after settlement. He shall close the account of the Department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. He shall report to the Postmaster-General, when required to do so, the manner and form of keeping and stating the accounts of the Department, and the official forms of papers to be used in connection with its receipts and expenditures. He shall report to the Postmaster-General all delinquencies of postmasters in rendering their accounts and returns, or in paying over money-order funds and other receipts at their offices. He shall register, charge, and countersign all warrants upon the Treasury for receipts or payments issued by the Postmaster-General, when warranted by law. He shall perform such other duties in relation to the financial concerns of the Department as may be assigned to him by the Secretary of the Treasury, and make to the Secretary or to the Postmaster-General such reports respecting the same as either of them may require. [See § 270.]

3 *Mar.*, 1875, *c.* 128, *s.* 4, *v.* 18, *p.* 343.

Settlement of accounts of Army officers.

SEC. 278. The Second Auditor shall audit and settle the accounts of line officers of the Army, to the extent of the pay due them for their services as such, notwithstanding the inability of any such line officer to account for property intrusted to his possession, or to make his monthly reports or returns, if such Auditor shall be satisfied by the affidavit of the officer or otherwise that the inability was caused by the officer's having been a prisoner in the hands of the enemy, or by any accident or casualty of war.

29 Mar., 1867, Res. No. 22, v. 15, p. 25.

Signing bounty certificates, &c.

SEC. 279. The Second Auditor may detail one clerk to sign, in the place of the Auditor, all certificates and papers issued under any provisions of law relating to bounties; but the Auditor shall be responsible for the official acts of such clerk.

19 Mar., 1868, c. 31, s. 4, v. 15, p. 44.

Settlement of advance bounties paid by paymasters.

SEC. 280. Any moneys paid by a paymaster in the Army to an enlisted man as an advance bounty shall be allowed in the settlement of the accounts of the paymaster, notwithstanding the discharge of such enlisted man before serving the time required by law to entitle him to payment of such moneys.

3 Mar., 1863, c. 78, s. 6, v. 12, p. 743.

Settlement of overpayments by paymasters.

SEC. 281. The proper accounting officers are authorized, in the settlement of the accounts of the paymasters of the Army, to allow such credits for overpayments made in good faith on public account, since the fourteenth day of April, eighteen hundred and sixty-one, and before the sixteenth day of March, eighteen hundred and sixty-eight, as shall appear to them, by such vouchers and testimony as they shall require, to be just.

16 Mar., 1868, c. 29, v. 15, p. 42.

Evidence of honorable discharge to be returned to officers and enlisted men.

SEC. 282. In all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge; but his accounts shall first be duly settled, and the fact, date, and amount of such settlement shall be clearly written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer before it is delivered.

4 May, 1870, Res. No. 42, v. 16, p. 374.

Manner of keeping accounts of Departments of War and the Navy.

SEC. 283. The Auditors charged with the examination of the accounts of the Departments of War and of the Navy, shall keep all accounts of the receipts and expenditures of the public money in regard to those Departments, and of all debts due to the United States on moneys advanced relative to those Departments; shall receive from the Second Comptroller the accounts which shall have been finally adjusted, and shall preserve such accounts, with their vouchers and certificates, and record all requi-

3 Mar., 1817, c. 45, ss. 5, 6, v. 3, p. 367.

sitions drawn by the Secretaries of those Departments, the examination of the accounts of which has been assigned to them. They shall annually, on the first Monday in November, severally report to the Secretary of the Treasury the application of the money appropriated for the Department of War and the Department of the Navy, and they shall make such reports on the business assigned to them as the Secretaries of those Departments may deem necessary and require.

Settlement of accounts of pursers of lost or captured public vessels.

3 Mar., 1847, c. 48, s. 6, v. 9, p. 173.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

SEC. 284. In every case of the loss or capture of a vessel belonging to the Navy of the United States, the proper accounting officers of the Treasury, under the direction of the Secretary of the Navy, are authorized, in the settlement of the accounts of the [paymaster] [*purser*] of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money, with which he stands charged on the books of the Fourth Auditor of the Treasury, as they shall be satisfied was inevitably lost by such capture or loss of a public vessel; and such purser shall be fully exonerated by such credit from all liability on account of the provisions, clothing, small stores, and money so proved to have been captured or lost.

Disbursements, &c., by order of commanding officer of Navy.

3 Mar. 1849, Res. No. 17, s. 2, v. 19, p. 419.

SEC. 285. Every disbursement of public moneys, or disposal of public stores, made by a disbursing officer pursuant to an order of any commanding officer of the Navy, shall be allowed by the proper accounting officers of the Treasury, in the settlement of the accounts of the officer, upon satisfactory evidence of the making of such order, and of the payment of money or disposal of stores in conformity with it; and the commanding officer by whose order such disbursement or disposal was made, shall be held accountable for the same.

Fixing date of loss of missing vessels.

4 July, 1864, c. 248, s. 1, v. 13, p. 389.

SEC. 286. The proper accounting officers of the Treasury are authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the Navy which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been destroyed or lost with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed to have occurred.

Accounts of petty officers, seamen, &c., on lost vessel.

4 July, 1864, c. 948, s. 2, v. 13, p. 390.

SEC. 287. The proper accounting officers of the Treasury are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the accounting officers are authorized to adjust and settle such accounts on principles of equity and justice.

Compensation for personal effects lost.

4 July, 1864, c. 248, s. 2, v. 13, p. 390.

SEC. 288. The proper accounting officers of the Treasury Department are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which, by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed; to allow and pay to each person, not an officer, employed on the vessel so sunk or destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars, as compensation for the loss of his personal effects.

Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.

4 July, 1864, c. 248, s. 3, v. 13, p. 390.

SEC. 289. In case of the death of any such petty officer, seaman, or other person, not an officer, such payment shall be made to the widow, child or children, father, mother, or brothers and sisters jointly, following that order of preference; such credits and gratuity to be paid out of any money in the Treasury not otherwise appropriated.

Allowance for effects of officer of lost vessel.

SEC. 290. In case any officer of the Navy or Marine Corps on board a vessel in the employ of the United States which, by any casualty, or in action with the enemy, at any time since the nineteenth day of April,

eighteen hundred and sixty-one, has been or may be sunk or destroyed, shall thereby have lost his personal effects, without negligence or want of skill or foresight on his part, the proper accounting officers are authorized, with the approval of the Secretary of the Navy, to allow to such officer a sum not exceeding the amount of his sea-pay for one month as compensation for such loss. But the accounting officers shall in all cases require a schedule and certificate from the officer making the claim for effects so lost.

6 April, 1866, c. 27, s. 1, v. 14, p. 14.

Settlement of expenses of intercourse with foreign nations.

SEC. 291. Whenever any sum of money has been or shall be issued, from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

9 Feb., 1793, c. 4, s. 2, v. 1, p. 300.

Collection of debts, &c., due the Post-Office Department.

SEC. 292. The Sixth Auditor shall superintend the collection of all debts due the Post-Office Department, and all penalties and forfeitures imposed for any violation of the postal laws, and take all such other measures as may be authorized by law to enforce the payment of such debts and the recovery of such penalties and forfeitures. He shall also superintend the collection of all penalties and forfeitures arising under other statutes, where such penalties and forfeitures are the consequence of unlawful acts affecting the revenues or property of the Post-Office Department.

8 June, 1872, c. 335, s. 21, v. 17, p. 287.

Accounts of money-order business.

SEC. 293. The Sixth Auditor shall keep the accounts of the money-order business separately, and in such manner as to show the number and amount of money-orders issued at each office, the number and amount paid, the amount of fees received, and all the expenses of the money-order business.

8 June, 1872, c. 335, s. 120, v. 17, p. 299.

Accounts of expenses paid by postmasters.

SEC. 294. The Sixth Auditor shall state and certify quarterly to the Postmaster-General an account of the money paid by postmasters out of the receipts of their offices, and pursuant to appropriations, on account of the expenses of the postal service; designating the heads under which such payments were made.

8 June, 1872, c. 335, s. 52, v. 17, p. 291.

Compromise of judgments.

SEC. 295. Whenever a judgment is obtained for a debt or damages due the Post-Office Department, and it satisfactorily appears that such judgment, or so much thereof as remains unpaid, cannot be collected by due process of law, the Sixth Auditor may, with the written consent of the Postmaster-General, compromise such judgment, and accept in satisfaction less than the full amount thereof.

8 June, 1872, c. 335, s. 315, v. 17, p. 325.

Papers required in suits for delinquencies in Post-Office Department.

SEC. 296. In case of delinquency of any postmaster, contractor, or other officer, agent, or employé of the Post-Office Department, in which suit is brought, the Sixth Auditor shall forward to the Department of Justice certified copies of all papers in his office tending to sustain the claim.

8 June, 1872, c. 335, s. 311, v. 17, p. 324.

Auditors may administer oaths.

SEC. 297. The several Auditors are empowered to administer oaths to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

3 Mar., 1817, c. 45, s. 12, v. 3, p. 368. 8 June, 1872, c. 335, s. 24, v. 17, p. 288.

Oaths in settlements with Sixth Auditor.

SEC. 298. Any mayor of a city, justice of the peace, or judge of any court of record in the United States, may administer oaths, in relation to the examination and settlement of the accounts committed to the charge of the Sixth Auditor.

8 June, 1872, c. 335, s. 24, v. 17, p. 288.

Settlement of accounts of district attorneys.

SEC. 299. All accounts of the United States district attorneys for services rendered in cases instituted in the courts of the United States, or of any State, when the United States is interested, but is not a party of record, or in cases instituted against the officers of the United States, or their deputies, or duly appointed agents, for acts committed or omitted

16 Aug., 1856, c. 124, s. 12, v. 11, p. 50.

or suffered by them in the lawful discharge of their duties, shall be audited and allowed as in other cases, assimilating the fees, as near as may be, to those provided by law for similar services in cases in which the United States is a party.

Allowance of lost checks.

2 Feb., 1872, c. 12, ss. 1, 2, v. 17, p. 29.

SEC. 300. Whenever the disbursing officer or agent by whom was issued any check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the proper accounting officer shall, under such regulations as the Secretary of the Treasury may prescribe, state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent.

Claims for quartermaster's stores.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

[SEC. 300. A. All claims of loyal citizens in States not in rebellion, for quartermaster's stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of, and used by the Army, then to report each case to the Third Auditor of the Treasury with a recommendation for settlement.

Claims for subsistence, &c.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

SEC. 300. B. All claims of loyal citizens in States not in rebellion for subsistence actually furnished to the Army and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied by such proof as each claimant may have to offer; and it shall be the duty of the Commissary-General of Subsistence to cause each claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have actually been received, or taken for the use of, and used by the Army, then to report each case for payment to the Third Auditor of the Treasury with a recommendation for settlement.

The provisions of the above two sections shall extend to the State of Tennessee, and to the counties of Berkeley and Jefferson in the State of West Virginia. But the provisions of the above two sections shall not authorize the payment of claims for the occupation of, or injury to, real estate in any State declared in insurrection during the rebellion.]

CHAPTER FIVE.

THE TREASURER.

Sec.
301. Treasurer.
302. Bond of Treasurer.
303. Assistant Treasurer.
304. When Assistant Treasurer may act as Treasurer.
305. Duties of Treasurer.
306. Liabilities outstanding three or more years.
307. Vouchers for drafts remaining unpaid.
308. Payment upon presentation of outstanding drafts.
309. Accounts of disbursing officers unchanged for three years.
310. Reports of Treasurer, assistant treasurers, &c., and disbursing officers.
311. Report of Treasurer's accounts.

Treasurer.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65. 23 July, 1866, c. 208, s. 2, v. 14, p. 206. 3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *p.* 397.

SEC. 301. There shall be in the Department of the Treasury a Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand five hundred dollars a year.

Bond of Treasurer.

2 Sept., 1789, c. 12, s. 4, v. 1, p. 66.

SEC. 302. The Treasurer shall, before entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the First Comptroller, in the sum of one

hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the First Comptroller.

Assistant Treasurer.

SEC. 303. There shall be in the Department of the Treasury an Assistant Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand eight hundred dollars a year.

3 Mar., 1863, c. 89, s. 1, v. 12, p. 761.
25 June, 1864, c. 147 s. 2, v. 13, p. 159.

When Assistant Treasurer may act as Treasurer.

SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the Assistant Treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States.

3 Mar., 1863, c. 89, s. 1, v. 12, p. 761.

Duties of the Treasurer.

SEC. 305. The Treasurer shall receive and keep the moneys of the United States, and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by either Comptroller, and recorded by the Register, and not otherwise. He shall take receipts for all moneys paid by him, and shall give receipts for all moneys received by him; and all receipts for moneys received by him shall be indorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid. He shall render his accounts to the First Comptroller quarterly, or oftener if required, and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall at all times submit to the Secretary of the Treasury and the First Comptroller, or either of them, the inspection of the moneys in his hands.

2 Sept., 1789, c. 12, s. 4, v. 1, p. 65.

Liabilities outstanding three or more years.

SEC. 306. At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any Department of the Government, upon the Treasurer or any assistant treasurer, or designated depositary of the United States, or upon any national bank designated as a depositary of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities."

2 May, 1866, c. 70, ss. 1, 4, v. 14, pp. 41, 42.

Vouchers for drafts remaining unpaid.

SEC. 307. The certificate of the Register of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding section, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks.

2 May, 1866, c. 70, s. 2, v. 14, p. 41.

Payment upon presentation of outstanding drafts.

SEC. 308. The payee or the bona-fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States.

2 May, 1866, c. 70, s. 3, v. 14, p. 42.

Accounts of disbursing officers unchanged for three years.

2 May, 1866, c. 70, s. 5, v. 14, p. 42.

SEC. 309. The amounts, except such as are provided for in section three hundred and six, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the proper accounting officer of the Department of the Treasury on the books of the Department, to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.

Reports of Treasurer, assistant treasurers, &c., and disbursing officers.

2 May, 1866, c. 70, s. 6, v. 14, p. 42.

SEC. 310. The Treasurer, each assistant treasurer, and each designated depositary of the United States, and the cashier of each of the national banks designated as such depositaries, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. And each disbursing officer shall make a like return of all checks issued by him, and which may then have been outstanding and unpaid for three years and more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, number, and amount for which it was drawn, and, when known, the residence of the payee.

Report of Treasurer's accounts.

2 Sept., 1789, c. 12, s. 4, v. 1, p. 66.

SEC. 311. The Treasurer shall, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of all accounts by him from time to time rendered to and settled with the First Comptroller, as also a true and perfect account of the state of the Treasury.

CHAPTER SIX.

THE REGISTER.

Sec.
312. Register.
313. Duties of Register.
314. Assistant Register.
315. Duties of Assistant Register.

Register.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65. 8 May, 1872, c. 140, s. 13, v. 17, p. 85.

SEC. 312. There shall be in the Department of the Treasury a Register of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

3 *Mar.*, 1875, *c.* 130, *s.* 3, *v.* 18, *p.* 397.

Duties of Register.

2 Sept., 1789, c. 12, s. 6, v. 1, p. 67. 8 May, 1872, c. 140, s. 5, v. 17, p 83. 8 June, 1872, c. 335, s. 22, v. 17, p. 287. 7 May, 1822, c. 90, s. 3, v. 3, p. 689.

SEC. 313. It shall be the duty of the Register:

First. To keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States.

Second. To receive from the First Comptroller and Commissioner of Customs the accounts which shall have been finally adjusted, and preserve such accounts with their vouchers and certificates.

Third. To record all warrants for the receipt or payment of moneys at the Treasury, and certify the same thereon, except those drawn by the Postmaster-General, and those drawn by the Secretary of the Treasury upon the requisitions of the Secretaries of the War and Navy Departments.

Fourth. To transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted.

Fifth. To furnish to the proper accounting officers copies of all warrants covering proceeds of Government property, where the same may be necessary in the settlement of accounts in their respective offices.

SEC. 314. There shall be in the office of the Register of the Treasury an Assistant Register, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand dollars a year. Assistant Register. 20 Feb., 1863, c. 44, s. 1, v. 12, p. 656. 14 Mar., 1864, c. 30, s. 7, v. 13, p. 28.

SEC. 315. The Assistant Register shall perform such duties as may be devolved on him by the Register, and, in the absence of the Register, shall act in his stead; and any official record, certificate, or other document, excepting warrants, bonds, and drafts, signed by the Assistant Register, shall have the same effect as if signed by the Register. Duties of Assistant Register. 20 Feb., 1863, c. 44, s. 2, v. 12, p. 656.

CHAPTER SEVEN.

THE COMMISSIONER OF CUSTOMS.

Sec.
316. Commissioner of Customs.
317. Duties of Commissioner of Customs.
318. Duty to prescribe official forms.

SEC. 316. There shall be in the Department of the Treasury a Commissioner of Customs, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year. Commissioner of Customs. 3 Mar., 1849, c. 108, s. 12, v. 9, p. 396, 3 Mar., 1873, c. 226, s. 3, v. 17, p. 508. 3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *p.* 397.

SEC. 317. The Commissioner of Customs shall examine all accounts settled by the First Auditor relating to the receipts from customs, including accounts of collectors and other officers of the customs, and certify the balances arising thereon to the Register. [And shall perform all the acts and exercise all the powers, relating to the receipts from customs and the accounts of collectors and the other officers of the customs or connected therewith, devolved by section two hundred and sixty-nine upon the First Comptroller in regard to other receipts and other accounts.] Duties of Commissioner of Customs. 3 Mar., 1849, c. 108, s. 12, v. 9, p. 396. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.

SEC. 318. The Commissioner of Customs shall report to the Secretary of the Treasury official forms to be used in the different offices for collecting the public receipts from customs, and all the manner and form of keeping and stating the accounts of the persons employed therein. Duty to prescribe official forms. 2 Mar., 1817, c. 45, s. 8, v. 3, p. 367. 3 Mar., 1849, c. 108, s. 12, v. 9, p. 396.

CHAPTER EIGHT.

THE COMMISSIONER OF INTERNAL REVENUE.

Sec.
319. Commissioner of Internal Revenue.
320. Chief Clerk.
321. Duties of Commissioner of Internal Revenue.
322. Deputy Commissioner of Internal Revenue.
323. Duties of Deputy Commissioner of Internal Revenue.

SEC. 319. There shall be in the Department of the Treasury a Commissioner of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year. Commissioner of Internal Revenue. 1 July, 1862, c. 119, s. 1, v. 12, p. 432. 30 June, 1864, c. 173, s. 1, v. 13, p. 223. 3 *Mar.*, 1875, *c.* 130 s. 2, *v.* 18, *p.* 398.

SEC. 320. The Commissioner of Internal Revenue is authorized to designate one of the heads of division as chief clerk of the Bureau without additional compensation. Chief Clerk. 24 Dec., 1872, c. 13, s. 9, v. 17, p. 403.

SEC. 321. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, shall have general superintendence of the assessment and collection of all duties and taxes now or hereafter Duties of Commissioner of Internal Revenue.

30 June, 1864, c. 173, s. 1, v. 13, p. 223.

imposed by any law providing internal revenue; and shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue; and shall provide hydrometers, and proper and sufficient adhesive stamps and stamps or dies for expressing and denoting the several stamp duties, or, in the case of percentage duties, the amount thereof; and alter and renew or replace such stamps from time to time, as occasion may require. He may also contract for or procure the printing of requisite forms, decisions and regulations, but the printing of such forms, decisions and regulations shall be done at the Public Printing-Office, unless the Public Printer shall be unable to perform the work: *Provided*, That the Commissioner of Internal Revenue may, under such regulations as may be established by the Secretary of the Treasury, after due public notice, receive bids and make contracts for supplying stationery, blank-books and blanks to the collectors in the several collection-districts; and the said Commissioner shall estimate in detail by collection-districts the expense of assessing and the expense of the collection of internal revenue. [See § 867.]

Deputy Commissioner of Internal Revenue.

3 Mar., 1863, c. 74, s. 19, v. 12, p. 725.

SEC. 322. There shall be in the office of the Commissioner of Internal Revenue a Deputy Commissioner of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of three thousand five hundred dollars a year.

30 June, 1864, c. 173, s. 3, v. 13, p. 224. 13 July, 1866, c. 184, s. 64, v. 14, p. 170. 29. *Jan.*, 1874, *c.* 18, *v.* 18, *p.* 6.

Duties of Deputy Commissioner of Internal Revenue.

3 Mar., 1863, c. 74, s. 19, v. 12, p. 725.

SEC. 323. The Deputy Commissioner of Internal Revenue shall be charged with such duties in the office of the Commissioner of Internal Revenue as may be prescribed by the Secretary of the Treasury, or by law, and shall act as Commissioner of Internal Revenue in case of the absence of that officer.

30 June, 1864, c. 173, s. 3, v. 13, p. 224. 13 July, 1866, c. 184, s. 64, v. 14, p. 170.

CHAPTER NINE.

THE COMPTROLLER OF THE CURRENCY.

Sec.
324. Bureau of the Comptroller of the Currency.
325. Comptroller of the Currency.
326. Bond and oath of office of Comptroller of the Currency.
327. Deputy Comptroller of the Currency.
328. Clerks.
329. Interest in national banks.
330. Seal of Comptroller of the Currency.
331. Rooms, vaults, furniture, &c., for Currency Bureau.
332. Banks in District of Columbia.
333. Report of Comptroller.

Bureau of the Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 324. There shall be in the Department of the Treasury a Bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of a national currency secured by United States bonds; the chief officer of which Bureau shall be called the Comptroller of the Currency, and shall perform his duties under the general direction of the Secretary of the Treasury.

Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99. 3 *Mar.*, 1875, *c.* 130, *s.* 2, *v.* 18, *p.* 398.

SEC. 325. The Comptroller of the Currency shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; and he shall be entitled to a salary of five thousand dollars a year.

Bond and oath of office of Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 326. The Comptroller of the Currency shall, within fifteen days from the time of notice of his appointment, take and subscribe the oath of office; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office.

Deputy Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 327. There shall be in the Bureau of the Comptroller of the Currency a Deputy Comptroller of the Currency, to be appointed by the Secretary, who shall be entitled to a salary of two thousand five hundred dollars a year, and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in the office or during the absence or inability of the Comptroller. The Deputy Comptroller shall also take the oath of office prescribed by the Constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars.

Clerks.

3 June, 1864, c. 106, s. 1, v. 13, p. 100.

SEC. 328. The Comptroller of the Currency shall employ, from time to time, the necessary clerks, to be appointed and classified by the Secretary of the Treasury, to discharge such duties as the Comptroller shall direct. [See § 169.]

Interest in national banks.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 329. It shall not be lawful for the Comptroller or the Deputy Comptroller of the Currency, either directly or indirectly, to be interested in any association issuing national currency under the laws of the United States.

Seal of Comptroller of the Currency.

3 June, 1864, c. 106, s. 2, v. 13, p. 100.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

SEC. 330. The seal devised by the Comptroller of the Currency for his office, and approved by the Secretary of the Treasury, shall continue to be the seal of office of the Comptroller, and may be renewed when necessary. [A description of the seal, with an impression thereof, and a certificate of approval by the Secretary of the Treasury, shall be filed in the Office of the Secretary of State.]

Rooms, vaults, furniture, &c., for Currency Bureau.

3 June, 1864, c. 106, s. 3, v. 13, p. 100.

SEC. 331. There shall be assigned, from time to time, to the Comptroller of the Currency, by the Secretary of the Treasury, suitable rooms in the Treasury building for conducting the business of the Currency Bureau, containing safe and secure fire-proof vaults, in which the Comptroller shall deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his Department; and the Comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the business of his office.

Banks in District of Columbia.

20 Jan., 1873, c. 43, v. 17, p. 412.

SEC. 332. The Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The Comptroller, at his discretion, may report to Congress the results of such examination. The expense necessarily incurred in any such examination shall be paid out of any appropriation made by Congress for special bank examinations.

Report of Comptroller.

[See §§ 195, 196.]

3 June, 1864, c. 106, s. 61, v. 3, p. 117.

19 Feb., 1873, c. 166, s. 1, v. 17, p. 466.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

SEC. 333. The Comptroller of the Currency shall make an annual report to Congress, [at the commencement of its session,] exhibiting—

First. A summary of the state and condition of every association from which reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other information in relation to such associations as, in his judgment, may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved, and the security of the holders of its notes and other creditors may be increased.

Fourth. A statement exhibiting under appropriate heads the resources and liabilities and condition of the banks, banking companies, and savings-banks organized under the laws of the several States and Territories; such information to be obtained by the Comptroller from the reports made by such banks, banking companies, and savings-banks to the legislatures or officers of the different States and Territories, and,

where such reports cannot be obtained, the deficiency to be supplied from such other authentic sources as may be available.

Fifth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year.

CHAPTER TEN

THE BUREAU OF STATISTICS.

Sec.
334. Bureau of Statistics.
335. Purpose of the Bureau.
336. Annual report of commerce and navigation.
337. Regulations imposed on collectors.
338. Coasting trade to be included.
339. Monthly reports of exports and imports.
340. Annual statement of vessels.
341. Annual statement of merchandise.
342. Statistics of manufactures.

Bureau of Statistics.

15 June, 1844, Res. No. 16, v. 5, p. 719.

13 July, 1866, c. 184, s. 64, v. 14, p. 170. 28 July, 1866, c. 298, s. 13, v. 14, p. 330. 20 July, 1868, c. 176, s. 1, v. 15, p. 99.

SEC. 334. There shall be in the Department of the Treasury a Bureau to be called the Bureau of Statistics; and the Secretary of the Treasury may appoint one division clerk, who shall superintend the Bureau, and shall be entitled to a salary of two thousand five hundred dollars a year.

Purpose of the Bureau.

15 June, 1844, Res. No. 16, v. 5, p. 719.

27 *Feb.*, 1877, c. 69, v. 19, p. 241.

SEC. 335. The purpose of the Bureau of Statistics is the collection, arrangement, and classification of such statistical information as may be procured, showing, or tending to show, each year the condition of the [*agriculture*,] manufactures, domestic trade, currency, and banks of the several States and Territories.

Annual report of commerce and navigation.

10 Feb., 1820, c. 11, ss. 1, 4, v. 3, p. 541. 28 July, 1866, c. 298, ss. 3, 5, 6, 13, v. 14, pp. 328, 329, 330. 2 Mar., 1861, c. 68, s. 29, v. 12, p. 197.

SEC. 336. The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, annually prepare a report on the statistics of commerce and navigation of the United States with foreign countries, to the close of the fiscal year. Such accounts shall comprehend all goods, wares, and merchandise exported from the United States to other countries; all goods, wares, and merchandise imported into the United States from other countries, and all navigation employed in the foreign trade of the United States; which facts shall be stated according to the principles and in the manner hereby directed.

First. The kinds, quantities, and values of all articles exported, and the kinds, quantities, and values of all articles imported, shall be distinctly stated in such accounts, except in cases in which it may appear to the Secretary of the Treasury that separate statements of the species, quantities, or values of any particular articles would swell the annual statements without utility; and, in such cases, the kinds and total values of such articles shall be stated together, or in such classes as the Secretary of the Treasury may think fit. [See §§ 195, 196.]

Second. The exports shall be so stated as to show the exports to each foreign country, and their values; and the imports shall be so stated as to show the imports from each foreign country, and their values.

Third. The exports shall be so stated as to show, separately, the exports of articles of the production or manufacture of the United States, and their values; and the exports of articles of the production or manufacture of foreign countries, and their values.

Fourth. The navigation employed in the foreign trade of the United States shall be stated in such manner as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country with which the United States

have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels arriving from every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels.

Fifth. Such accounts shall comprehend and include, in tabular form, the quantity by weight or measure, as well as the amount of value, of the several articles of foreign commerce, whether dutiable or otherwise; and also a similar and separate statement of the commerce of the United States with the British Provinces, under the late so-called reciprocity treaty with Great Britain.

Regulations imposed on collectors.

10 Feb., 1820, c. 11, ss. 7, 12, v. 3, pp. 542, 3.

SEC. 337. In order to enable the Chief of the Bureau of Statistics to prepare the annual report on the statistics of commerce and navigation required to be submitted to Congress by the Secretary of the Treasury, the following regulations shall be observed by all collectors of customs:

First. The kinds and quantities of all imported articles free from duty shall be ascertained by entry, made upon oath or affirmation, by the owner, or by the consignee or agent of the importer, or by actual examination, where the collector shall think such examination necessary; and the values of all such articles shall be ascertained in the same manner in which the values of imports subject to duties ad valorem are ascertained.

Second. The values of all imported articles subject to specific duties shall be ascertained in the manner in which the values of imports subject to duties ad valorem are ascertained.

Third. The several collectors shall keep separate accounts of the kinds, quantities, and values of such parts of the imports subject to duties ad valorem as may be directed by the Secretary of the Treasury.

Fourth. All articles exported shall be valued at their actual cost, or the values which they may truly bear, at the time of exportation, in the ports of the United States from which they are exported; and all articles imported shall be valued at their actual cost, or the values which they may truly bear in the foreign ports from which they are exported for importation into the United States, at the time of such exportation.

Fifth. Before a clearance shall be granted for any vessel bound to a foreign place, the collector shall require the owners, shippers, or consignors of the cargo to deliver to the collector manifests of the cargo, or of the parts thereof shipped by them respectively, which manifests shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles; and state that such manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And the collector shall also require the master of the vessel, and the owners, shippers, and consignors of the cargo, to state in writing, to the collector, the foreign place or country in which such cargo is truly intended to be landed. The manifests and statements hereby required shall be verified by the oath of the person by whom they are respectively made and subscribed.

Sixth. Every collector shall keep an accurate account of the national characters and tonnage of all vessels which depart from his district for foreign countries, and of the foreign places or countries for which such vessels depart; and, also, an accurate account of the national characters and tonnage of all vessels which enter his district from foreign countries, and of the foreign places or countries from which such vessels arrive.

Seventh. The several collectors shall make quarter-yearly returns to the Bureau of Statistics of all the facts and matters which they are hereby required to ascertain.

Coasting trade to be included.

14 May, 1856, Res. No. 9, v. 11, p. 144.

SEC. 338. The annual report of the statistics of commerce and navigation shall state the kinds, quantities, and value of the merchandise entered and cleared coastwise into and from the collection districts of the United States.

Monthly reports of exports and imports.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 339. The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, prepare and publish monthly reports of the exports and imports of the United States, including the quantities and values of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury may consider expedient.

Annual statement of vessels.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 340. The Chief of the Bureau of Statistics shall also prepare an annual statement of vessels registered, enrolled, and licensed under the laws of the United States, together with the class, name, tonnage, and place of registry of each vessel, and such other information as the Secretary of the Treasury may deem proper to embody therein.

Annual statement of merchandise.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 341. The Chief of the Bureau of Statistics shall prepare an annual statement of all merchandise passing in transit through the United States to foreign countries, each description of merchandise, so far as practicable, warehoused, withdrawn from warehouse for consumption, for exportation, for transportation to other districts, and remaining in the warehouse at the end of each fiscal year.

Statistics of manufactures.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 342. The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity.

CHAPTER ELEVEN.

BUREAU OF THE MINT.

Sec.
343. Bureau of the Mint.
344. Salary and expenses of Director.
345. Powers of, and reports by Director.

Bureau of the Mint.

12 Feb., 1873, c. 131, s. 1, v. 17, p. 424.

SEC. 343. There shall be established in the Treasury Department a Bureau of the Mint, embracing in its organization and under its control all mints for the manufacture of coin, and all assay-offices for the stamping of bars, which are now, or which may be hereafter, authorized by law. The chief officer of the said Bureau shall be denominated the Director of the Mint, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate.

Salary and expenses of Director.

12 Feb., 1873, c. 131, s. 12, v. 17, p. 426. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 96.

SEC. 344. There shall be allowed to the Director of the Mint an annual salary of four thousand five hundred dollars, payable monthly, and actual necessary traveling expenses in visiting the different mints and assay-offices, for which vouchers shall be rendered.

Powers of, and reports by Director.

12 Feb., 1873, c. 131, s. 2, v. 17, p. 424.

SEC. 345. The Director of the Mint shall have the general supervision of all mints and assay-offices, and shall make an annual report to the Secretary of the Treasury of their operations, at the close of each fiscal year, and from time to time such additional reports, setting forth the operations and condition of such institutions, as the Secretary of the Treasury shall require, and shall lay before him the annual estimates for their support. And the Secretary of the Treasury shall appoint the number of clerks, classified according to law, necessary to discharge the duties of said Bureau.

TITLE VIII.

THE DEPARTMENT OF JUSTICE.

Sec.
346. Establishment of Department of Justice.
347. Solicitor-General.
348. Assistant Attorneys-General.
349. Solicitor of Treasury, &c., in Department of Justice.
350. What officers under control of Attorney-General.
351. Subordinate officers.
352. Rooms to be provided.
353. Seal.
354. Duties of Attorney-General.
355. Title to land to be purchased by the United States.
356. Opinion of Attorney-General upon questions of law.
357. Legal advice to Departments of War and Navy.
358. Reference of questions by Attorney-General to subordinates.
359. Conduct and argument of cases.
360. Performance of duty by officers of Department of Justice.
361. Officers of the Department to perform all legal services required for other Departments.
362. Superintendence of district attorneys and marshals.
363. Retaining counsel to aid district attorneys.
364. Attendance of counsel.
365. Counsel fees restricted.
366. Appointment and oath of special attorneys or counsel.
367. Interest of United States in pending suits, who may attend to.

Sec.
368. Accounts of district attorneys, marshals, &c.
369. Requisitions.
370. Traveling expenses of officers of the Department.
371. Disbursement of moneys.
372. Records formerly appertaining to the office of agent of the Treasury.
373. Liability of district attorney upon receiving a bond for suit.
374. Examination of reports of district attorneys and collectors upon bonds delivered for suit.
375. False reports of bonds delivered for suit.
376. Measures taken for the discovery of frauds.
377. Rules established by Solicitor of the Treasury respecting suits.
378. Report by Solicitor of the Treasury of moneys received.
379. Instructions by Solicitor of the Treasury to district attorneys and other officers.
380. Conduct of suits involving national banks.
381. Duties of United States attorneys.
382. Proceedings in equity in cases of Post-Office Department.
383. Publication of opinions.
384. Report of business and statistics.
385. Report of additional attorneys and counsel employed.
386. Distribution of statutes and reports to judges.
387. Register of statutes and reports distributed.

Establishment of Department of Justice.

SEC. 346. There shall be at the seat of Government an Executive Department to be known as the Department of Justice, and an Attorney-General, who shall be the head thereof.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 22 June, 1870, c. 150, s. 1, v. 16, p. 162.

Solicitor-General.

22 June, 1870, c. 150, s. 2, v. 16, p. 162.

SEC. 347. There shall be in the Department of Justice an officer learned in the law, to assist the Attorney-General in the performance of his duties, called the Solicitor-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of seven thousand five hundred dollars a year. In case of a vacancy in the office of Attorney-General, or of his absence or disability, the Solicitor-General shall have power to exercise all the duties of that office.

Assistant Attorneys-General.

22 June, 1870, c. 150, s. 2, v. 16, p. 162.

25 Feb., 1871, c. 72, v. 16, p. 432.

SEC. 348. There shall be in the Department of Justice three officers, learned in the law, called the Assistant Attorneys-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall assist the Attorney-General and Solicitor-General in the performance of their duties. Each of them is entitled to a salary of five thousand dollars a year.

Solicitor of Treasury, &c., in Department of Justice.

22 June, 1870, c. 150, ss. 3, 9, 10, v. 16, pp. 162, 3.

29 May, 1830, c. 153, s. 1, v. 4, p. 414.

SEC. 349. There shall be in the Department of Justice a Solicitor of the Treasury, an Assistant Solicitor of the Treasury, a Solicitor of Internal Revenue, a Naval Solicitor, and an Examiner of Claims for the Department of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to the following salaries: The Solicitor of the Treasury to four thousand dollars a year, the Assistant Solicitor of the Treasury to three thousand

3 Mar., 1865, c. 76, s. 1, v. 13, p. 468. 23 July, 1866, c. 208, s. 5, v. 14, p. 207. 13 July, 1866, c. 184, s. 64, v. 14, p. 170.

dollars a year, the Solicitor of Internal Revenue to five thousand dollars a year, the Naval Solicitor to three thousand five hundred dollars a year, and the Examiner of Claims for the Department of State four thousand dollars a year.

23 July, 1866, c. 208, s. 5, v. 14, p. 207. 27 May, 1870, Res. 66, s. 1, v. 16, p. 378. 3 Mar., 1873, c. 226, s. 3, v. 17, p. 508.

What officers under control of Attorney-General.

SEC. 350. The officers named in the preceding section shall exercise their functions under the supervision and control of the head of the Department of Justice.

22 June, 1870, c. 150, s. 3, v. 16, p. 162. 2 Aug., 1861, c. 37, s. 1, v. 12, p. 285. 6 Aug., 1861 c. 65, v. 12, p. 327.

Subordinate officers.

SEC. 351. There shall be in the Department of Justice,

One chief clerk, at a salary of two thousand two hundred dollars a year.

3 Mar., 1853, c. 97, s. 3, v. 10, p. 211.

One law clerk, acting as examiner of titles, at a salary of three thousand dollars a year.

3 Mar., 1865, c. 98, s. 1, v. 13, p. 516.

One stenographic clerk, at a salary of two thousand dollars a year.

23 July, 1866, c. 208, s. 5, v. 14, p. 207.

One clerk, at a salary of two thousand dollars a year.

One disbursing clerk.

In the office of the Solicitor of the Treasury:

22 June, 1870, c. 150, s. 10, v. 16, p. 163.

One chief clerk, at a salary of two thousand dollars a year, and such temporary clerks as may from time to time be needed, but the allowances for such temporary clerks shall in no one year exceed one thousand dollars. [See §§ 169, 173, 174, 176.]

25 June, 1868, c. 71, s. 5, v. 15, p. 75. 22 June, 1870, c. 150, s. 3, v. 16, p. 162.

Rooms to be provided.

22 June, 1870, c. 150, s. 13, v. 16, p. 164.

SEC. 352. The superintendent of the Treasury building shall from time to time provide such rooms as may be suitable and necessary for the accommodation of the Department of Justice, in some building in the vicinity of the Treasury building.

Seal.

5 Mar., 1872, c. 30, s. 2, v. 17, p. 35.

SEC. 353. The seal heretofore provided for the office of the Attorney-General shall be, with such change as the President shall approve, the seal of the Department of Justice.

Duties of Attorney-General.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.

SEC. 354. The Attorney-General shall give his advice and opinion upon questions [of] law, whenever required by the President.

Title to land to be purchased by the United States.

11 Sept., 1841, Res. No. 6, v. 5, p. 468.

SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney-General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the Departments, upon the application of the Attorney-General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the Departments respectively.

Opinion of Attorney-General upon questions of law.

22 June, 1870, c. 150, s. 6, v. 16, p. 163.

SEC. 356. The head of any Executive Department may require the opinion of the Attorney-General on any questions of law arising in the administration of his Department.

Legal advice to Departments of War and Navy.

22 June, 1870, c. 150, s. 6, v. 16, p. 163.

SEC. 357. Whenever a question of law arises in the administration of the Department of War or the Department of the Navy, the cognizance of which is not given by statute to some other officer from whom the head of the Department may require advice, it shall be sent to the Attor-

ney-General, to be by him referred to the proper officer in his Department, or otherwise disposed of as he may deem proper.

Reference of questions by Attorney-General to subordinates.

SEC. 358. Any question of law submitted to the Attorney-General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he may deem appropriate, and he may require the written opinion thereon of the officer to whom the same may be referred. If the opinion given by such officer is approved by the Attorney-General, such approval indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney-General.

22 June, 1870, c. 170, s. 4, v. 16, p. 162.

Conduct and argument of cases.

SEC. 359. Except when the Attorney-General in particular cases otherwise directs, the Attorney-General and Solicitor-General shall conduct and argue suits and writs of error and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested, and the Attorney-General may, whenever he deems it for the interest of the United States, either in person conduct and argue any case in any court of the United States in which the United States is interested, or may direct the Solicitor-General or any officer of the Department of Justice to do so.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 25 June, 1868, c. 71, s. 5, v. 15, p. 75. 22 June, 1870, c. 150, s. 5, v. 16, p. 162. U. S. v. Lawrence, 13 Blatch., 295.

Performance of duty by officers of Department of Justice.

SEC. 360. The Attorney-General may require any solicitor or officer of the Department of Justice to perform any duty required of the Department or any officer thereof.

22 June, 1870, c. 150, s. 14, v. 16, p. 164.

Officers of the Department to perform all legal services required for other Departments.

SEC. 361. The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three.

22 June, 1870, c. 150, s. 14, v. 16, p. 164.

Superintendence of district attorneys and marshals.

SEC. 362. The Attorney-General shall exercise general superintendence and direction over the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to the Attorney-General an account of their official proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney-General may direct.

2 Aug., 1861, c. 37, s. 1, v. 12, p. 285. 22 June, 1870, c. 150, ss. 16, 17, v. 16, p. 164.

Retaining counsel to aid district attorneys.

SEC. 363. The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

2 Aug., 1861, c. 37, s. 2, v. 12, p. 285. 3 Mar., 1869, c. 121, s. 1, v. 15, pp. 283, 294. 10 April, 1869, c. 25, v. 16, p. 46. 22 June, 1870, c. 150, s. 16, v. 16, p. 164.

Attendance of counsel.

SEC. 364. Whenever the head of a Department or Bureau gives the Attorney-General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such Department or Bureau, the Attorney-General shall provide for such service.

14 Feb., 1871, c. 51, s. 3, v. 16, p. 412.

Counsel fees restricted.

SEC. 365. No compensation shall hereafter be allowed to any person, besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or Department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney-General that such services were actually rendered, and that

22 June, 1870, c. 150, s. 17, v. 16, p. 164.

the same could not be performed by the Attorney-General, or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

Appointment and oath of special attorneys or counsel.

22 June, 1870, c. 150, s. 17, v. 16, p. 164.

SEC. 366. Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law.

Interest of United States in pending suits, who may attend to.

22 June, 1870, c. 150, s. 5, v. 16, p. 162.

SEC. 367. The Solicitor-General, or any officer of the Department of Justice, may be sent by the Attorney-General to any State or District in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State, or to attend to any other interest of the United States.

Accounts of district attorneys, marshals, &c.

SEC. 368. The Attorney-General shall exercise general supervisory powers over the accounts of district attorneys, marshals, clerks, and other officers of the courts of the United States.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Requisitions.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

SEC. 369. The Attorney-General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the First Auditor or First Comptroller of the Treasury. [See §§ 3660-3665, 3669.]

Traveling expenses of officers of the Department.

22 June, 1870, c. 150, s. 5, v. 16, p. 162.

SEC. 370. Whenever the Solicitor-General, or any officer of the Department of Justice, is sent by the Attorney-General to any State, District, or Territory, to attend to any interest of the United States, the person so sent shall receive, in addition to his salary, his actual and necessary expenses while absent from the seat of Government; the account thereof to be verified by affidavit.

Disbursement of moneys.

22 June, 1870, c. 150, s. 11, v. 16, p. 163.

SEC. 371. All moneys drawn out of the Treasury upon the requisition of the Attorney General shall be disbursed by such one of the clerks in the Department of Justice as the Attorney-General may designate.

Records formerly appertaining to the office of agent of the Treasury.

29 May, 1830, c. 153, s. 2, v. 4, p. 414.
22 Feb., 1849, c. 61, s. 2, v. 9, p. 347.

SEC. 372. The Solicitor of the Treasury shall have charge, within the Department of Justice, of the books, papers, and records formerly appertaining to the office of agent of the Treasury, or to the superintendence of the collection of outstanding direct taxes and internal duties which have been transferred to him by the act of May twenty-nine, eighteen hundred and thirty, and remain in his charge; and of the seal adopted for the office of the Solicitor of the Treasury.

Liability of district attorney upon receiving a bond for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

SEC. 373. Whenever the Solicitor of the Treasury receives information from a collector of duties that such collector has delivered any bond for duties to a district attorney for suit, the Solicitor of the Treasury shall make such entry thereof as that the attorney may duly appear chargeable therewith, until the amount has been paid to the United States, or he has obtained judgment thereon and delivered execution to the marshal, or otherwise been duly discharged therefrom.

Examination of reports of district attorneys and collectors upon bonds delivered for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

SEC. 374. The Solicitor of the Treasury shall make constant and strict examinations and comparisons of the reports made by collectors of bonds for duties delivered by them to district attorneys for suit, and of the returns made by district attorneys of such bonds so received by them.

False reports of bonds delivered for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

SEC. 375. Whenever it appears that any collector has made return of any bond as in suit, or delivered for suit, which is not, at the time, in suit, or delivered for suit, or has returned any bond as in suit for the whole amount thereof, when part thereof has been paid to him, or as in suit for more than is actually due thereon, the Solicitor of the Treasury shall,

immediately upon discovery thereof, communicate the facts to the President of the United States.

Measures taken for the discovery of frauds.

SEC. 376. The Solicitor of the Treasury, under direction of the Secretary of the Treasury, shall take cognizance of all frauds or attempted frauds upon the revenue, and shall exercise a general supervision over the measures for their prevention and detection, and for the prosecution of persons charged with the commission thereof.

3 Mar., 1863, c. 76, s. 2, v. 12, p. 739.

Rules established by Solicitor of Treasury respecting suits.

SEC. 377. The Solicitor of the Treasury shall establish such regulations, not inconsistent with law, with the approbation of the Secretary of the Treasury, for the observance of collectors of the customs, and, with the approbation of the Attorney-General, for the observance of district attorneys and marshals respecting suits in which the United States are parties, as may be deemed necessary for the just responsibility of those officers, and the prompt collection of all revenues and debts due and accruing to the United States. But this section does not apply to suits for taxes, forfeitures, or penalties arising under the internal-revenue laws. [See § 3215.]

29 May, 1830, c. 153, s. 7, v. 4, p. 415.

Report by Solicitor of Treasury of moneys recovered.

SEC. 378. The Solicitor of the Treasury shall report all moneys recovered or collected under his direction to the officer from whom the bond or other evidence of debt was received, who shall give proper credit therefor; and he shall report in like manner all credits allowed by due course of law on any suits under his direction.

29 May, 1830, c. 153, s. 6, v. 4, p. 415.

Instructions by Solicitor of Treasury to district attorneys and other officers.

SEC. 379. The Solicitor of the Treasury shall have power to instruct the district attorneys, marshals, and clerks of the circuit and district courts in all matters and proceedings appertaining to suits in which the United States is a party or interested, except suits for taxes, penalties, or forfeitures under the internal-revenue laws, and to cause them, or either of them, to report to him from time to time any information he may require in relation to the same.

29 May, 1830, c. 153, s. 5, v. 4, p. 415.

Conduct of suits involving national banks.

SEC. 380. All suits and proceedings arising out of the provisions of law governing national banking associations, in which the United States or any of its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts under the direction and supervision of the Solicitor of the Treasury.

25 Feb., 1863, c. 58, s. 55, v. 12, p. 680. 3 June, 1864, c. 106, s. 56, v. 13, p. 116. Kennedy *v.* Gibson, 8 Wall., 498.

Duties of United States attorneys.

SEC. 381. In the prosecution of any suit for money due the Post-Office Department, the United States attorney conducting the same shall obey the directions which may be given him by the Department of Justice.

8 June, 1872, c. 335, s. 309, v. 17, p. 324.

Proceedings in equity in cases of Post-Office Department.

SEC. 382. When proceedings at law for money due the Post-Office Department are fruitless, the Department of Justice may direct the institution of a suit in chancery, in any United States district or circuit court, to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant.

8 June, 1872, c. 335, s. 310, v. 17, p. 324.

Publication of opinions.

SEC. 383. The Attorney-General shall from time to time cause to be edited, and printed at the Government Printing-Office, an edition of one thousand copies of such of the opinions of the law-officers herein authorized to be given as he may deem valuable for preservation in volumes, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume eight of such opinions, published, by Robert Farnham, in the year eighteen hundred and sixty-eight. Each volume shall contain proper head-notes, a complete and full index, and such foot-notes as the Attorney-General may approve. Such volumes shall be distributed in such manner as the Attorney-General may from time to time prescribe.

22 June, 1870, c. 150, s. 18, v. 16, p. 165.

Report of business and statistics.

SEC. 384. It shall be the duty of the Attorney-General to make to Congress, at the commencement of each regular session, a report of the business of the Department of Justice for the last preceding fiscal year, and of any other matters appertaining thereto that he may deem proper, including a statement of the several appropriations now or which may

22 June, 1870, c. 150, s. 12, v. 16, p. 164.

3 Mar., 1873, c. 238, s. 1, v. 17, p. 578.
20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109.

hereafter be placed under its control, the amount appropriated, and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district; also the statistics of crime under the laws of the United States, and a statement of the number of causes, civil and criminal, pending during the preceding year in each of the several courts of the United States. [See §§ 195, 196.]

Report of additional attorneys and counsel employed.

10 April, 1869, c. 25, v. 16, p. 46.

SEC. 385. The Attorney-General shall make an annual report to Congress of the names of all persons employed or retained as attorneys or counselors at law to assist any district attorneys in the performance of their duties, stating where and upon what business each was employed, and the compensation paid to each. [See §§ 195, 196.]

Distribution of statutes and reports to judges.

3 Mar., 1873, c. 238, s. 2, v. 17, p. 578.

SEC. 386. The Department of Justice shall be charged with the distribution to the various judges and courts of the statutes, reports, and other judicial documents provided by law.

Register of statutes and reports distributed.

3 Mar., 1873, c. 238, s. 3, v. 17, p. 578.

SEC. 387. A register of the statutes of the United States and reports of the Supreme Court shall be kept, under the authority of the head of the Department of Justice, showing the quantity of each kind received by him from the Secretary of the Interior; and it shall be his duty to cause to be entered in such register, and at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered, and to report the same to Congress in his annual report.

TITLE IX.

THE POST-OFFICE DEPARTMENT.

Sec.
388. Establishment of the Post-Office Department.
389. Assistant Postmasters-General.
390. Assistant Attorney-General for Post-Office Department.
391. Oath of office.
392. Oath, before whom taken.
393. Clerks and employés.
394. Superintendent of free delivery.
395. Seal.
396. Duties of Postmaster-General.
397. Property in charge of the Department.
398. Postal arrangements with foreign countries.
399. Publication of postal conventions.
400. Blank-agency at Washington.
401. Foreign dead-letters.
402. Date of orders, entries, contracts, &c., to be indorsed.
403. Form of bonds and contracts.
404. Copies of contracts for carrying mail.
405. Orders and regulations affecting accounts.
406. Warrant of Postmaster-General, on quarterly statement of Auditor.
407. Postal revenues and collections to be paid into the Treasury.
408. Deposits, how brought into the Treasury.
409. Investigating and remitting fines, penalties, and forfeitures.
410. Discharge of judgment debtors from imprisonment.
411. Subsequent execution on same judgment.
412. Restriction upon employés being interested in contracts.
413. Reports of Postmaster-General.
414. Copy of estimates to be furnished to Secretary of Treasury.

Establishment of the Post-Office Department.

SEC. 388. There shall be at the seat of Government an Executive Department to be known as the Post-Office Department, and a Postmaster-General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster-General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed.

8 May, 1794, c. 23, s. 3, v. 1, p. 357. 8 June, 1872, c. 335, ss. 1, 2, v. 17, p. 283.

Assistant Postmasters-General.

SEC. 389. There shall be in the Post-Office Department three Assistant Postmasters-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner, and who shall be entitled to a salary of four thousand dollars a year each. [See § 177.]

8 June, 1872, c. 335, s. 2, v. 17, p. 284. 3 Mar., 1873, c. 226, s. 3, v. 17, p. 508. 3 *Mar.*, 1877, *c.* 103, *ss.* 3, 4, *v.* 19, *p.* 335.

Assistant Attorney-General for Post-Office Department.

SEC. 390. There shall be employed in the Post-Office Department one Assistant Attorney-General, who shall be appointed by the Postmaster-General, and shall be entitled to a salary of four thousand dollars a year.

8 June, 1872, c. 335, s. 3, v. 17, p. 284.

Oath of office.

SEC. 391. Before entering upon the duties of his office, and before he shall receive any salary, the Postmaster-General and each of the persons employed in the postal service shall respectively take and subscribe, before some magistrate or other competent officer, the following oath: "I, A. B., do solemnly swear (or affirm) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post-offices and post-roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control: So help me, God."

8 June, 1872, c. 335, s. 15, v. 17, p. 287. 5 *Mar.*, 1874, *c.* 46, *v.* 18, *p.* 19.

Oath, before whom taken.

SEC. 392. Any officer, civil or military, holding a commission under the United States, is authorized to administer and certify the oath prescribed by the preceding section.

8 June, 1872, c. 335, s. 15, v. 17, p. 287. 5 *Mar.*, 1874, *c.* 46, *v.* 18, *p.* 19.

Clerks and employés.

SEC. 393. There shall be in the Post-Office Department:

One chief clerk, at a salary of two thousand two hundred dollars a year.

One superintendent of the Post-Office building and disbursing clerk, at a salary of two thousand three hundred dollars a year.

8 June, 1872, c. 335, ss. 3, 4, v. 17, p. 284

3 Mar., 1873, c. 226, s. 3, v. 17, p. 508.
[See §§ 169, 173, 174, 176.]

One topographer, at a salary of two thousand five hundred dollars a year.

One stenographer, at a salary of one thousand eight hundred dollars a year.

One messenger to the Postmaster-General, at a salary of nine hundred dollars a year.

One captain of the watch, at a salary of one thousand dollars a year.

One engineer, at a salary of one thousand six hundred dollars a year.

One assistant engineer, at a salary of one thousand dollars a year.

One carpenter, at a salary of one thousand two hundred and fifty-two dollars a year.

One assistant carpenter, at a salary of one thousand dollars a year.

One fireman and blacksmith, at a salary of nine hundred dollars a year.

Two firemen, at a salary of seven hundred and twenty dollars a year each.

Three female laborers, at a salary of four hundred and eighty dollars a year each.

In the office of the money-order system:

One superintendent, at a salary of four thousand dollars a year.

One chief clerk, at a salary of two thousand dollars a year.

In the office of foreign mails:

One superintendent, at a salary of four thousand dollars a year.

One chief clerk, at a salary of two thousand dollars a year.

In the dead-letter office:

One chief of division, at a salary of two thousand five hundred dollars a year.

In the office of mail-depredations:

One chief of division, at a salary of two thousand five hundred dollars a year.

In the office of the blank-agency:

One superintendent, at a salary of one thousand eight hundred dollars a year.

One assistant superintendent, at a salary of one thousand six hundred dollars a year.

Four assistants, at a salary of one thousand two hundred dollars a year each.

In the office of each of the Assistant Postmasters-General:

One chief clerk, at a salary of two thousand dollars a year.

Superintendent of free delivery.

3 Mar., 1873, c. 231, s. 1, v. 17, p. 557.

SEC. 394. The Postmaster-General may designate one of the present fourth-class clerks to act as superintendent of free delivery in the Post-Office Department, at an annual salary of two thousand five hundred dollars: *Provided*, That the salary hereby fixed shall terminate at the end of the fiscal year ending June thirtieth, eighteen hundred and seventy-four.

Seal.

8 June, 1872, c. 335, s. 5, v. 17, p. 285.

SEC. 395. The Postmaster-General shall keep the seal heretofore adopted for his Department, which shall be affixed to all commissions of postmasters and others, and used to authenticate all transcripts and copies which may be required from his Department.

Duties of Postmaster-General.

SEC. 396. It shall be the duty of the Postmaster-General:

First. To establish and discontinue post-offices.

8 June, 1872, c. 335, s. 6, v. 17, p. 285.

Second. To instruct all persons in the postal service with reference to their duties.

Third. To decide on the forms of all official papers.

3 *Mar.*, 1877, c. 103, s. 2, c. 19, *p.* 335.

Fourth. To prescribe the manner of keeping and stating accounts.

Locke *v.* U. S., 3 Mas., 446.

Fifth. To enforce the prompt rendition of returns relative to accounts.

Sixth. To control, according to law, and subject to the settlement of the Sixth Auditor, all expenses incident to the service of the Department.

Seventh. To superintend the disposal of the moneys of the Department.

Eighth. To direct the manner in which balances shall be paid over; issue warrants to cover money into the Treasury; and to pay out the same.

Ninth. To superintend generally the business of the department, and execute all laws relative to the postal service. [See §§ 3660-3665, 3668, 3669.]

Property in charge of the Department.

SEC. 397. The Postmaster-General shall make out and keep, in proper books, full and complete inventories and accounts of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by him and under his charge; and shall add thereto, from time to time, an account of such property as may be procured subsequently to the taking of the same, and also an account of the sale or disposal of any such property, and to report the same to Congress during the first week of each annual session. But this section shall not apply to the supplies of stationery and fuel.

8 June, 1872, c. 335, s. 10, v. 17, p. 286.

Postal arrangements with foreign countries.

SEC. 398. For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster-General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail-matter conveyed between the United States and foreign countries.

8 June, 1872, c. 335, s. 167, v. 17, p. 304.

Publication of postal conventions.

SEC. 399. The Postmaster-General shall transmit a copy of each postal convention concluded with foreign governments to the Secretary of State, who shall furnish a copy of the same to the Congressional Printer for publication; and the printed proof-sheets of all such conventions shall be revised at the Post-Office Department. [See § 210.]

8 June, 1872, c. 335, s. 20, v. 17, p. 287. *May* 31, 1876, c. 246, *p.* 105.

Blank-agency at Washington.

SEC. 400. The Postmaster-General may establish a blank-agency for the Post-Office Department, to be located at Washington, District of Columbia.

8 June, 1872, c. 335, s. 30, v. 17, p. 289.

Foreign dead-letters.

SEC. 401. The action of the Post-Office Department respecting foreign dead-letters shall be subject to conventional stipulations with the respective foreign administrations.

8 June, 1872, c. 335, s. 197, v. 17, p. 308.

Date of orders, entries, contracts, &c., to be indorsed.

SEC. 402. Every order, entry, or memorandum whatever, on which any action is to be based, allowance made, or money paid, and every contract, paper, or obligation made by or with the Post-Office Department, shall have its true date affixed to it; and every paper relating to contracts or allowances filed in the Department shall have the date when it was filed indorsed upon it.

8 June, 1872, c. 335, s. 18, v. 17, p. 287.

Form of bonds and contracts.

SEC. 403. All bonds taken and contracts entered into by the Post-Office Department shall be made to and with the United States of America.

8 June, 1872, c. 335, s. 13, v. 17, p. 287. Postmaster-General *v.* Early, 12 Wh., 149. Dox *v.* Postmaster-General, 1 Pet., 318.

Copies of contracts for carrying mail.

SEC. 404. The Postmaster-General shall deliver to the Sixth Auditor, within sixty days after the making of any contract for carrying the mail, a duplicate copy thereof.

8 June, 1872, c. 335, s. 262, v. 17, p. 315.

Orders and regulations affecting accounts.

SEC. 405. All orders and regulations of the Postmaster-General which may originate a claim, or in any manner affect the accounts of the postal service, shall be certified to the Sixth Auditor.

8 June, 1872, c. 335, s 29, v. 17, p. 289.

Warrant of Postmaster-General, on quarterly statement of Auditor.

SEC. 406. Upon the certified quarterly statement by the Sixth Auditor of the payments by postmasters on account of the postal service, the Postmaster-General shall issue his warrant to the Treasurer to carry the amount to the credit of the postal revenues and to the debit of the proper appropriations upon the books of the Auditor.

8 June, 1872, c. 335, s. 53, v. 17, p. 292.

Postal revenues and collections to be paid into the Treasury.

SEC. 407. The postal revenues and all debts due the Post-Office Department shall, when collected, be p id into the Treasury of the United States, under the direction of the Postmaster-General; and the Treasurer, assistant treasurer, or designated depositary receiving such payment, shall give the depositor duplicate receipts therefor.

8 June, 1872, c. 335, s. 54, v. 17, p. 292.

Deposits, how brought into the Treasury.

SEC. 408. All deposits on account of the postal service shall be brought into the Treasury by warrants of the Postmaster-General, countersigned by the Auditor; and no credit shall be allowed for any deposit until such warrant has been issued.

8 June, 1872, c. 335, s. 55, v. 17, p. 292.

Investigating and remitting fines, penalties, and forfeitures.

8 June, 1872, c. 335, s. 316, v. 17, p. 325.

SEC. 409. In all cases of fine, penalty, forfeiture, or disability, or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employés, operations, or business of the postal service, the Postmaster-General may prescribe such general rules and modes of proceeding as shall appear to be expedient, for the government of the Sixth Auditor, in ascertaining the fact in each case in which the Auditor shall certify to him that the interests of the Department probably require the exercise of his powers over fines, penalties, forfeitures, and liabilities; and upon the fact being ascertained, the Auditor may, with the written consent of the Postmaster-General, mitigate or remit such fine, penalty, or forfeiture, remove such disability, or compromise, release, or discharge such claim for such sum of money and damages, and on such terms as the Auditor shall deem just and expedient.

Discharge of judgment debtors from imprisonment.

8 June, 1872, c. 335, s. 314, v. 17, p. 324.

SEC. 410. The Postmaster-General may discharge from imprisonment any person confined in jail on any judgment in a civil case, obtained in behalf of the Department, if it be made to appear that the defendant has no property of any description.

Subsequent execution on same judgment.

SEC. 411. The release provided for by the preceding section shall not bar a subsequent execution against the property of the defendant on the same judgment.

8 June, 1872, c. 335, s. 314, v. 17, p. 324.

Restriction upon employés being interested in contracts.

8 June, 1872, c. 335, s. 12, v. 17, p. 286.

SEC. 412. No person employed in the Post-Office Department shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor, in any business before the Department; and any person so offending shall be immediately dismissed from office, and shall be liable to pay so much money as would have been realized from said contract, to be recovered in an action of debt, for the use of the Post-Office Department.

Reports of Postmaster-General.

8 June, 1872, c. 335, s. 8, v. 17, p. 285.

SEC. 413. The Postmaster-General shall make the following annual reports to Congress: [See §§ 195, 196.]

First. A report of all contracts for carrying the mail made within the preceding year, giving in each case the name of the contractor; the date and duration of the contract; the routes embraced therein, with the length of each; the time of arrival and departure at the ends of each route; the mode of transportation; and the price to be paid, together with a copy of the recorded abstracts of all proposals for carrying the mail, as provided by section three thousand nine hundred and forty-eight, Title "THE POSTAL SERVICE."

Second. A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the annual letting, giving in each case the route or water-course on which the mail is established; the name of the person employed to transport it; the mode of transportation; the price to be paid; and the duration of the order or contract.

Third. A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract price, giving in each case the route; the name of the contractor; the original service provided for by the contract; the original price; the additional service required; and the additional allowance therefor.

Fourth. A report of all curtailments of expenses effected within the preceding year, giving in each case the same particulars as in the preceding report.

Fifth. A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year; the amount of postage which accrued within the year; the amount of engagements and liabilities; and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.

Sixth. A report of the fines imposed on and the deductions from the pay of contractors, made during the preceding year, stating the name of the contractor; the nature of the delinquency; the route on which it occurred; when the fine was imposed; and whether the fine or deduction has been remitted; and for what reason.

Seventh. A copy of each contract for carrying the mail between the United States and foreign countries, with a statement of the amount of postage derived under the same, so far as the returns of the Department will enable it to be done.

Eighth. A report showing all contracts which have been made by the Department, other than for carrying the mail, giving the name of the contractor; the article or thing contracted for; the place where the article was to be delivered, or the thing performed; the amount paid therefor; and the date and duration of the contract.

Ninth. A report on the postal business and agencies in foreign countries.

Tenth. A report of the amount expended in the Department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.

And the Postmaster-General shall cause all of such reports to be printed at the Public Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law.

Copy of estimates to be furnished to Secretary of Treasury.

SEC. 414. The Postmaster-General shall furnish a copy of his annual estimates to the Secretary of the Treasury prior to the first of November in each year, which shall be reported to Congress by the latter in his regular printed estimates.

8 June, 1872, c. 335, s. 19, v. 17, p. 287. 3 *Mar.*, 1875, *c.* 129, *s.* 3, *v.* 18, *p.* 370.

TITLE X.

THE DEPARTMENT OF THE NAVY.

Sec.
415. Establishment of the Department of the Navy.
416. Clerks and employés.
417. Procurement of naval stores and equipment of vessels.
418. Custody of the books and records.
419. Establishment of Bureaus.
420. Custody of books and records of Bureaus.
421. Appointment of chiefs of Bureaus.
422. Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.
423. Chief of Bureau of Construction and Repair.
424 Chief of Bureau of Steam Engineering.
425. Chief of Bureau of Provisions and Clothing.
426. Chief of Bureau of Medicine and Surgery.
427. Use of engraved plates of Wilkes's Expedition.
428. Collection of enemies' flags.
429. Reports to Congress by Secretary of the Navy.
430. Estimates for expenses.
431. Hydrographic Office.
432. Maps, charts, &c.
433. Money received from sale of maps, charts, &c.
434. Naval Observatory.
435. Meridians.
436. Nautical Almanac.

Establishment of the Department of the Navy.

SEC. 415. There shall be at the seat of Government an Executive Department, to be known as the Department of the Navy, and a Secretary of the Navy, who shall be the head thereof.

30 April, 1798, c. 35, s. 1, v. 1, p. 553.

Clerks and employés.

SEC. 416. There shall be in the Department of the Navy:

One chief clerk, at a salary of two thousand five hundred dollars a year, so long as there is no Assistant Secretary of the Navy, and at a salary of two thousand two hundred dollars a year when there is an Assistant Secretary of the Navy.

5 July, 1862, c. 134, v. 12, p. 510. 2 July, 1864, c. 219, s. 4, v. 13, p. 373. 23 July, 1866, c. 208, s. 8, v. 14, p. 207. 3 Mar., 1871, c. 113, s. 3, v. 16, p. 492. 3 Mar., 1873, c. 226, s. 1, v. 17, pp. 501, 502. [See pp. 169, 173, 174, 176.]

One disbursing clerk.

One superintendent of the Navy Department building, at a salary of two hundred and fifty dollars a year.

In the Bureau of Yards and Docks:

One civil engineer, at a salary of three thousand dollars a year.

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Equipment and Recruiting:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Construction and Repair:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Steam Engineering:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

One assistant draughtsman, at a salary of one thousand two hundred dollars a year.

In the Bureau of Navigation:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Ordnance:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Provisions and Clothing:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Medicine and Surgery.

One chief clerk, at a salary of one thousand eight hundred dollars a year.

Procurement of naval stores and equipment of vessels.

SEC. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment. [See Title Public Contracts. Also §§ 3660-3667, 3669.]

30 April, 1798, c. 35, s. 1, v. 1, p. 553. 20 *June*, 1874, *c.* 339, *v.* 18, *p.* 121.

Custody of the books and records.

SEC. 418. The Secretary of the Navy shall have the custody and charge of all the books, records, and other property now remaining in and appertaining to the Department of the Navy, or hereafter acquired by it.

30 April, 1798, c. 35, s. 3, v. 1, p. 554.

Establishment of Bureaus.

SEC. 419. The business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following Bureaus:

First. A Bureau of Yards and Docks.
Second. A Bureau of Equipment and Recruiting.
Third. A Bureau of Navigation.
Fourth. A Bureau of Ordnance.
Fifth. A Bureau of Construction and Repair.
Sixth. A Bureau of Steam Engineering.
Seventh. A Bureau of Provisions and Clothing.
Eighth. A Bureau of Medicine and Surgery.

31 Aug., 1842, c. 286, s. 2, v. 5, p. 579. 5 July, 1862, c. 134. ss. 1, 4, v. 12, pp. 510, 511.

Custody of books and records of Bureaus.

SEC. 420. The several Bureaus shall retain the charge and custody of the books of records and accounts pertaining to their respective duties; and all of the duties of the Bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such.

31 Aug., 1842, c. 286, s. 8, v. 5, p. 580. 5 July, 1862, c. 134, s. 4, v. 12, p. 511.

Appointment of chiefs of Bureaus.

SEC. 421. The chiefs of the several Bureaus in the Department of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, from the classes of officers mentioned in the next five sections respectively, or from officers having the relative rank of captain in the staff corps of the Navy, on the active list, and shall hold their offices for the term of four years.

5 July, 1862, c. 134, ss. 1, 2, v. 12, p. 510. 3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.

SEC. 422. The chiefs of the Bureau of Yards and Docks, of the Bureau of Equipment and Recruiting, of the Bureau of Navigation, and of the Bureau of Ordnance, shall be appointed from the list of officers of the Navy, not below the grade of commander.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Chief of Bureau of Construction and Repair.

SEC. 423. The chief of the Bureau of Construction and Repair shall be appointed from the list of officers of the Navy, not below the grade of commander, and shall be a skillful naval constructor.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Chief of Bureau of Steam Engineering.

SEC. 424. The chief of the Bureau of Steam Engineering shall be appointed from the chief engineers of the Navy, and shall be a skillful engineer.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Chief of Bureau of Provisions and Clothing.

SEC. 425. The chief of the Bureau of Provisions and Clothing shall be appointed from the list of paymasters of the Navy of not less than ten years' standing.

5 July, 1862, c. 134, s. 1, v. 12, p. 510

Chief of Bureau of Medicine and Surgery.

SEC. 426. The chief of the Bureau of Medicine and Surgery shall be appointed from the list of the surgeons of the Navy.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Use of engraved plates of Wilkes's Expedition.

26 July, 1866, Res. No. 80, v. 14, p. 366.

SEC. 427. The Joint Committee on the Library shall grant to the Department of the Navy the use of such of the engraved plates of the United States Exploring Expedition under Captain Wilkes, in charge of the committee, as may be desired for the purpose of printing a supply of charts for the use of the Department.

Collection of enemies' flags.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

SEC. 428. The Secretary of the Navy shall from time to time cause to be collected and transmitted to him at the seat of Government all flags, standards, and colors taken by the Navy from the enemies of the United States.

Reports to Congress by Secretary of the Navy.

1 May, 1820, c. 52, s. 2, v. 3, p. 567.
3 Mar., 1843, c. 83, v. 5, p. 617.
27 July, 1866, c. 287, s. 3, v. 14, p. 305.

SEC. 429. The Secretary of the Navy shall make annual reports to Congress upon the following subjects: [See §§ 195, 196.]

First. A statement of the appropriations of the preceding fiscal year for the Department of the Navy, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such reports shall be accompanied by estimates of the probable demands which may remain on each appropriation.

Second. A statement of all offers for contracts for supplies and services made during the preceding year, by classes, indicating such as have been accepted.

Third. A statement showing the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping vessels of the Navy, or in receiving and securing stores and materials for those purposes, and for the purchase of material and stores for the same purpose; and showing the cost or estimated value of the stores on hand, under this appropriation, in the navy-yards, at the commencement of the next preceding fiscal year; and the cost or estimated value of articles received and expended during the year; and the cost or estimated value of the articles belonging to this appropriation which may be on hand in the navy-yards at the close of the next preceding fiscal year.

Fourth. A statement of all acts done by him in making sale of any vessel or materials of the Navy; specifying all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

Estimates for expenses.

5 July, 1862, c. 134, s. 5, v. 12, p. 511.

SEC. 430. All estimates for specific, general, and contingent expenses of the Department, and of the several Bureaus, shall be furnished to the Secretary of the Navy by the chiefs of the respective Bureaus. [See § 3666.]

Hydrographic Office.

21 June, 1866, c. 129, s. 1, v. 14, p. 69.

SEC. 431. There shall be a Hydrographic Office attached to the Bureau of Navigation in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally.

Maps, charts, &c.

21 June, 1866, c. 129, s. 2, v. 14, p. 69.

SEC. 432. The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe.

Money received from sale of maps, charts, &c.

21 June, 1866, c. 129, s. 3, v. 14, p. 69.

SEC. 433. All moneys which may be received from the sale of maps, charts, and nautical books shall be returned by the Secretary of the Navy into the Treasury of the United States, to be used in the further preparation and publication of maps, charts, navigators, sailing directions, and instructions for the use of seamen, to be sold at the rates as set forth in the preceding section.

Naval Observatory.

SEC. 434. The officer of the Navy employed as superintendent of the Naval Observatory at Washington shall be entitled to receive the shore-duty pay of his grade, and no other.

3 Mar., 1865, c. 114, v. 13, p. 533.

Meridians.

SEC. 435. The meridian of the Observatory at Washington shall be adopted and used as the American meridian for all astronomical purposes, and the meridian of Greenwich shall be adopted for all nautical purposes.

28 Sept., 1850, c. 80, s. 1, v. 9, p. 515.

Nautical Almanac.

SEC. 436. The Secretary of the Navy may place the supervision of the Nautical Almanac in charge of any officer or professor of mathematics in the Navy who is competent for that service. Such officer or professor, when so employed, shall be entitled to receive the shore-duty pay of his grade, and no other.

3 Mar., 1857, c. 111, s. 3, v. 11, p. 246.

TITLE XI.

THE DEPARTMENT OF THE INTERIOR.

CHAPTER ONE.

THE DEPARTMENT.

Sec.
437. Establishment of Department of the Interior.
438. Assistant Secretary of the Interior.
439. His duties.
440. Clerks and employés.

Establishment of Department of the Interior.

SEC. 437. There shall be at the seat of Government an Executive Department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof.

3 Mar., 1849, c. 108, s. 1, v. 9, p. 395.

Assistant Secretary of the Interior.

SEC. 438. There shall be in the Department of the Interior an Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year, to be paid monthly. [See § 177.]

14 Mar., 1862, c. 41, s. 6, v. 12, p. 369.
3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

By act of January 20, 1874, c. 11, v. 18, p. 4, the salary was reduced to three thousand and five hundred dollars.

20 *Jan.* 1874, *c.* 11, *v.* 18, *p.* 4.

His duties.

SEC. 439. The Assistant Secretary of the Interior shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law.

14 Mar., 1862, c. 41, s. 6, v. 12, p. 369.

Clerks and employés.

SEC. 440. There shall also be in the Department of the Interior:

One chief clerk, at a salary of two thousand two hundred dollars a year.

3 Mar., 1849, c. 108, v. 9, pp. 395, 396.

A superintendent of the building, to be designated from the fourth-class clerks, who shall be paid two hundred dollars a year additional.

25 April, 1812, c. 68, v. 2, p. 716.

Three disbursing clerks.

4 July, 1836, c. 352, v. 5, pp. 107, 111.

The Secretary may, if he deem it necessary and proper, pay two hundred dollars a year additional to any four clerks of the fourth class.

3 Mar., 1853, c. 97, v. 10, pp. 189, 209.

Three messengers, at a salary of nine hundred dollars a year each.

One engineer, at a salary of one thousand four hundred dollars a year.

One captain of the watch, at one thousand two hundred dollars a year.

2 Mar., 1867, c. 158, v. 14, p. 434.

Twenty-eight watchmen for the general service of the Department building and all the bureaus therein, to be allotted to day or night service, as the Secretary may direct.

3 Mar., 1873, c. 226, s. 1, v. 17, pp. 502, 503, 504.

Public Documents: One superintendent, at a salary of two thousand five hundred dollars a year.

8 July, 1870, c. 230, v. 16, p. 198.

In the General Land-Office:

One chief clerk, at a salary of two thousand dollars a year.

One principal clerk, on account of military bounty-lands, at a salary of two thousand dollars a year. [See §§ 169, 173, 174, 176.]

One draughtsman, at a salary of one thousand six hundred dollars a year.

One assistant draughtsman, at a salary of one thousand four hundred dollars a year.

Two packers, at a salary of seven hundred and twenty dollars a year each.

In the office of the Commissioner of Indian Affairs:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Commissioner of Pensions:

One chief clerk, at a salary of two thousand dollars a year.

One engineer, at one thousand four hundred dollars a year.
One assistant engineer, at one thousand dollars a year.

In the Patent-Office:

One chief clerk, at a salary of two thousand five hundred dollars a year.
One examiner in charge of interferences, at a salary of two thousand five hundred dollars a year.
One examiner in charge of trade-marks, at a salary of two thousand five hundred dollars a year.
Twenty-four principal examiners, at a salary of two thousand five hundred dollars a year each.
Twenty-four first assistant examiners, at a salary of one thousand eight hundred dollars a year each.
Twenty-four second assistant examiners, (two of whom may be women,) at a salary of one thousand six hundred dollars a year each.
Twenty-four third assistant examiners, at a salary of one thousand four hundred dollars a year each.
One librarian, at a salary of two thousand dollars a year.
One machinist, at a salary of one thousand six hundred dollars a year.
Three skilled draughtsmen, at a salary of one thousand two hundred dollars a year each.
Thirty-five copyists of drawings, at a salary of one thousand dollars a year each.
One messenger and purchasing clerk, at a salary of one thousand dollars a year.
One skilled laborer, at a salary of one thousand two hundred dollars a year.
Eight attendants in the model-room, at a salary of one thousand dollars a year each.
Eight attendants in the model-room, at a salary of nine hundred dollars a year each.

In the Office of Education:

One chief clerk, at a salary of two thousand dollars a year.
One statistician, at a salary of eighteen hundred dollars a year.
One translator, at a salary of one thousand six hundred dollars a year.

CHAPTER TWO.

THE SECRETARY OF THE INTERIOR.

Sec.
441. Duties of Secretary.
442. Powers of Secretary.
443. Supervision of census.
444. Expenditures of the Department.
445. Annual report to Congress.

SEC. 441. The Secretary of the Interior is charged with the supervision of public business relating to the following subjects: Duties of Secretary.

First. The census; when directed by law. 3 Mar., 1849, c. 108, ss. 3, 5, 6, 7, 8, 9, v. 9, p. 395.
Second. The public lands, including mines.
Third. The Indians.
Fourth. Pensions and bounty-lands. 8 July, 1870, c. 230, s. 1, v. 16, p. 198.
Fifth. Patents for inventions.
Sixth. The custody and distribution of publications. 5 Feb., 1859, c. 22, s. 1, v. 11, p. 379.
Seventh. Education.
Eighth. Government Hospital for the Insane. 20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.
Ninth. Columbia Asylum for the Deaf and Dumb.

Maguire *v.* Tyler, 1 Bl., 195.

SEC. 442. The Secretary of the Interior shall hereafter exercise all the powers and perform all the duties in relation to the Territories of the United States that were, prior to March first, eighteen hundred and seventy-three, by law or by custom exercised and performed by the Secretary of State. Powers of Secretary. 1 Mar., 1873, c. 217, v. 17, p. 484.

Supervision of census.

3 Mar., 1849, c. 108, s. 7, v. 9, p. 395.

SEC. 443. The Secretary of the Interior shall exercise supervisory and appellate powers in relation to all acts of marshals and others in taking and returning the census of the United States.

Expenditures of the Department.

3 Mar., 1849, c. 108, s. 2, v. 9, p. 395.

SEC. 444. The Secretary of the Interior shall sign all requisitions for the advance or payment of money, out of the Treasury, upon estimates or accounts for expenditures upon business assigned by law to his Department; subject, however, to adjustment and control by the proper accounting officers of the Department of the Treasury. [See §§ 3660-3665, 3669.]

Annual reports to Congress.

29 May, 1872, c. 233, s. 7, v. 17, p. 190.

5 Feb., 1859, c. 22, s. 3, v. 11, p. 380.

SEC. 445. The Secretary of the Interior shall make annual reports to Congress as follows: [See §§ 195, 196.]

First. A report showing the nature, character, and amount of all claims presented to him during the preceding year under laws or treaty stipulations for compensation for depredations committed by Indians, whether allowed by him or not, and the evidence upon which his action was based.

Second. A report showing the quantity and kind of the copies of public journals, books, and documents which have been received by him for distribution on behalf of the Government, and showing, also, the time when, the place where, and the person to whom, any of the same have been distributed and delivered during the preceding year.

CHAPTER THREE.

THE GENERAL LAND-OFFICE.

Sec.
446. Commissioner of the General Land-Office.
447. Recorder of General Land-Office.
448. Principal clerks on private and public land-claims.
449. Principal clerk of the surveys.
450. Secretary to the President to sign land-patents.
451. Assistant secretary to sign land-patents.
452. Restriction upon officers, clerks, and employés.
453. Duties of Commissioner.
454. Custody of seal, books, records, &c.
455. Plats of land surveyed.
456. Returns and accounts relative to lands.
457. Warrants for military lands.
458. Issue of patents for lands.
459. Duties of Recorder.
460. Copies of papers filed in the Department.
461. Fees for exemplifications of patents, &c.

Commissioner of the General Land-Office.

25 April, 1812, c. 68, s. 11, v. 2, p. 717. 4 July, 1836, c. 352, s. 1, v. 5, p. 107. 3 Mar., 1873, c. 226, s. 3, v. 17, p. 508.

SEC. 446. There shall be in the Department of the Interior a Commissioner of the General Land-Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

Recorder of General Land-Office.

4 July, 1836, c. 352, s. 4, v. 5, p. 111. 3 Mar., 1837, c. 33, s. 1, v. 5, pp. 163, 164.

SEC. 447. There shall be in the General Land-Office an officer called the Recorder of the General Land-Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand dollars a year.

Principal clerks on private and public land-claims.

4 July, 1836, c. 352, s. 2, v. 5, p. 109.

SEC. 448. There shall be in the General Land-Office a Principal Clerk of the Public Lands, and a Principal Clerk on Private Land-Claims, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall each be entitled to a salary of one thousand eight hundred dollars a year; and they shall perform such duties as may be assigned to them by the Commissioner of the General Land-Office. And the chief-clerk of the General Land-Office shall perform the duties of the Commissioner of the General Land-Office in case of a vacancy in said office, or of the absence or sickness of the Commissioner.

Principal clerk of the surveys.

SEC. 449. There shall be in the General Land-Office a Principal Clerk of the Surveys, who shall be appointed by the President, by and with

the advice and consent of the Senate; and shall be entitled to a salary of one thousand eight hundred dollars a year. He shall direct and superintend the making of surveys, the returns thereof, and all matters relating thereto, which are done through the officers of the Surveyor-General, and perform such other duties as may be assigned to him by the Commissioner of the General Land-Office.

4 July, 1836, c. 352, s. 3, v. 5, p. 110.

Secretary to the President to sign land-patents.

SEC. 450. The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, a secretary, at a salary of one thousand five hundred dollars a year, whose duty it shall be, under the direction of the President, to sign in his name, and for him, all patents for land sold or granted under the authority of the United States.

4 July, 1836, c. 352, s. 6, v. 5, p. 111.

Assistant secretary to sign land-patents.

SEC. 451. If at any time the number of patents for lands sold or granted under the authority of the United States, is such that they cannot be signed within a reasonable time by the secretary appointed under the preceding section, the President may appoint an assistant secretary to sign the same, but such assistant shall be employed by the express direction of the President, and only for such time as may be necessary to bring up the arrears of patents which may be ready for signature.

26 Jan., 1848, c. 4, v. 9, p. 209.

Restriction upon officers, clerks, and employés.

SEC. 452. The officers, clerks, and employés in the General Land-Office are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office. [See §§ 243, 244.]

25 April, 1812, c. 68, s. 10, v. 2, p. 717. 4 July, 1836, c. 352, s. 14, v. 5, p. 112.

Duties of Commissioner.

SEC. 453. The Commissioner of the General Land-Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all [*agents*] [grants] of land under the authority of the Government.

25 April, 1812, c. 68, s. 1, v. 2, p. 716. 4 July, 1836, c. 352, s. 1, v. 5, p. 107. 6 *June*, 1874, *c.* 223, *v.* 18, *p.* 62. 18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 317. Barnard's Heirs *v.* Ashley's Heirs et al., 18 How., 43. Bell *v.* Hearne et al., 19 How., 252. Maguire *v.* Tyler, 1 Black, 195.

Custody of seal, books, records, &c.

SEC. 454. The Commissioner of the General Land-Office shall retain the charge of the seal heretofore adopted for the office, which may continue to be used, and of the records, books, papers, and other property appertaining to the Office.

25 April, 1812, c. 68, ss. 4, 5, v. 2, p. 717.

Plats of lands surveyed.

SEC. 455. The Commissioner of the General Land-Office shall, when required by the President or either House of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands and concerning the business of his office as shall be directed.

25 April, 1812, c. 68, s. 6, v. 2, p. 717.

Returns and accounts relative to lands.

SEC. 456. All returns relative to the public lands shall be made to the Commissioner of the General Land-Office; and he shall have power to audit and settle all public accounts relative to the public lands; and upon the settlement of any such account, he shall certify the balance, and transmit the account with the vouchers and certificate to the First Comptroller of the Treasury, for his examination and decision thereon.

25 April, 1812, c. 68, s. 9, v. 2, p. 717.

Warrants for military lands.

SEC. 457. In all cases in which land has heretofore or shall hereafter be given by the United States for military services, warrants shall be granted to the parties entitled to such land by the Secretary of the Interior; and such warrants shall be recorded in the General Land-Office, in books to be kept for the purpose, and shall be located as is or may be provided by law; and patents shall afterwards be issued accordingly.

25 April, 1812, c. 68, s. 7, v. 2, p. 717.

Issue of patents for lands.

SEC. 458. All patents issuing from the General Land-Office shall be issued in the name of the United States, and be signed by the President, and countersigned by the Recorder of the General Land-Office; and shall be recorded in the Office, in books to be kept for the purpose.

25 April, 1812, c. 68, s. 8, v. 2, p. 717. 3 Mar., 1841, c. 26, s. 2, v. 5, p. 417.

Duties of Recorder.

SEC. 459. It shall be the duty of the Recorder of the General Land-Office, in pursuance of instructions from the Commissioner, to certify and affix the seal of the Office to all patents for public lands, and to attend

25 April, 1812, c. 68, s. 8, v. 2, p. 717. 4 July, 1836, c. 352, s. 4, v. 5, p. 111.

to the correct engrossing, recording, and transmission of such patents. He shall prepare alphabetical indexes of the names of patentees, and of persons entitled to patents; and he shall prepare such copies and exemplifications of matters on file or recorded in the General Land-Office as the Commissioner may from time to time direct. Whenever the office of Recorder shall become vacant, or in case of his sickness or absence, the duties of his office shall be performed ad interim by the principal clerk on private land-claims.

Copies of papers filed in the Department.

23 Jan., 1823, c. 6, v. 3, p. 721. 4 July, 1836, c. 352, s. 7, v. 5, p. 111.

SEC. 460. Whenever any person claiming to be interested in or entitled to land, under any grant or patent from the United States, applies to the Department of the Interior for copies of papers filed and remaining therein, in anywise affecting the title to such land, it shall be the duty of the Secretary of the Interior to cause such copies to be made out and authenticated, under his hand and the seal of the General Land-Office, for the person so applying.

Fees for exemplifications of patents, &c.

2 July, 1864, c. 224, v. 13, p. 375.

SEC. 461. All exemplifications of patents, or papers on file or of record in the General Land-Office, which may be required by parties interested, shall be furnished by the Commissioner upon the payment by such parties at the rate of fifteen cents per hundred words, and two dollars for copies of township plats or diagrams, with an additional sum of one dollar for the Commissioner's certificate of verification with the General Land-Office seal; and one of the employés of the Office shall be designated by the Commissioner as the receiving clerk, and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner in his discretion may deem proper to furnish.

CHAPTER FOUR.

THE COMMISSIONER OF INDIAN AFFAIRS.

Sec.
462. Commissioner of Indian Affairs.
463. Duties of Commissioner.
464. Accounts for claims and disbursements.
465. Regulations relating to Indian Affairs.
466. Presentation and payment of claims for Indian depredations.
467. Sale of arms, &c., to Indians prohibited.
468. Commissioner to report annually to Congress.
469. Reports of Indian supplies.

Commissioner of Indian Affairs.

9 July, 1832, c. 174, s. 1, v. 4, p. 564.

SEC. 462. There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of three thousand dollars a year.

Duties of Commissioner.

9 July, 1832, c. 174, s. 1, v. 4, p. 564.

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations.

27 July, 1868, c. 259, s. 1, v. 15, p. 228. 15 *Aug.*, 1876, *c.* 289, *s.* 3, *v.* 19, *p.* 199.

Accounts for claims and disbursements.

9 July, 1832, c. 174, s. 3, v. 4, p. 564.

SEC. 464. All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the Commissioner for administrative examination, and by him passed to the proper accounting officer of the Department of the Treasury for settlement.

15 *Aug.*, 1876, *c.* 289, *ss.* 3, 6, *v.* 19, *p.* 199.

Regulations relating to Indian affairs.

30 June, 1834, c. 162, s. 17, v. 4, p. 738.

SEC. 465. The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

Presentation and payment of claims for Indian depredations.

SEC. 466. The Secretary of the Interior shall prepare and cause to be published such regulations as he may deem proper, prescribing the manner of presenting claims arising under laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the regulations prepared by him; and no payment on account of any such claims shall be made without a specific appropriation therefor by Congress.

29 May, 1872, c. 233, s. 7, v. 17, p. 190.

Sale of arms, &c., to Indians, prohibited.

SEC. 467. The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 457.

Commissioner to report annually to Congress.

SEC. 468. The Commissioner of Indian Affairs shall annually report, separately, to Congress, a tabular statement showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much was paid to him, and for what objects, so far as they relate to the disbursement of the funds appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service, during the fiscal year next preceding each report. [See §§ 195, 196.]

2 Mar., 1867, c. 173, s. 3, v. 14, p. 515.

15 *Aug.*, 1876, *c.* 289, *s.* 3, *v.* 19, *p.* 199.

Reports of Indian supplies.

SEC. 469. The Commissioner of Indian Affairs shall embody in his annual report the reports of all agents or commissioners issuing food, clothing, or supplies of any kind to Indians, stating the number of Indians present and actually receiving the same.

14 Feb., 1873, c. 138, s. 7, v. 17, p. 463.

CHAPTER FIVE.

THE COMMISSIONER OF PENSIONS.

Sec.
470. Commissioner of Pensions.
471. Duties of the Commissioner.
472. Deputy Commissioner.
473. Person to sign bounty-land warrants.
474. Investigation of attempts at fraud.

Commissioner of Pensions.

SEC. 470. There shall be in the Department of the Interior a Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive a salary of four thousand dollars a year.

2 Mar., 1833, c. 54, s. 1, v. 4, pp. 619, 622.

3 Mar., 1835, c. 46, ss. 1, 2, 3, v. 4, p. 779. 3 Mar., 1837, c. 43, v. 5, p. 187. 4 Mar., 1840, c. 4, ss. 1, 2, 3, v. 5, p. 369. 4 Mar., 1840, c. 4, s. 4, v. 5, p. 370. 20 Jan., 1843, c. 4, v. 5, p. 597. 14 Jan., 1846, c. 4, s. 1, v. 9, p. 3. 19 Jan., 1849, c. 20, s. 1, v. 9, p. 341. 3 Mar., 1873, c. 226, s. 3, v. 17, p. 508.

Duties of the Commissioner.

SEC. 471. The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty-land laws as may be prescribed by the President.

2 Mar., 1833, c. 54, s. 1, v. 4, pp. 619, 622. 3 Mar., 1835, c. 46, s. 2, v. 4, p. 779. 3 Mar., 1837, c. 43, s. 2, v. 5, p. 187. 4 Mar., 1840, c. 4, s. 2, v. 5, p. 369. 4 Mar., 1840, c. 4, s. 4, v. 5, p. 370. 20 Jan., 1843, c. 4, s. 2, v. 5, p. 597. 19 *Jan.*, 1877, *c.* 27, *v.* 19, *p.* 224.

Deputy Commissioner.

SEC. 472. There shall be in the Department of the Interior a Deputy Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be charged with such duties in the Pension Bureau as may be prescribed by the Secretary of the Interior, or may be required by law, and in case of death, resignation, absence, or sickness of the Commissioner, his duties shall devolve upon the Deputy Commissioner, until a successor is appointed or such absence or sickness ceases. The Deputy Commissioner shall be entitled to receive an annual salary of twenty-five hundred dollars.

3 Mar., 1873, c. 234, s. 29, v. 17, p. 575.

Person to sign bounty-land warrants.

20 Feb., 1856, c. 1, v. 11, p. 1.

SEC. 473. The Commissioner of Pensions is authorized, with the approval of the Secretary of the Interior, to appoint a person to sign the name of the Commissioner to certificates or warrants for bounty-lands; and certificates or warrants so signed shall be as valid as if signed by the Commissioner.

Investigation of attempts at fraud.

3 Mar., 1873, c. 234, s. 30, v. 17, p. 575.

SEC. 474. The Commissioner of Pensions is authorized to detail, from time to time, any of the clerks in his Office to investigate any suspected attempts to defraud the United States, in or affecting the administration of any law relative to pensions, and to aid in prosecuting any person implicated, with such additional compensation as is customary in cases of special service. Any person so detailed shall have the power to administer oaths in the course of any such investigation.

CHAPTER SIX.

THE PATENT-OFFICE.

Sec.
475. Establishment of the Patent-Office.
476. Officers and employés.
477. Salaries.
478. Seal.
479. Bonds of Commissioner and chief clerk.
480. Restrictions upon officers and employés.
481. Duties of Commissioner.
482. Duties of examiners-in-chief.
483. Establishment of regulations.
484. Arrangement and exhibition of models, &c.
485. Disposals of models on rejected applications.
486. Library.
487. Patent-agents may be refused recognition.
488. Printing of papers filed.
489. Printing copies of claims, laws, decisions, &c.
490. Printing specifications and drawings.
491. Additional specifications and drawings.
492. Lithographing and engraving.
493. Price of copies of specifications and drawings.
494. Annual report of the Commissioner.
495. Custody of collections of exploring expeditions.
496. Disbursements for Patent-Office.

Establishment of the Patent-Office.

8 July, 1870, c. 230, s. 1, v. 16, p. 198.

SEC. 475. There shall be in the Department of the Interior an office known as the Patent-Office, where all records, books, models, drawings, specifications, and other papers and things pertaining to patents shall be safely kept and preserved.

Officers and employés.

8 July, 1870, c. 230, s. 2, v. 16, p. 198.

SEC. 476. There shall be in the Patent-Office a Commissioner of Patents, one Assistant Commissioner, and three examiners-in-chief, who shall be appointed by the President, by and with the advice and consent of the Senate. All other officers, clerks, and employés authorized by law for the Office shall be appointed by the Secretary of the Interior, upon the nomination of the Commissioner of Patents. [See § 169.]

Salaries.

8 July, 1870, c. 230, s. 4, v. 16, p. 199.

SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

The Commissioner of Patents, four thousand five hundred dollars a year.

The Assistant Commissioner of Patents, three thousand dollars a year.

Three examiners-in-chief, three thousand dollars a year each.

Seal.

8 July, 1870, c. 230, s. 12, v. 16, p. 200.

SEC. 478. The seal heretofore provided for the Patent-Office shall be the seal of the Office, with which letters-patent and papers issued from the Office shall be authenticated.

Bonds of Commissioner and chief clerk.

8 July, 1870, c. 230, s. 6, v. 16, p. 199.

SEC. 479. The Commissioner of Patents and the chief clerk, before entering upon their duties, shall severally give bond, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned for the faithful discharge of their respective duties, and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

Restrictions upon officers and employés.

SEC. 480. All officers and employés of the Patent-Office shall be incapable, during the period for which they hold their appointments, to ac-

quire or take, directly or indirectly, except by inheritance or bequest, any right or interest in any patent issued by the Office.

8July,1870,c.230, s. 16, v. 16, p. 200.

SEC. 481. The Commissioner of Patents, under the direction of the Secretary of the Interior, shall superintend or perform all duties respecting the granting and issuing of patents directed by law; and he shall have charge of all books, records, papers, models, machines, and other things belonging to the Patent-Office.

Duties of Commissioner.

8July,1870,c.230, s. 7, v. 16, p. 199. 3 *Mar.*, 1875, *c.* 130,*s.*12,*v.*18,*p.*402.

SEC. 482. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for re-issues of patents, and in interference cases; and, when required by the Commissioner, they shall hear and report upon claims for extensions, and perform such other like duties as he may assign them.

Duties of examiners-in-chief.

8July,1870,c.230, s. 10, v. 16, p. 199.

SEC. 483. The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may from time to time establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent-Office.

Establishment of regulations.

8July,1870,c.230, s. 19, v. 16, p. 200.

SEC. 484. The Commissioner of Patents shall cause to be classified and arranged in suitable cases, in the rooms and galleries provided for that purpose, the models, specimens of composition, fabrics, manufactures, works of art, and designs, which have been or shall be deposited in the Patent-Office; and the rooms and galleries shall be kept open during suitable hours for public inspection.

Arrangement and exhibition of models, &c.

8July,1870,c.230, s. 13, v. 6, p. 200.

SEC. 485. The Commissioner of Patents may restore to the respective applicants such of the models belonging to rejected applications as he shall not think necessary to be preserved, or he may sell or otherwise dispose of them after the application has been finally rejected for one year, paying the proceeds into the Treasury, as other patent-moneys are directed to be paid.

Disposals of models on rejected applications.

8July,1870,c.230, s. 14, v. 16, p. 200.

SEC. 486. There shall be purchased for the use of the Patent-Office a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated for that purpose.

Library.

8July,1870,c.230, s. 15, v. 16, p. 200.

SEC. 487. For gross misconduct the Commissioner of Patents may refuse to recognize any person as a patent-agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior.

Patent-agents may be refused recognition.

8July,1870,c.230, s. 17, v. 16, p. 200.

SEC. 488. The Commissioner of Patents may require all papers filed in the Patent-Office, if not correctly, legibly, and clearly written, to be printed at the cost of the party filing them.

Printing of papers filed.

8July,1870,c.230, s. 18, v. 16, p. 200.

SEC. 489. The Commissioner of Patents may print, or cause to be printed, copies of the claims of current issues, and copies of such laws, decisions, regulations, and circulars as may be necessary for the information of the public.

Printing copies of claims, laws, decisions, &c.

8July,1870,c.230, s. 20, v. 16, p. 200. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 105.

SEC. 490. The Commissioner of Patents is authorized to have printed, from time to time, for gratuitous distribution, not to exceed one hundred and fifty copies of the complete specifications and drawings of each patent hereafter issued, together with suitable indexes, one copy to be placed for free public inspection in each capitol of every State and Territory, one for the like purpose in the clerk's office of the district court of each judicial district of the United States, except when such offices are located in State or territorial capitols, and one in the Library of Congress, which copies shall be certified under the hand of the Commissioner and seal of the Patent-Office, and shall not be taken from the depositories for any other purpose than to be used as evidence.

Printing specifications and drawings.

11 Jan.,1871,Res. No. 5, v. 16, p. 590. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 105. 3 *Mar.*, 1875, *c.* 130, *s.* 12, *v.* 18, *p.* 402.

SEC. 491. The Commissioner of Patents is authorized to have printed such additional numbers of copies of specifications and drawings, certified as provided in the preceding section, at a price not to exceed the contract price for such drawings, for sale, as may be warranted by the actual

Additional specifications and drawings.

11Jan.,1871,Res. No. 5, v. 16, p. 590.

20 *June*, 1874, c. 328, *v.* 18, *p.* 105.

demand for the same; and he is also authorized to furnish a complete set of such specifications and drawings to any public library which will pay for binding the same into volumes to correspond with those in the Patent-Office, and for the transportation of the same, and which shall also provide for proper custody for the same, with convenient access for the public thereto, under such regulations as the Commissioner shall deem reasonable.

Lithographing and engraving.

11 Jan., 1871, Res. No. 5, v. 16, p. 590.

24 Mar., 1871, c. 5, s. 1, v. 17, p. 2.

SEC. 492. The lithographing and engraving required by the two preceding sections shall be awarded to the lowest and best bidders for the interests of the Government, due regard being paid to the execution of the work, after due advertising by the Congressional Printer under the direction of the Joint Committee on Printing; but the Joint Committee on Printing may empower the Congressional Printer to make immediate contracts for engraving, whenever, in their opinion, the exigencies of the public service will not justify waiting for advertisement and award; or if, in the judgment of the Joint Committee on Printing, the work can be performed under the direction of the Commissioner of Patents more advantageously than in the manner above prescribed, it shall be so done, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe.

Price of copies of specifications and drawings.

24 Mar., 1871, c. 5, s. 2, v. 17, p. 3.

SEC. 493. The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents, within the limits of ten cents as the minimum and fifty cents as the maximum price.

Annual report of the Commissioner.

8 July, 1870, c. 230, s. 9, v. 16, p. 199.

SEC. 494. The Commissioner of Patents shall lay before Congress, in the month of January, annually, a report, giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating under proper heads the subjects of such patents; an alphabetical list of all the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent Office as may be useful to Congress or the public. [See §§ 95, 96.]

Custody of collections of Exploring Expeditions.

4 Aug., 1854, c. 242, s. 8, v. 10, p. 572.

SEC. 495. The collections of the Exploring Expedition, now in the Patent-Office, shall be under the care and management of the Commissioner of Patents.

Disbursements for Patent-Office.

8 July, 1870, c. 230, s. 69, v. 16, p. 209.

SEC. 496. All disbursements for the Patent-Office shall be made by the disbursing clerk of the Interior Department.

CHAPTER SEVEN.

THE SUPERINTENDENT OF PUBLIC DOCUMENTS.

Sec.
497. Custody and distribution of public documents.
498. Statutes and reports of Supreme Court.
499. Register of publications received.
500. Manner of delivery.
501. Distribution of copies of journals, books, &c.
502. Same subject.
503. Distribution of journals of Senate and House.
504. Distribution to legations and consulates.
505. Distribution of surplus volumes, &c.
506. Books, &c., not to be removed from proper offices.
507. Superintendent of public documents.
508. Duties of the superintendent of public documents.
509. Rooms for public documents.
510. Preparation of the Biennial Register.
511. Distribution of Biennial Register.

Custody and distribution of public documents.

SEC. 497. The Secretary of the Interior is charged with receiving, arranging, and safe-keeping for distribution, and of distributing to the persons entitled by law to receive the same, all printed journals of the

two Houses of Congress, and all other books and documents of every nature whatever, already or hereafter directed by law to be printed or purchased for the use of the Government, except such as are directed to be printed or purchased for the particular use of Congress, or of either House thereof, or for the particular use of the Executive or of any of the Departments, and any person whose duty it shall be by law to deliver any of the same, shall deliver them at the rooms assigned by the Secretary of the Interior therefor.

5 Feb., 1859, c. 22, ss. 1, 5, 7, v. 11, pp. 379, 380.

Statutes and reports of Supreme Court.

SEC. 498. The Secretary of the Interior is required to furnish to the head of the Department of Justice, from time to time as they may be published, a sufficient number of the statutes of the United States and the reports of the Supreme Court of the United States, to be by him distributed to such officers of the courts of the United States as are now or may hereafter be by law entitled to receive them.

3 Mar., 1873, c. 238, s. 2, v. 17, p. 578.

Register of publications received.

SEC. 499. A register of all publications received at the Department of the Interior for safe-keeping and distribution shall be kept, under the direction of the Secretary, showing the quantity and kind at any time received by him; and he shall cause to be entered in such register, at the proper time, the time when, the place where, and the person to whom any of such publications have been distributed or delivered.

5 Feb., 1859, c. 22, s. 3, v. 11, p. 380.

Manner of delivery.

SEC. 500. The publications received by the Secretary of the Interior for distribution shall be delivered out only on the written requisition of the heads of Departments, Secretary of the Senate, Clerk of the House of Representatives, Librarian of Congress, and other officers and persons who are by law authorized to receive the same, except where by law the Secretary of the Interior is required, without such requisition, to cause the same to be sent and delivered; and in either of such cases it shall be the duty of the Secretary of the Interior to cause the same to be sent and delivered, the expenses thereof, except when otherwise directed, to be charged on the contingent fund of the Department.

5 Feb., 1859, c. 22, s 4, v. 11, p. 380.
3 *Mar.*, 1877, *c.* 103, *s.* 7, *v.* 19, *p.* 336.

Distribution of copies of journals, books, &c.

SEC. 501. The copies of journals, books, and public documents which are or may be authorized to be distributed to incorporated bodies, institutions, and associations within the States and Territories, shall be distributed to such bodies as shall be designated to the Secretary of the Interior by each of the Senators from the several States respectively, and by the Representatives in Congress from each congressional district, and by the Delegate from each Territory. The distribution shall be made in such manner that the quantity distributed to each congressional district and Territory shall be equal; except that whenever the number of copies of any publication is insufficient to supply therewith one institution, upon the designation of each member of the Senate and House of Representatives, the copies at the disposal of the Secretary may be distributed to such incorporated colleges, public libraries, athenæums, literary and scientific institutions, boards of trade, or public associations, as he may select.

28 Jan., 1857, Res. No. 5, s. 3, v. 11, p. 253.
5 Feb., 1859, c. 22, s. 5, v. 11, p. 380.
2 Mar., 1861, c. 87, s. 1, v. 12, p. 244.

Same subject.

SEC. 502. The selection of an institution to receive the documents ordered to be published or procured at the first session of any Congress shall control the documents of the entire Congress, unless another designation be made before any distribution has taken place under the selection first made. Where the same work is printed by order both of the Senate and House of Representatives, the duplicates may be sent to different institutions, if so desired, by the member whose right it is to direct the distribution. And the public documents to be distributed by the Secretary of the Interior shall be sent to the institutions already designated, unless he shall be satisfied that any such institution is no longer a suitable depository of the same. Congressional journals and public documents, authorized to be distributed to institutions on the designation of members of Congress, shall be sent to such libraries and institutions only as shall signify a willingness to pay the cost of their transportation.

2 Mar., 1861, c. 87, s. 2, v. 12, p. 245.

Distribution of journals of Senate and House.

SEC. 503. So many copies of the public journals of the Senate, and of the House of Representatives, shall be transmitted by the Secretary of

27 Dec., 1813, Res. 1, v. 3, p. 140. 20 July, 1840, Res. 5, v. 5, p. 409.

the Interior to the executives of the several States and Territories, as shall be sufficient to furnish one copy to each executive, one copy to each branch of every State and territorial legislature, one copy to each university and college in each State, and one copy to the Historical Society incorporated, or which shall be incorporated, in each State. Fifty copies of the documents ordered by Congress to be printed shall be used for the purpose of exchange in foreign countries; the residue of the copies shall be deposited in the Library of the United States, subject to the future disposition of Congress.

Distribution to legations and consulates.

22 May, 1872, c. 194, v. 17, p. 144.

SEC. 504. Only such of the books published by the Government, and usually known by the name of "public documents," shall hereafter be supplied to any legation or consulate of the United States as are first designated by the Secretary of State, by an order to be recorded in the State Department, as suitable for and required by such legation and consulate.

Distribution of surplus volumes, &c.

17 Feb., 1871, Res. 36, v. 16, p. 597.

SEC. 505. Whenever there are in the custody of the Department of the Interior any sest of the documents of any session of Congress, or other documents or odd volumes, not necessary to supply deficiencies or losses that may happen in the Library of Congress, or in that of either of the Executive Departments, or in State or territorial libraries, the Secretary of the Interior shall distribute the same as equally as practicable to the several Senators, Representatives, and Delegates in Congress, for distribution to public libraries and other literary institutions in their respective districts.

Books, &c., not to be removed from proper offices.

SEC. 506. All such books and documents, when received at the proper offices, libraries, and other depositories, as provided by law, shall be kept there and not removed from such places.

5 Feb., 1859, c. 22, s. 10, v. 11, p. 381. 3 *Mar.*, 1877, *c.* 103, *s.* 7, *v.* 19, p. 336.

Superintendent of public documents.

3 Mar., 1869, c. 121, s. 1, v. 15, p. 292.

SEC. 507. There shall be in the Department of the Interior a superintendent of public documents, who shall be appointed by the Secretary, and shall be entitled to receive a salary of twenty-five hundred dollars a year.

Duties of the superintendent of public documents.

3 Mar., 1869, c. 121, s. 1, v. 15, pp. 283, 292.

SEC. 508. The superintendent of public documents shall be charged, subject to the general direction of the Secretary of the Interior, with the duty of collecting, arranging, preserving, packing, and distributing the publications received at the Department of the Interior for distribution; and with the duty of compiling and supervising the Biennial Register.

Rooms for public documents.

3 Mar., 1869, c. 121, s. 1, v. 15, pp. 283, 292.

SEC. 509. Suitable rooms in the Department of the Interior shall be from time to time assigned by the Secretary for the journals, books, and documents.

Preparation of Biennial Register.

27 April, 1816, Res. No. 6, ss. 1, 2, v. 3, p. 342. 14 July, 1832, Res. No. 11, v. 4, p. 608. 3 Mar., 1851, c. 32, s. 1, v. 9, p. 600. 2 Mar., 1861, c. 87, s. 4, v. 12, p. 245.

SEC. 510. As soon as practicable after the last day of September in each year in which a new Congress is to assemble, a register shall be compiled and printed under the direction of the Secretary of the Interior, of which seven hundred and fifty copies shall be published, and which shall contain the following lists, made up to such last day of September:

1. Correct lists of all the officers, clerks, employés, and agents, civil, military, and naval, in the service of the United States, including cadets and midshipmen, which lists shall exhibit the amount of compensation, pay, and emoluments allowed to each, the State or country in which he was born, the State or Territory from which he was appointed to office, and where employed.

2. A list of the names, force, and condition of all the ships and vessels belonging to the United States, and when and where built.

3. Lists of all printers of the laws of the United States, and of all printers employed by Congress or by any Department or officer of the Government, during the two years preceding the last day of September up to which such list is required to be made, with the compensation allowed to each, and designating the Department or officer causing the printing to be executed.

4. A statement of all allowances made by the Postmaster-General, within the same period of two years, to each contractor on contracts for

carrying the mail, discriminating the sum paid as stipulated by the original contract and the sums paid as additional allowance.

Distribution of Biennial Register.

27 April, 1816, Res. 6, s. 3, v. 3, p. 342. 3 Mar., 1851, c. 32, s. 1, v. 9, p. 600.

SEC. 511. On the first Monday in January, in each year when a new Congress is assembled, there shall be delivered to the President, the Vice-President, each head of a Department, each member of the Senate and House of Representatives, one copy of the Biennial Register; to the Secretary of the Senate and the Clerk of the House of Representatives, ten copies each, for the use of the respective Houses; to the Library of Congress, twenty-five copies; and to the secretary of state of each State, one copy; and the residue of the copies shall be disposed of as Congress shall, from time to time, direct.

CHAPTER EIGHT.

THE RETURNS OFFICE.

Sec.
512. Returns Office.
513. Clerk to file returns.
514. Indexes.
515. Copies of returns.

Returns Office.

2 June, 1862, c. 93, s. 4, v. 2, p. 412.

SEC. 512. The Secretary of the Interior shall from time to time provide a proper apartment, to be called the Returns Office, in which he shall cause to be filed the returns of contracts made by the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, and shall appoint a clerk of the first class to attend to the same. [See §§ 3744-3747.]

Clerk to file returns.

2 June, 1862, c. 93, s. 4, v. 12, p. 412.

SEC. 513. The clerk of the Returns Office shall file all returns made to the Office, so that the same may be of easy access, keeping all returns made by the same officer in the same place, and numbering them in the order in which they are made.

Indexes.

2 June, 1862, c. 93, s. 4, v. 12, p. 412.

SEC. 514. The clerk of the Returns Office shall provide and keep an index-book, with the names of the contracting parties, and the number of each contract opposite to the names; and shall submit the index-book and returns to any person desiring to inspect it.

Copies of returns.

2 June, 1862, c. 93, s. 4, v. 12, p. 412.

SEC. 515. The clerk of the Returns Office shall furnish copies of such returns to any person paying therefor at the rate of five cents for every one hundred words, to which copies certificates shall be appended in every case by the clerk making the same, attesting their correctness, and that each copy so certified is a full and complete copy of the return.

CHAPTER NINE.

THE OFFICE OF EDUCATION.

Sec.
516. Office of Education.
517. Commissioner of Education.
518. Duties of Commissioner.
519. Rooms for Office of Education.

Office of Education.

2 Mar., 1867, c. 158, s. 1, v. 14, p. 434. 20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.

SEC. 516. There shall be in the Department of the Interior a Bureau called the Office of Education, the purpose and duties of which shall be to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school-systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school-systems, and otherwise promote the cause of education throughout the country.

Commissioner of Education.

2 Mar., 1867, c. 158, s. 2, v. 14, p. 434.

SEC. 517. The management of the Office of Education shall, subject to the direction of the Secretary of the Interior, be intrusted to a Commissioner of Education, who shall be appointed by the President, by and

20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.
Duties of Commissioner.

with the advice and consent of the Senate, and shall be entitled to a salary of three thousand dollars a year.

SEC. 518. The Commissioner of Education shall present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which the office is established.

2 Mar., 1867, c. 158, s. 3, v. 14, p. 434.
Rooms for Office of Education.

SEC. 519. The Chief of Engineers shall furnish proper offices for the use of the Office of Education.

2 Mar., 1867, c. 158, s. 4, v. 14, p. 434. 2 Mar., 1867, c. 167, s. 2, v. 14, p. 466.

TITLE XII.

THE DEPARTMENT OF AGRICULTURE.

Sec.
520. Establishment of the Department of Agriculture.
521. Commissioner of Agriculture.
522. Clerks and employés.
523. Officers and employés.
524. Bonds of Commissioner and chief clerk.
525. Custody of property, records, &c.
526. Duties of Commissioner.
527. Purchase and distribution of seeds, plants, &c.
528. Annual and special reports of Commissioner.
529. Annual report of expenditures.

Establishment of Department of Agriculture.

15 May, 1862, c. 72, s. 2, v. 12, p. 387.

SEC. 520. There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Commissioner of Agriculture.

15 May, 1862, c. 72, s. 2, v. 12, p. 387.

3 Mar., 1873, c. 226, s. 3, v. 17, p. 508.

SEC. 521. The Department of Agriculture shall be under the charge of a Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

Clerks and employés.

15 May, 1862, c. 72, s. 4, p. 388.

3 Mar., 1873, c. 226, v. 17, p. 506.

20 *June*, 1874, c. 328, *v.* 18, *p.* 107.

SEC. 522. There shall be in the Department of Agriculture:

One chief clerk, at a salary of two thousand dollars a year.

One chemist, at a salary of two thousand dollars a year.

One assistant chemist, at a salary of one thousand six hundred dollars a year.

One entomologist, at a salary of two thousand dollars a year.

One microscopist, at a salary of one thousand eight hundred dollars a year.

One botanist, at a salary of one thousand eight hundred dollars a year.

One statistician, at a salary of two thousand dollars a year.

One superintendent of experimental gardens and grounds, at a salary of two thousand dollars a year.

One assistant superintendent of experimental gardens and grounds, at a salary of one thousand two hundred dollars a year.

One disbursing clerk, at a salary of one thousand eight hundred dollars a year.

One superintendent of the seed-room, at a salary of one thousand eight hundred dollars a year.

One assistant superintendent of the seed-room, at a salary of one thousand two hundred dollars a year.

One librarian, at a salary of one thousand eight hundred dollars a year.

One engineer, at a salary of one thousand four hundred dollars a year.

One superintendent of the folding-room, at a salary of one thousand two hundred dollars a year.

Two attendants in the museum, at a salary of one thousand dollars a year each.

One carpenter, at a salary of nine hundred and sixty dollars a year.

Officers and employés.

15 May, 1862, c. 72, s. 4, v. 12, p. 388

SEC. 523. The Commissioner of Agriculture shall appoint a chief clerk, with a salary of two thousand dollars a year, who in all cases during the necessary absence of the Commissioner, or when the office of Commissioner shall become vacant, shall perform the duties of Commissioner, and he shall appoint such other employés as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other Departments of the Government; and he shall, as Congress may from time to time provide, employ other persons, for such time as their services may be needed, including chemists, botanists,

entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Bonds of Commissioner and chief clerk.

15 May, 1862, c. 72, s. 4, v. 12, p. 388.

SEC. 524. The Commissioner, and the chief clerk, before entering upon their duties, shall severally give bonds to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned to render a true and faithful account to the Treasurer quarter-yearly of all moneys which shall be by them received by virtue of their office, with sureties to be approved by the Solicitor of the Treasury. Such bonds shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit upon any breech of the conditions thereof.

Custody of property, records, &c.

15 May, 1862, c. 72, s. 3, v. 12, p. 387.

15 Dec., 1868, Res. 1, v. 15, p. 343.

SEC. 525. The Commissioner of Agriculture shall have charge, in the building and premises appropriated to the Department, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter acquired for use in its business.

Duties of Commissioner.

15 May, 1862, c. 72, s. 3, v. 12, p. 387.

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his Office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

Purchase and distribution of seeds, plants, &c.

23 July, 1866, c. 208, s. 1, v. 14, pp. 199, 201.

2 Mar., 1867, c. 166, s. 1, v. 14, pp. 440, 452.

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

25 June, 1864, c. 147, s. 1, v. 13, pp. 145, 155. 2 Mar., 1865, c. 73, s. 1, v. 13, pp. 445, 455. 2 Mar., 1867, c. 166, s. 1, v. 14, pp. 440, 452. 3 *Mar.*, 1875, *c.* 128, *s.* 7, *v.* 18, *p.* 343.

Annual and special reports of Commissioner.

15 May, 1862, c. 72, s. 3, v. 12, p. 387.

SEC. 528. The Commissioner of Agriculture shall annually make a general report in writing of his acts to the President and to Congress, in which he may recommend the publication of papers forming parts of or accompanying his report, which shall also contain an account of all moneys received and expended by him. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

Annual report of expenditures.

2 Mar., 1867, c. 166, s. 1, v. 14, pp. 440, 445.

SEC. 529. The Commissioner of Agriculture shall, on or before the fifteenth day of December in each year, make a report in detail to Congress of all moneys expended by him or under his direction.

[See §§ 3660-3665, 3669.]

TITLE XIII.

THE JUDICIARY.

CHAPTER ONE.

JUDICIAL DISTRICTS.

Sec.
530. United States divided into judicial districts.
531. States constituting one district.
532. Alabama.
533. Arkansas.
534. Florida.
535. Georgia.
536. Illinois.
537. Iowa.
538. Michigan.
539. Mississippi.
540. Missouri.
541. New York.
542. Jurisdiction over waters near city of New York.
543. North Carolina.
544. Ohio.
545. Pennsylvania.
546. South Carolina.
547. Tennessee.
548. Texas.
549. Virginia.
550. Wisconsin.

United States divided into judicial districts.

SEC. 530. The United States shall be divided into judicial districts as follows:

24 Sept., 1789, c. 20, s. 1, v. 1, p. 73. 26 *June*, 1876, *c.* 147, *v.* 18, *p.* 61.

States constituting one district.

SEC. 531. The States of California, Connecticut, Delaware, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, Vermont, and West Virginia, each, constitute one judicial district.

Con., Del., Ky., Me., Md., Mass., N. H., N. J., S. C., 24 Sept., 1789, c. 20, s. 2, v. 1, p. 73. Cal., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Ind., 3 March, 1817, c. 100, s. 2, v. 3, p. 390. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Nebr., 25 May, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126; 29 April, 1802, c. 31, s. 7, v. 2, p. 162. Oreg., 3 March, 1859, c. 85, s. 2, v. 11, p. 437. R. I., 23 June, 1790, c. 21, s. 2, v. 1, p. 128. S. C., 21 Feb., 1823, c. 11, s. 1, v. 3, p. 726. Vt., 2 Mar., 1791, c. 12, s. 2, v. 1, p. 197. W. Va., 4 Feb., 1819, c. 12, s. 1, v, 3, p. 478; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 10 Mar., 1866, Res. 12, v. 14, p. 350.

Alabama.

SEC. 532. The State of Alabama is divided into three districts, which shall be called the southern, middle, and northern districts of Alabama. The Southern district includes the counties of Mobile, Washington, Baldwin, Sumter, Clarke, Marengo, Greene, Pickens, Wilcox, Monroe, and Conecuh. The middle district includes the counties of Montgomery, Autauga, Coosa, Tallapoosa, Chambers, Talledega, Randolph, Macon, Russell, Barbour, Pike, Henry, Dale, Coffee, Covington, Lowndes, Dallas, Perry, Bibb, Shelby, Butler, and Tuscaloosa. The northern district includes the remaining counties of said State.

7 Aug., 1848, c. 143, s. 1, v. 9, p. 274. 4 May, 1852, c. 25, s. 2, v. 10, p. 5.

Arkansas.

SEC. 533. [*The State of Arkansas is divided into two districts, which shall be called the eastern and western districts of Arkansas. The western district includes the counties of Benton, Washington, Crawford, Scott, Polk, Franklin, Johnson, Madison, Carroll, Sevier, Sebastian, Phillips, Crittenden, Mississippi, Craighead, Greene, Randolph, Lawrence, Sharp, Poinsett, Cross, Saint Francis, Monroe, Woodruff, Jackson, Independence, Izard, Marion, Fulton, and Boone, and the country lying west of Missouri and Arkansas, known as "The Indian Territory." The eastern district includes the residue of said State.*] [That the State of Arkansas is divided into two districts, which shall be called the eastern and western districts of Arkansas. The western district includes the counties of Benton, Washington, Crawford, Sebastian, Scott, Polk, Sevier, Little River, Howard, Montgomery, Yell, Logan, Franklin, Johnson, Madison, New-

15 June, 1836, c. 100, s. 4, v. 5, p. 51. 3 Mar., 1851, c. 24, s. 1, v. 9, p. 594. 27 Mar., 1854, c. 26, s. 1, v. 10, p. 269. 3 Mar., 1871, c. 106, s. 5, v. 16, p. 472. 17 June, 1844, c. 103, s. 1, v. 5, p. 680. 30 June, 1834, c. 161, s. 24, v. 4, p. 733.

3 *Mar.*, 1875, *c.* 140, *s.* 18, *p.* 476.
31 *Jan.*, 1877, *c.* 41, *s.* 19, *p.* 230.

ton, Carroll, Boone and Marion, and the country lying west of Missouri and Arkansas, known as the Indian Territory. The eastern district includes the residue of said State.] [See § 2158.]

Florida.

3 Mar., 1845, c. 75, s. 3, v. 5, p. 788.
23 Feb., 1847, c. 20, ss. 1, 8, v. 9, pp. 131, 132.

SEC. 534. The State of Florida is divided into two districts, which shall be called the northern and southern districts of Florida. The northern district includes all that part of the State lying north of a line drawn due east and west from the northern part of Charlotte Harbor. The southern district includes the residue of said State.

Georgia.

11 Aug., 1848, c. 151, s. 1, v. 9, p. 280.

SEC. 535. The State of Georgia is divided into two districts, which shall be called the northern and southern districts of Georgia. The northern district includes the counties of Troup, Meriwether, Pike, Butts, Jasper, Morgan, Green, Taliaferro, Wilkes, and Lincoln, as they existed August 11, 1848, with all the counties north of them. The southern district includes the counties of Harris, Talbot, Upson, Monroe, Jones, Putnam, Hancock, Warren, and Columbia, as they existed at said date, with all the counties south of them.

Illinois.

13 Feb., 1855, c. 96, s. 1, v. 10, p. 606.
11 July, 1862, c. 145, s. 1, v. 12, p. 536.

SEC. 536. The State of Illinois is divided into two districts, which shall be called the northern and southern districts of Illinois. The northern district includes the counties of Henderson, Warren, Knox, Peoria, Woodford, Livingston, and Iroquois, as they existed February 13, 1855, with all the counties north of them. The southern district includes the residue of said State.

Iowa.

3 Mar., 1859, c. 85, ss. 5, 6, 7, v. 11, pp. 437, 438.
30 June, 1870, c. 178, s. 1, v. 16, p. 174.

SEC. 537. The State of Iowa constitutes one district, which shall be called the district of Iowa. For the purpose of trying all issues of fact, triable by jury, in the district court, said district is divided into four divisions, which shall be called the northern, southern, western, and central divisions of the district of Iowa. The northern division includes the counties of Clinton, Jones, Linn, Benton, Tama, Marshall, Grundy, Hardin, and Webster, with all the counties north of them and east of the counties of Calhoun, Pocahontas, Palo Alto, and Emmett, as all of said counties existed March 3, 1859. The southern division includes the counties of Scott, Cedar, Johnson, Iowa, Poweshiek, Mahaska, Marion, Lucas, Clarke, and Decatur, as they existed at the same date, with all the counties south and east of them. The western division includes the counties of Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Audubon, Pottawatomie, Cass, Mills, Montgomery, Fremont, and Page. The central division includes the residue of the State.

Michigan.

24 Feb., 1863, c. 54, s. 1, v. 12, pp. 660, 661.
20 June, 1864, c. 143, s. 1, v. 13, p. 143.

SEC. 538. The State of Michigan is divided into two districts, which shall be called the eastern and western districts of Michigan. The western district includes the territory and waters within the following boundaries, as they existed February 24, 1863, namely: commencing at the southwest corner of Branch County, in said State, and running thence north, on the west line of Branch and Calhoun Counties, to the south line of Barry County; thence east, on the north line of Calhoun and Jackson Counties, to the southeast corner of Eaton County; thence north, on the east boundary of Eaton County, to the south line of Clinton County; thence west, on the south boundary of said county, to the southwest corner thereof; thence north, on the west boundary of Clinton and Gratiot Counties, to the south boundary of Isabella County; thence west, on its south boundary, to the southwest corner of said last-named county; thence north, on the west line of Isabella and Clare Counties, to the south boundary of Missaukee County; thence east, on its south boundary, to the southeast corner of Missaukee County; thence north, on the east line of Missaukee, Kalcasca, and Antrim Counties, to the south boundary of Emmett County; thence east, to the southeast corner of Emmett County; thence north, on the east boundary of Emmett County, to the Straits of Mackinac: thence north, to midway across said straits; thence westerly, in a direct line, to a point on the shore of Lake Michigan where the north boundary of Delta County reaches Lake Michigan; thence west, on the north line of Delta County, to the northwest corner of said Delta County; thence south, on the west boundary of said county, to the

dividing-line between the States of Michigan and Wisconsin, in Green Bay; thence northeasterly, on said dividing-line, into Lake Michigan; and thence southerly, through Lake Michigan, to the southwest corner of the State of Michigan, on a line that will include within said boundaries the waters of Lake Michigan within the admiralty jurisdiction of the State of Michigan; thence east, on the south boundary of the State of Michigan, to the intersection of the west line of Hillsdale County. The eastern district includes all the territory and waters of said State not included within the foregoing boundaries.

Mississippi.

18 June, 1838, c. 115, s. 1, v. 5, p. 247.

SEC. 539. The State of Mississippi is divided into two districts, which shall be called the northern and southern districts of Mississippi. The northern district includes the counties of Noxubee, Winston, Attala, Carroll, Bolivar, Coahoma, Tunica, De Soto, Marshall, Tippah, Tishemingo, Itawamba, Monroe, Lowndes, Oktibbeha, Choctaw, Yalabusha, Tallahatchee, Panola, La Fayette, Pontotoc, and Chickasaw, as they existed June 18, 1838. The southern district includes the residue of said State.

Missouri.

3 Mar., 1857, c. 100, s. 1, v. 11, p. 197.

SEC. 540. The State of Missouri is divided into two districts, which shall be called the eastern and western districts of Missouri. The eastern district includes the counties of Schuyler, Adair, Knox, Shelby, Monroe, Audrain, Montgomery, Gasconade, Franklin, Washington, Reynolds, Shannon, and Oregon, as they existed January 1, 1857, with all the counties east of them. The western district includes the residue of said State.

New York.

9 April, 1814, c. 49, s. 1, v. 3, p. 120.
3 April, 1818, c. 32, s. 3, v. 3, p. 414.
25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.
20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109. 18 *Feb.*, 1874, *c.* 80, *v.* 18, *p.* 317.

SEC. 541. The State of New York is divided into three districts, which shall be called the northern, eastern, and southern districts of New York. The northern district includes the counties of Rensselaer, Albany, Schoharie, and Delaware, with all the counties north [and west] of them. The eastern district includes the counties of Richmond, Kings, Queens, and Suffolk, with the waters thereof. The southern district includes the residue of said State, with the waters thereof.

Jurisdiction over waters near city of New York.

25 Feb., 1865, c. 54, s. 2, v. 13, p. 438.

SEC. 542. The district courts of the southern and eastern districts of New York shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, and Suffolk, and over all seizures made and all matters done in such waters; and all processes or orders issued out of either of said courts, or by any judge thereof, shall run and be executed in any part of the said waters.

North Carolina.

4 June, 1872, c. 282, ss. 1, 3, v. 17, p. 215.

SEC. 543. The State of North Carolina is divided into two districts, which shall be called the eastern and western districts of North Carolina. The western district includes the counties of Mecklenburg, Cabarras, Stanly, Montgomery, Richmond, Davie, Davidson, Randolph, Guilford, Rockingham, Stokes, Forsyth, Union, Anson, Caswell, Person, Alamance, Orange, Chatham, Moore, Clay, Cherokee, Swain, Macon, Jackson, Graham, Haywood, Transylvania, Henderson, Buncombe, Madison, Yancey, Mitchell, Watauga, Ashe, Alleghany, Caldwell, Burke, McDowell, Rutherford, Polk, Cleveland, Gaston, Lincoln, Catawba, Alexander, Wilkes, Surry, Iredell, Yadkin, and Rowan, and all territory embraced therein which may hereafter be erected into new counties. The eastern district includes the residue of said State.

Ohio.

10 Feb., 1855, c. 73, s. 1, v. 10, p. 604.

SEC. 544. The State of Ohio is divided into two districts, which shall be called the northern and southern districts of Ohio. The southern district includes the counties of Belmont, Guernsey, Muskingum, Licking, Franklin, Madison, Champaign, Shelby, and Mercer, as they existed February 10, 1855, with all the counties south of them. The northern district includes the residue of said State.

Pennsylvania.

20 April, 1818, c. 108, s. 1, v. 3, p. 462.
26 May, 1824, c. 170, s. 1. v. 4, p. 50.

SEC. 545. The State of Pennsylvania is divided into two districts, which shall be called the eastern and western districts of Pennsylvania. The western district includes the counties of Fayette, Greene, Washington, Allegheny, Westmoreland, Somerset, Bedford, Huntingdon, Centre, Mifflin, Clearfield, McKean, Potter, Jefferson, Cambria, Indiana, Armstrong, Butler, Beaver, Mercer, Crawford, Venango, Erie, Warren, Sus-

quehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, and Lycoming, as they existed April 20, 1818. The eastern district includes the residue of said State.

South Carolina.

21 Feb., 1823, c. 11, s. 1, v. 3, p. 726.

SEC. 546. The State of South Carolina is divided into two districts, which shall be called the eastern and western districts of the district of South Carolina. The western district includes the counties of Lancaster, Chester, York, Union, Spartanburgh, Greenville, Pendleton, Abbeville, Edgefield, Newberry, Laurens, and Fairfield, as they existed February 21, 1823. The eastern district includes the residue of said State.

Tennessee.

18 June, 1838, c. 118, s. 1, v. 5, p. 249. 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. 19 Feb., 1856, c. 8, s. 1, v. 11, p. 1. 3 *Mar.*, 1875, *c.* 148, *v.* 18, *p.* 480.

SEC. 547. The State of Tennessee is divided into three districts, which shall be called the eastern, western, and middle districts of Tennessee. The eastern district includes the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, McMinn, Marion, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Union, and Washington, as they existed February 19, 1856. The western district includes the counties of Benton, Carroll, Henry, Obion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Madison, Henderson, and Weakley, as they existed June 18, 1838. The middle district includes the residue of said State.

Texas.

21 Feb., 1857, c. 57, s. 1, v. 11, p. 164.

SEC. 548. The State of Texas is divided into two districts, which shall be called the eastern and western districts of Texas. The eastern district includes the counties of Newton, Jasper, Jefferson, Orange, Tyler, Polk, Liberty, Galveston, Harris, Montgomery, Austin, Fort Bend, Brazoria, Colorado, Wharton, Matagorda, Lavaca, Jackson, Calhoun, De Witt, Victoria, Goliad, Refugio, San Patricio, Nueces, Cameron, Starr, Webb, and Hidalgo, as they existed in eighteen hundred and fifty-two. The western district includes the residue of said State.

Virginia.

3 Feb., 1871, c. 35, ss. 1, 3, v. 16, p. 403.

SEC. 549. The State of Virginia is divided into two districts, which shall be called the eastern and western districts of Virginia. The western district includes the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Floyd, Franklin, Frederick, Fluvanna, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Patrick, Page, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Smyth, Shenandoah, Tazewell, Washington, Wise, Wythe, and Warren. The eastern district includes the residue of said State.

Wisconsin.

29 June, 1870, c. 175 ss. 1, 3, v. 16, p. 171.

SEC. 550. The State of Wisconsin is divided into two districts, which shall be called the eastern and western districts of Wisconsin. The western district includes the counties of Rock, Jefferson, Dane, Green, Grant, Columbia, Iowa, La Fayette, Sauk, Richland, Crawford, Vernon, La Crosse, Monroe, Adams, Juneau, Buffalo, Chippewa, Dunn, Clark, Jackson, Eau Claire, Pepin, Marathon, Wood, Pierce, Polk, Portage, Saint Croix, Trempealeau, Douglas, Barron, Burnett, Ashland, and Bayfield. The eastern district includes the residue of said State.

CHAPTER TWO.

DISTRICT COURTS—ORGANIZATION.

Sec.
551. District judges, appointment and residence.
552. Judges in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.
553. District judge of southern district of Florida.
554. Salaries of district judges.
555. Clerks.
556. Arkansas, western district; clerks.
557. Kentucky; clerks.
558. Deputy clerks.
559. Deputy clerks of the district court in Indiana.
560. Iowa; deputy clerks.
561. Compensation of deputy clerks.
562. Records, where kept.

District judges, appointment and residence.

SEC. 551. A district judge shall be appointed for each district, except in the cases hereinafter provided. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Conn., Del., Md., Mass., N. H., N. J., N. Y., Pa., Me., Va., Ky., 24 Sept., 1789, c. 20, s. 3, v. 1, p. 73; 18 Dec., 1812, c. 5, v. 2, p. 788. Ark., 15 June, 1836, c. 100, s. 4, v. 5, p. 51. Cal., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Fla., 3 Mar., 1845, c. 75, s. 3, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 1, v. 9, p. 131. Ill., 3 Mar., 1819, c. 70, s. 2, v. 3, p. 502; 13 Feb., 1855, c. 96, s. 7, v. 10, p. 607. Ind., 3 Mar., 1817, c. 100, s. 2, v. 3, p. 390. Iowa, 3 Mar., 1845, c. 76, s. 2, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Mo., 16 Mar., 1822, c. 12, s. 2, v. 3, p. 653; 3 Mar., 1857, c. 100, s. 7, v. 11, p. 198. Mich., 1 July, 1836, c. 234, s. 2, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 7, v. 12, p. 661. N. Y., 29 April, 1812, c. 71, s. 1, v. 2, p. 719; 9 April, 1814, c. 49, s. 2, v. 3, p. 120; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. Nebr., 25 Mar., 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. C., 4 June, 1790, c. 17, s. 2, v. 1, p. 126; 29 April, 102, c. 31, s. 7, v. 2, p. 162; 4 June, 1872, c. 282, s. 8, v. 17, p. 217. Ohio, 19 Feb., 1803, c. 7, s. 2, v. 2, p. 201; 10 Feb., 1855, c. 73, s. 7, v. 10, p. 605. Oreg., 3 Mar., 1857, c. 85, s. 2, v. 11, p. 437. Pa., 20 April, 1818, c. 108, ss. 2, 3, v. 3, p. 462; 26 May, 1824, c. 170, v. 4, p. 50. R. I., 23 June, 1790, c. 21, s. 2, v. 1, p. 128. Texas, 29 Dec., 1845, c. 1, s. 2, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 5, v. 11, p. 165. Vt., 2 Mar., 1791, c. 12, s. 2, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 4, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Judges in Alabama, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

SEC. 552. There shall be appointed in each of the States of Alabama, Georgia, Mississippi, South Carolina, and Tennessee, one district judge, who shall be district judge for each of the districts included in the State for which he is appointed, and shall reside within some one of the said districts. And for offending against this provision, such judges shall be liable as in the preceding section.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73; 18 Dec., 1812, c. 5, v. 2, p. 788. Ala., 21 April, 1820, c. 47, s. 2, v. 3, p. 564; 6 Feb., 1839, c. 20, s. 2, v. 5, p. 315; 10 Mar., 1824, c. 28, s. 2, v. 4, p. 9; 7 Aug., 1848, c. 143, s. 1, v. 9, p. 274. Ga., 11 Aug., 1848, c. 151, s. 2, v. 9, p. 280. Miss., 3 April, 1818, c. 29, s. 2, v. 3, p. 413; 18 June, 1838, c. 115, s. 2, v. 5, p. 247. S. C., 21 Feb., 1823, c. 11, v. 3, p. 726. Tenn., 31 Jan., 1797, c. 2, s. 2, v. 1, p. 496; 18 June, 1838, c. 118, s. 3, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313.

District judge of southern district of Florida.

SEC. 553. The district judge for the southern district of Florida shall reside at Key West.

23 Feb., 1847, c. 20, s. 1, v. 9, p. 131.

Salaries of district judges.

SEC. 554. District judges are entitled to receive yearly salaries at the following rates, payable quarterly from the Treasury: The judge of the district of California five thousand dollars; the judge of the district of Louisiana four thousand five hundred dollars; the judges of the district of Massachusetts; the northern, southern, and eastern districts of New York; the eastern and western districts of Pennsylvania; the district of New Jersey; the district of Maryland; the southern district of Ohio, and the northern district of Illinois, four thousand dollars. The judges of all other districts three thousand five hundred dollars. No other allowance or payment shall be made to them for travel, expenses, or otherwise. [See §§ 597, 613.]

2 Mar., 1867, c. 168, s. 9, v. 14, p. 470. Nebr., 25 Mar., 1867, c. 7, s. 4, v. 15, p. 5. Wis., 30 June, 1870, c. 175, s. 8, v. 16, p. 172. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. Ark., 3 Mar., 1871, c. 106, s. 5, v. 16, p. 472. N. C., 4 June, 1872, c. 282, s. 8, v. 17, p. 217. 18 *Feb.*, 1875, *c.* 83, *v.* 18, *p.* 329.

Clerks.

SEC. 555. A clerk shall be appointed for each district court by the judge thereof, except in cases otherwise provided for by law.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76. 10 April, 1869, c. 22, s. 2, v. 16, p. 45. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109.

Arkansas, eastern district; clerks.

SEC. 556. [*In the western district of Arkansas there shall be appointed two clerks of the district court thereof; one of whom shall reside and keep his office at Fort Smith, and the other shall reside and keep his office at Helena.*] [In the eastern district of Arkansas, there shall be appointed two clerks of the district court thereof, one of whom shall reside and keep his office at Little Rock, and the other shall reside and keep his office at Helena.]

3 Mar., 1851, c. 24, s. 4, v. 9, p. 595. 3 Mar., 1871, c. 106, s. 4, v. 16, p. 472. 31 *Jan.*, 1877, *c.* 41, *v.* 19, *p.* 230.

Kentucky; clerks.

SEC. 557. In the district of Kentucky a clerk of the district court shall be appointed at each place of holding the court, in the same manner and subject to the same duties and responsibilities which are, or may be, provided concerning clerks in independent districts.

15 May, 1862, c. 71, s. 7, v. 12, p. 387. 10 April, 1869, c. 22, s. 3, v. 16, p. 45.

Deputy clerks.

8 June, 1872, c. 336 v. 17, p. 330.

SEC. 558. One or more deputies of any clerk of a district court may be appointed by the court, on the application of the clerk, and may be removed at the pleasure of judges authorized to make the appointment. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the life-time of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his life-time.

Deputy clerks of the district court in Indiana.

3 Mar., 1871, c. 108, s. 1, v. 16, p. 473. 30 June, 1870, c. 180, ss. 1, 7, v. 16, p. 175. 8 June, 1872, c. 336, v. 17, p. 330.

SEC. 559. In the district of Indiana the clerk of the district court must appoint a deputy clerk for said court held at New Albany, and a deputy clerk for said court held at Evansville; who shall reside and keep their offices at said places respectively. Each deputy shall keep in his office full records of all actions and proceedings in the district court held at the same place, and shall have the same power to issue all process from the said court that is or may be given the clerks or other district courts in like cases.

Iowa; deputy clerks.

3 Mar., 1849, c. 124, s. 4, v. 9, p. 412. 3 Mar., 1859, c. 85, ss. 5, 8, v. 11, pp. 437, 438. 30 June 1870, c. 178, ss. 1, 3, v. 16, p. 174. 30 June, 1870, c. 180, s. 7, v. 16, p. 175. 8 June, 1872, c. 336, v. 17, p. 330.

SEC. 560. In the district of Iowa a deputy clerk of the district court shall be appointed at each place, in the four divisions of said district, where said court is required to be held; each of whom, in the absence of the clerk, may exercise all the official powers of clerk, at the place and within the division for which he is appointed.

Compensation of deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 561. The compensation of deputies of the clerks of the district courts shall be paid by the clerks, respectively, and allowed in the same manner that other expenses of the clerks' offices are paid and allowed.

Records, where kept.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73.

SEC. 562. The records of a district court shall be kept at the place where the court is held. When it is held at more than one place in any district, and the place of keeping the records is not specially provided by law, they shall be kept at either of the places of holding the court which may be designated by the district judge.

CHAPTER THREE.

DISTRICT COURTS—JURISDICTION.

Sec.
563. Jurisdiction.
564. Certain seizures cognizable in any district into which the property is taken.
565. May proceed in prize causes after appeal.
566. Trial of issues of fact.
567. Transfer of records to district courts when a Territory becomes a State.
568. District judge shall demand and compel delivery of records of territorial court.
569. Jurisdiction of district courts in cases transferred from territorial courts.
570. Commissioners to administer oaths to appraisers.
571. Certain district courts to have circuit court jurisdiction.

Jurisdiction.

Crimes and offenses.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 3 Mar., 1815, c. 101, s. 4, v. 3, p. 245.

SEC. 563. The district courts shall have jurisdiction as follows:

First. Of all crimes and offenses cognizable under the authority of the United States, committed within their respective districts, or upon the high seas, the punishment of which is not capital, except in the cases mentioned in section fifty-four hundred and twelve, Title "CRIMES." [See §§ 4300-4305.]

23 Aug., 1842, c. 188, s. 3, v. 5, 517. 28 Feb., 1871, c. 100, s. 57, v. 16, p. 456. 3 *Mar.*, 1875, *c.* 137, *ss.* 1, 9, *v.* 18, *pp.* 470, 473.—*Ex parte* Bollman, 4 Cr., 75; U. S. *v.* Hudson, 7 Cr., 32; U. S. *v.* Coolidge, 1 Wh., 415, U. S. *v.* Bevans, 3 Wh., 336.

Second. Of all cases arising under any act for the punishment of piracy, when no circuit court is held in the district of such court. Of piracy, when.

3 Mar., 1823, c. 72, v. 3, p. 789. 15 May, 1820, c. 113, v. 3, p. 600. 30 Jan., 1823, c. 7, v. 3, p. 721. The Palmyra, 12 Wh., 1.

Third. Of all suits for penalties and forfeitures incurred under any law of the United States. Penalties and forfeitures.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. Ketland *v.* The Cassius, 2 Dall., 365; Hall *v.* Warren, 2 McLean, 332.

Fourth. Of all suits at common law brought by the United States, or by any officer thereof, authorized by law to sue. Suits at common law by United States or officers.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 3 Mar., 1815, c. 101, s. 4, v. 3, p. 245. Parsons *v.* Bedford, 3 Pet., 433; Duncan *v.* U. S., 7 Pet., 435.

Fifth. Of all suits in equity to enforce the lien of the United States upon any real estate for any internal-revenue tax, or to subject to the payment of any such tax any real estate owned by the delinquent, or in which he has any right, title, or interest. [See § 3207.] Suits in equity to enforce internal-revenue taxes.

20 July, 1868, c. 186, s. 106, v. 15, p. 167.

Sixth. Of all suits for the recovery of any forfeiture or damages under section thirty-four hundred and ninety, Title "DEBTS DUE BY OR TO THE UNITED STATES;" and such suits may be tried and determined by any district court within whose jurisdictional limits the defendant may be found. [See §§ 3490-3494.] Suits for penalties and damages for frauds against United States.

2 Mar., 1863, c. 67, s. 4, v. 12, p. 698.

Seventh. Of all causes of action arising under the postal laws of the United States. Suits under postal laws.

3 Mar., 1845, c. 43, s. 20, v. 5, p. 739.

Eighth. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors in all cases the right of a common-law remedy, where the common law is competent to give it; and of all seizures on land and on waters not within admiralty and maritime jurisdiction. And such jurisdiction shall be exclusive, except in the particular cases where jurisdiction of such causes and seizures is given to the circuit courts. [And shall have original and exclusive cognizance of all prizes brought into the United States, except as provided in paragraph six of section six hundred and twenty-nine.] Admiralty causes and seizures on land.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 22 Mar., 1794, c. 11, s. 1, v. 1, p. 347. 10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 Mar., 1807, c. 22, ss. 2, 7, v. 2, pp. 426, 428. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319. 13 July, 1866, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152. 2 Mar., 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 Mar., 1865, c. 78, s. 1, v. 13, p. 483. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.—Glass *v.* Sloop Betsey, 3 Dall., 6; Bingham *v.* Cabbo, 3 Dall., 19; U. S. *v.* Schooner Sallie, 2 Cr., 406; Rose *v.* Himely, 4 Cr., 241; U. S. *v.* Betsey and Charlotte, 4 Cr., 443; Keene *v.* U. S., 5 Cr., 304; The Samuel, 1 Wh., 9; L'Invincible, 1 Wh., 238; U. S. *v.* Coolidge, 1 Wh., 415; Slocum *v.* Mayberry, 2 Wh., 1; The Estrella, 4 Wh., 298; L'Amistad de Ruez, 5 Wh., 385; The Sarah, 8 Wh., 391; The Margaret, 9 Wh., 119; The Merino, 9 Wh., 391; Ramsay *v.* Allegre, 12 Wh., 611; Hobart *v.* Drogan, 10 Pet., 108; The Orleans *v.* Phœbus, 11 Pet., 175; Smith *v.* Condry, 1 How., 28; Waring *v.* Clarke, 5 How., 441; New Jersey Steam Navigation Company *v.* Merchants' Bank, 6 How., 344; The Genesee Chief, 12 How., 443; Fretz *v.* Bull, 12 How., 466; Walsh *v.* Rogers, 13 How., 283; Steamboat New World *v.* King, 16 How., 469; Bogard *v.* Steamboat John Jay, 17 How., 399; Ward *v.* Peck, 18 How., 267; Ure *v.* Coffman, 19 How., 56; Jackson *v.* Steamboat Magnolia, 20 How., 296; People's Ferry Company *v.* Beers, 20 How., 393; Taylor *v.* Carryl, 20 How., 598; Allen *v.* Newberry, 21 How., 244; Nelson *v.* Leland, 22 How., 48; Roach *v.* Chapman, 22 How., 129; Ward *v.* Thompson, 22 How., 330; Railroad *v.* Steam Tow-boat Company, 23 How., 209; Moorewood *v.* Enequist, 23 How., 491; The Steamer St. Lawrence, 1 Bl., 522; The Propeller Commerce, 1 Bl., 574; The Plymouth, 3 Wall., 20; The Moses Taylor, 4 Wall., 411; Hine *v.* Trevor, 4 Wall., 555; The Eddy, 5 Wall., 481; The Siren, 7 Wall., 152; The Belfast, 7 Wall., 624; The Eagle, 8 Wall., 15; The Maggie Hammond, 9 Wall., 435; Norwich Company *v.* Wright, 13 Wall., 104; Steamboat Company *v.* Chase, 16 Wall., 522; Atkins *v.* The Disintegrating Company, 18 Wall., 272; Corfield *v.* Coryell, 4 Wash. C. C., 371; Clark *v.* U. S., 2 Wash. C. C., 519; The Abby, 1 Mas., 360; The Washington, 4 Blatch., 101; Jennings *v.* Carson's exs., 1 Pet. Ad., 1; The Jerusalem, 2 Gallis., 345; De Lovio *v.* Boit, 2 Gallis., 398; Gastrell *v.* Raymond, 2 Wood, 213.

Ninth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and [*seventy-six*,] [eight,] Title "INSURRECTION." Condemnation of property taken as prize.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 317.

Suits on debentures.

2 Mar., 1799, c. 22, s. 80, v. 1, p. 687.

Tenth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties, against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. [See § 3039.]

Suits on account of injuries by conspirators in certain cases.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Eleventh. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty-five, Title, "CIVIL RIGHTS." [See § 1980.]

Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States.

Twelfth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity secured by the Constitution of the United States, or of any right secured by any law of the United States to persons within the jurisdiction thereof. [See §§ 1977, 1979.]

20 April, 1871, c. 22, s. 1, v. 17, p 13. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Suits to recover offices.

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

1 *Mar.*, 1875, *c.* 114, *s.* 3, *v.* 18, *p.* 336.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law, to enforce the right of citizens of the United States to vote in all the States. [See § 2010.]

Suits for removal of officers holding contrary to fourteenth amendment

31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Fourteenth. Of all proceeding by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress, or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. [See § 1786.]

Suits against national banks.

3 June, 1864, c. 106, s. 57, v. 13, p. 116.

Fifteenth. Of all suits by or against any association established under any law providing for national banking associations within the district for which the court is held.

Kennedy *v.* Gibson, 8 Wall., 506; Cadle *v.* Tracy, 11 Blatch., 101.

Suits by aliens for torts in violation of the law of nations.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 22 *June*, 1874, *c.* 391, *s.* 17, *v.* 18, *p.* 189. 19 *Feb.*, 1875, *c.* 90, *s.* 7, *v.* 18, *p.* 331.

Sixteenth. Of all suits brought by any alien for a tort 'only' in violation of the law of nations, or of a treaty of the United States.

Suits against consuls and vice-consuls.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 23 Aug., 1842, c. 188, v. 4, p. 517. Laury *v.* Lausada, 1 Am. L. Rev., 92.

Seventeenth. Of all suits against consuls or vice-consuls, except for offenses above the description aforesaid.

In bankruptcy.

2 Mar., 1867, c. 176, s. 1, v. 14, p. 517.

Eighteenth. The district courts are constituted courts of bankruptcy, and shall have in their respective districts original jurisdiction in all matters and proceedings in bankruptcy.

Ray *v.* Norseworthy, 23 Wall., 128; Lathrop Ass. *v.* Drake et al., 91 U. S., 516; Sherman et al. *v.* Bingham et al., 1 Lowell, 575; *In re* The Mutual Ins. Co., 2 Low., 97.

Certain seizures cognizable in any district into which the property is taken.

13 July, 1861, c. 3, ss. 4, 5, 9, v. 12, pp. 256, 257, 258.

SEC. 564. Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such State or section, or of any vessel belonging, in whole or in part, to any inhabitant of such State or section, may be prosecuted in any district court into which the property so seized may be taken, and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as if the seizure was made in that district. [See §§ 5301, 5317.]

May proceed in prize causes after appeal.

SEC. 565. Any district court may, notwithstanding an appeal to the Supreme Court, in any prize cause, make and execute all necessary orders for the custody and disposal of the prize property, and, in case of an appeal from a decree of condemnation, may proceed to make a decree of distribution, so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein. [See § 4637.]

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Trial of issues of fact.

SEC. 566. The trial of issues of fact in the district courts, in all causes except cases in equity and cases of admiralty and maritime jurisdiction, and except as otherwise provided in proceeding in bankruptcy, shall be by jury. In causes of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons burden or upward, enrolled and licensed for the coasting trade, and at the time employed in the business of commerce and navigation between places in different States and Territories upon the lakes and navigable waters connecting the lakes, the trial of issues of fact shall be by jury when either party requires it.

21 Sept., 1789, c. 20, s. 9, v. 1, p. 76.
26 Feb., 1845, c. 20, v. 5, p. 726.

The Eagle, 8 Wall., 25.
Henderson's Distilled Spirits, 14 Wall., 44.

Transfer of records to district courts when a Territory becomes a State.

SEC. 567. When any Territory is admitted as a State, and a district court is established therein, all the records of the proceedings in the several cases pending in the court of appeals of said Territory at the time of such admission, and all records of the proceedings in the several cases in which judgments or decrees had been rendered in said territorial court before that time, and from which writs of error could have been sued out or appeals could have been taken, or from which writs of error had been sued out or appeals had been taken and prosecuted to the Supreme Court, shall be transferred to and deposited in the district court for the said State. [See § 704.]

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Benner *v.* Porter, 9 How., 235.
Forsyth *v.* U. S., 9 How., 571. McNulty *v.* Batty, 10 How., 72.

District judge shall demand and compel delivery of records of territorial court.

SEC. 568. It shall be the duty of the district judge, in the case provided in the preceding section, to demand of the clerk, or other person having possession or custody of the records therein mentioned, the delivery thereof, to be deposited in said district court; and, in case of the refusal of such clerk or person to comply with such demand, the said district judge shall compel the delivery of said records by attachment or otherwise, according to law.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Jurisdiction of district courts in cases transferred from territorial courts.

SEC. 569. When any territory is admitted as a State, and a district court is established therein, the said district court shall take cognizance of all cases which were pending and undetermined in the superior court of such Territory, from the judgments or decrees to be rendered in which writs of error could have been sued out or appeals taken to the Supreme Court, and shall proceed to hear and determine the same. [See § 704.]

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Commissioners to administer oaths to appraisers.

SEC. 570. Any district judge may appoint commissioners, before whom appraisers of vessels or goods and merchandise seized for breaches of any law of the United States may be sworn; and such oaths, so taken, shall be as effectual as if taken before the judge in open court. [See § 938.]

9 June, 1794, c. 64, s. 1, v. 1, p. 395.

Certain district courts to have circuit-court jurisdiction.

SEC. 571. [*The district courts for the western district of Arkansas, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia, shall have, in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes, except appeals and writs of error, which are cognizable in a circuit court; and shall proceed therein in the same manner as a circuit court.*] [The district courts for the western district of Arkansas, the eastern district of Arkansas at Helena, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia, shall have in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes, except appeals and writs of error, which are cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court.]

Ark., 3 Mar., 1851, c. 24, s. 3, v. 9, p. 595.
Ga., 11 Aug., 1848, c. 151, s. 8, v. 9, p. 281.
Miss., 16 Feb., 1839, c. 27, s. 1, v. 5, p. 317.
S.C., 21 Feb., 1823, c. 11, v. 3, p. 726; 12, s. 2, v. 3, p. 479; 215; 11 June, 1864, *Jan.*, 1877, *c.* 41, *r.* 31 19, *p.* 230.

16 Aug., 1856, c. 119, ss. 1, 3, v. 11, p. 43. W. Va., 4 Feb., 1819, c. 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 28 Mar., 1838, c. 46, s. 1, v. 5, p. c. 120, s. 1, v. 13, p. 124; 4 June, 1872, c. 284, s. 1, v. 17, p. 218.

CHAPTER FOUR.

DISTRICT COURTS—SESSIONS.

Sec.
572. Terms of district courts.
573. Effect of altering terms of district courts.
574. Court always open as court of admiralty, for certain purposes.
575. District court in southern district of Florida.
576. District courts in Wisconsin.
577. Kentucky and Indiana; how terms may be held.
578. Monthly adjournments for trial of criminal causes.
579. Adjourned terms.
580. Adjourned terms in Kentucky and Indiana.
581. Special terms.
582. Tennessee; when circuit judges may act as district judges.
583. Adjournment in case of non-attendance of the judge.
584. Adjournment in case of non-attendance of the judge, in certain districts.
585. Adjournment in Kentucky and Indiana, by written order, within first three days of terms.
586. Intermediate terms in California; Iowa, and Tennessee.
587. Business certified to circuit court in case of disability of district judge.
588. Suits brought in district court after order to certify to circuit court.
589. Powers of district judge vested, during disability, in circuit judge.
590. Preparatory examinations and orders in admiralty cases, by district clerk.
591. District judge designated to perform duties of disabled judge.
592. Designation of another judge in case of accumulation of business.
593. When designation of another judge to be by Chief Justice United States.
594. Revocation and new appointment.
595. Duty of district judge to comply with designation and appointment.
596. Designation of district judge when public interest requires.
597. Expenses of a district judge designated to southern district of New York.
598. Disability of district judges in Florida.
599. Disability of judge of northern and southern districts of New York.
600. When district judge of eastern district of New York may act in southern district.
601. When district judge is interested in suit pending before him.
602. Continuances by vacancy in office of district judge.
603. Vacancy in office of district judge.

Terms of district courts.

SEC. 572. The regular terms of the district courts shall be held at the times and places following, but when any of said dates shall fall on Sunday, the term shall commence on the following day:

Alabama.

7 Aug., 1848, c. 143, ss. 1, 2, v. 9, p. 274. 4 May, 1852, c. 25, s. 1, v. 10, p. 5. 2 Mar., 1827, c. 41, s. 1, v. 4, p. 226. 9 June, 1860, c. 85, s. 1, v. 12, p. 28. 23 *June*, 1874, *c.* 463, *v.* 18, *p.* 251.

In the southern district of Alabama, at Mobile, on the fourth Monday in April, and the second Monday after the fourth Monday in November.

In the middle district of Alabama, at Montgomery, on the fourth Monday in May and November.

In the northern district of Alabama, at Huntsville, on the third Monday in May and November.

Arkansas.

15 June, 1836, c. 100, s. 4, v. 5, p. 51. 3 Mar., 1839, c. 81, s. 5, v. 5, p. 337. 3 Mar., 1851, c. 24, s. 2, v. 9, p. 594. 3 Mar., 1871, c. 106, ss. 1, 5, v. 16, pp. 471, 472. 31 *Jan.*, 1877, *c.* 41, *v.* 19, *p.* 230.

[*In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October.*

In the western district of Arkansas, at Fort Smith, on the second Monday in May and November, and at Helena on the second Monday in March and September.]

[In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October, and at Helena on the second Monday in March and October.

In the western district of Arkansas, at Fort Smith on the first Monday in February, May, August, and November.]

California.

19 Feb., 1864, c. 11, s. 8, v. 13, p. 5.

In the district of California, at San Francisco, on the first Monday in April, on the second Monday in August, and on the first Monday in December.

Connecticut.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 74. 6 Feb., 1812, c. 20, v. 2, p. 676.

In the district of Connecticut, at New Haven, on the fourth Tuesday in February; at Hartford, on the fourth Tuesday in May; at New Haven, on the fourth Tuesday in August, and at Hartford on the fourth Tuesday in November.

Delaware.

10 May, 1852, c. 33, s. 1, v. 10, p. 5. 14 June, 1856, c. 45, s. 1, v. 11, p. 22.

In the district of Delaware, at Wilmington, on the second Tuesday in January, April, June, and September.

In the northern district of Florida, at Tallahassee, on the first Monday in February, at Pensacola, on the first Monday in March, and at Jacksonville, on the first Monday in December. — Florida. — 27 July, 1868, c. 270, s. 1, v. 15, p. 239.

In the southern district of Florida, at Key West, on the first Monday in May and November. — 23 Feb., 1847, c. 20, s. 2, v. 9, p. 131.

In the northern district of Georgia, at Atlanta, on the first Monday in March and September. — Georgia.

In the southern district of Georgia, at Savannah, on the second Tuesday in February, May, August, and November. — 9 July, 1794, c. 64, s. 2, v. 1, p. 396. 29 April, 1802, c. 31, s. 15, v. 2, p. 165.

11 Aug., 1848, c. 151, ss. 1, 2, v. 9, p. 280. 4 June, 1872, c. 284, s. 3, v. 17 p. 218.

In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December. — Illinois. — 13 Feb., 1855, c. 96, s. 2, v. 10, p. 606.

In the southern district of Illinois, at Springfield, on the first Monday in January and June, and at Cairo, on the first Monday in March and October. — 23 April, 1856, c. 18, s. 1, v. 11, p. 4. 3 July, 1868, c. 118, s. 1, v. 15, p. 82.

In the district of Indiana, at Indianapolis, on the first Tuesday in May and November, and at New Albany, on the first Monday in January and July, and at Evansville, on the first Monday in February and August. — Indiana. — 10 Mar., 1838, c. 33 s. 1, v. 5, p. 215. 20 Feb., 1863, c. s. 1, v. 16, p. 175.

47, s. 1, v. 12, p. 657. 30 June, 1870, c. 180,

In the northern division of the district of Iowa, at Dubuque, on the third Tuesday in April and November. — Iowa.

In the southern division, at Keokuk, on the third Tuesday in March and September.* — 3 Mar., 1859, c. 88, ss. 5, 6, 7, v. 11, pp. 437, 438.

In the central division, at Des Moines, on the second Tuesday in May and the third Tuesday in October. — 15 July, 1862, c. 178, s. 1, v. 12, p. 576.

In the western division, at Council Bluffs, on the third Tuesday in January and July. — 3 Mar., 1863, c. 69, s. 2, v. 12, p. 699. 30 June, 1870, c.

178, s. 2, v. 16, p. 174. 9 *Feb.*, 1874, *c.* 24, *v.* 18, *p.* 15.

In the district of Kansas, at the seat of government, on the second Monday in April, and at Leavenworth, on the second Monday in October. — Kansas. — 29 Jan., 1861, c.

20, s. 5, v. 12, p. 128. 8 June, 1872 c. 341, v. 17, p. 334.

In the district of Kentucky, at Covington, on the second Monday in May and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the second Monday in April and the first Monday in November. — Kentucky. — 15 May, 1862, c. 71, s. 1, v. 12, p. 386. 1 Mar., 1873, c. 215, v. 17, p. 484.

In the district of Louisiana, at New Orleans, on the third Monday in February, May, and November. — Louisiana.

99, s. 1, v. 10, p. 307. 27 July, 1866, c. 280, — 20 July, 1854, c. s. 1, v. 14, p. 300.

In the district of Maine, at Portland, on the first Tuesday in February; at Bangor, on the fourth Tuesday in June; at Bath, on the first Tuesday in September, and at Portland on the first Tuesday in December. — Maine. — 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.

28 Nov., 1811, c. 2, s. 1, v. 2, p. 667. 27 Jan., 1831, c. 10, s. 1, v. 4, p. 434. 15 Feb., 1843, c. 32, s. 2, v. 5, p. 600. 14 July, 1862, c. 174, s. 1, v. 12, p. 575.

In the district of Maryland, at Baltimore, on the first Tuesday in March, June, September, and December. — Maryland.

20, s. 3, v. 1, p. 74. 29 April, 1802, c. 31, — 24 Sept., 1789, c. s. 15, v. 2, p. 165.

In the district of Massachusetts, at Boston, on the third Tuesday in March, on the fourth Tuesday in June, on the second Tuesday in September, and on the first Tuesday in December. — Massachusetts. — 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.

9 June, 1794, c. 64, s. 2, v. 1, p. 396. 3 Mar., 1813, c. 45, s. 3, v. 2, p. 815.

In the eastern district of Michigan, at Detroit, on the first Tuesday in March, June, and November. — Michigan.

In the western district of Michigan, at Grand Rapids, on the third Monday in May and October. — 24 Feb., 1863, c. 54, s. 2, v. 12, p. 661.

*At Keokuk, third Tuesdays of January and June, and at Council Bluffs, fourth Mondays of March and September. Act 9 Feb., 1874.

Minnesota.

3 Mar., 1859, c. 74, s. 1, v. 11, p. 402.

In the district of Minnesota, at Winona, on the first Monday in June, and at Saint Paul on the first Monday in October.

5 April, 1866, c. 26, s. 1, v. 14, p. 14.

Mississippi.

18 June, 1838, c. 115, ss. 1, 2, v. 5, p. 247. 16 May, 1866, c. 83, s. 1, v. 14, p. 48.

In the northern district of Mississippi, at Oxford, on the first Monday in June and December.

In the southern district of Mississippi, at Jackson, on the fourth Monday in January and June.

5 May, 1830, c. 89, s. 1, v. 4, p. 399. 3 Mar., 1835, c. 34, s. 1, v. 4, p. 773.

Missouri.

3 Mar., 1857, c. 100, s. 2, v. 11, p. 197. 25 Feb., 1873, c. 200, s. 5, v. 17, p. 477.

In the eastern district of Missouri, at Saint Louis, on the first Monday in May and November.

In the western district of Missouri, at Jefferson, on the first Monday in March and September.

Nebraska.

25 Mar., 1867, c. 7, s. 2, v. 15, p. 5.

In the district of Nebraska, at Omaha, on the first Monday in May and on the first Wednesday after the second Tuesday in October.*

3 Mar., 1873, c. 263, v. 17, p. 601. 17 *Feb.*, 1877, *c.* 60, *v.* 19, *p.* 232.

Nevada.

27 Feb., 1865, c. 64, s. 1, v. 13, p. 440.

In the district of Nevada, at Carson City, on the first Monday in February, May, and October.

New Hampshire.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.

In the district of New Hampshire, at Portsmouth, on the Third Tuesday in March and September; at Exeter, on the third Tuesday in June and December.

New Jersey.

4 June, 1844, c. 38, s. 1, v. 5, p. 660.

In the district of New Jersey, at Trenton, on the third Tuesday in January, April, June, and September.

12 Aug., 1848, c. 169, s. 1, v. 9, p. 303.

New York.

4 July, 1864, c. 245, s. 1, v. 13, p. 385. 29 May, 1830, c. 213, s. 1, v. 4, p. 422. 25 Feb., 1855, c. 54, s. 1, v. 13, p. 438.

In the northern district of New York, at Albany, on the third Tuesday in January; at Utica, on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo, on the third Tuesday in August; at Auburn, on the third Tuesday in November; and, in the discretion of the judge of said court, one term annually at such time and place within the counties of Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by a notice of at least twenty days published in the State paper of the State of New York, and in one newspaper published at the place where said court is to be held; and said term shall be held only for the trial of issues of fact arising within said counties.

In the southern district of New York, in the city of New York, on the first Tuesday in every month.

In the eastern district of New York, in Brooklyn, on the first Wednesday in every month.

North Carolina.

10 Mar., 1828, c. 16, s. 1, v. 4, p. 254. 1 July, 1870, c. 188, v. 16, p. 180. 4 June, 1872, c. 282, s. 2, v. 17, p. 215.

In the eastern district of North Carolina, at Elizabeth City, on the third Monday in April and October; at New Berne, on the fourth Monday in April and October; and at Wilmington, on the first Monday after the fourth Monday in April and October.

In the western district of North Carolina, at Greensborough, on the first Monday in April and October; at Statesville, on the third Monday in April and October; and at Asheville, on the first Monday in May and November.

Ohio.

7 July, 1870, c. 214, v. 16, p. 192. 23 May, 1872, c. 201, v. 17, p. 157. 21 Feb., 1863, c. 49, v. 12, p. 657.

In the northern district of Ohio, at Cleveland, on the first Tuesday in January, April, and October; and at Toledo, two terms, to be held at such times as shall be fixed by the judge of said district.

In the southern district of Ohio, at Cincinnati, on the first Tuesday in February, April, and October.

Oregon.

19 Feb., 1864, c. 11, s. 8, v. 13, p. 5.

In the district of Oregon, at Portland, on the first Monday in March, July, and November.

Pennsylvania.

9 June, 1794, c. 64, s. 2, v. 1, p. 396.

In the eastern district of Pennsylvania, at Philadelphia, on the third Monday in February, May, August, and November.

In the western district of Pennsylvania, at Pittsburgh, on the first Monday in May, and on the third Monday in October; at Williamsport,

* By st. Feb. 17, 1877, c. 60, v. 19, p. 232, the fall term is held on the second Monday of November.

on the third Monday in June, and on the first Monday in October; at Erie, on the second Monday in January, and third Monday in July.

20 April, 1818, c. 108, s. 1, v. 3, p 462. 15 May, 1820, c. 111, s. 1. v. 3, p. 598. 5 April, 1826, c. 23, s. 1, v. 4, p. 153. 8 May, 1840, c. 23, s. 1, v. 5, p. 380. 27 July, 1842, c. 68, s. 1, v. 5, p. 496. 28 July, 1866, c. 304, s. 1, v. 14, p. 342. 21 Feb., 1871, c. 63, v. 16, p. 429.

Rhode Island.

In the District of Rhode Island, at Providence, on the first Tuesday in February and August; at Newport, on the second Tuesday in May, and on the third Tuesday in October.

23 Mar., 1804, c. 31, s. 4, v. 2, p. 273.

South Carolina.

In the eastern district of South Carolina, at Charleston, on the first Monday in January, May, July, and October. In the western district, at Greenville, on the first Monday in August.

10 Feb., 1858, c. 5, s. 1, v. 11, p. 260. 16 Aug., 1856, c. 119, s. 1, v. 11, p. 43. 21 Feb., 1823, c. 11, v. 3, p. 726.

Tennessee.

In the eastern district of Tennessee, at Knoxville, on the second Monday in January and July.

In the middle district of Tennessee, at Nashville, on the third Monday in April and October.

25 June, 1868, c. 79, s. 1, v. 15, p. 80.

In the western district of Tennessee, at Memphis, on the fourth Monday in May and November.

Texas.

In the eastern district of Texas, at Brownsville, on the first Monday in March and October; at Galveston, on the first Monday in May and December.

21 Feb., 1857, c. 57, s. 2, v. 11, p. 164.

In the western district of Texas, at Austin, on the first Monday in January and June; at Tyler, on the fourth Monday in April, and on the first Monday in November.

11 June, 1858, c. 147, s. 1, v. 11, p. 314.

Vermont.

In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the Monday next after the fourth Tuesday in July; at Rutland, on the sixth day of October.

29 April, 1802, c. 31, s. 27, v. 2, p. 166. 22 Mar., 1816, c. 31, s. 1, v. 3, p. 258. 3 Mar., 1823, c. 45, s. 1, v. 3, p. 776. 4 May, 1858, c. 28, s. 1, v. 11, p. 272. 22 Feb., 1869, c. 43, s. 1, v. 15, p. 274. 5 *June*, 1874, *c.* 214, *v.* 18, *p.* 53.

Virginia.

In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk on the first Monday in May and November.

3 Feb., 1871, c. 35, ss. 2, 3, v. 16, p. 403.

In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Abingdon, on the Tuesday after the fourth Monday in May and October; and at Harrisonburgh, on the Tuesday after the first Monday in May, and the Tuesday after the second Monday in October.

1 Feb., 1872, c. 10, v. 17, p. 27. 13 April, 1872, c. 99, v. 17, p. 52.

West Virginia.

In the district of West Virginia, at Clarksburgh, on the twenty-fourth days of March and August; and at Wheeling, on the sixth days of April and September; and at Charleston, on the nineteenth days of April and September.

11 June, 1864, c. 120, s. 1, v. 13, p. 124.

Wisconsin.

In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; at Milwaukee, on the first Monday in January and October.

In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.

29 June 1870, c. 175, ss. 2, 3, v. 16, p. 171.

9 May, 1872, c. 143, s. 1, v. 17, p. 88. 9 *Feb.*, 1874, *c.* 24, *v.* 18, *p.* 15. 16 *June*, 1874, *c.* 286, *v.* 18, *p.* 75. 22 *June*, 1874, *c.* 401, *s.* 6, *v.* 18, *p.* 195.

Effect of altering terms of district courts.

SEC. 573. No action, suit, proceeding, or process in any district court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established next after the return-day thereof.

See all acts altering terms.

Court always open as court of admiralty, for certain purposes.

SEC. 574. The district courts, as courts of admiralty, and as courts of equity, so far as equity jurisdiction has been conferred upon them, shall be deemed always open, for the purpose of filing and pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any district judge may, upon reasonable notice to the parties, make,

23 Aug., 1842, c. 188, s. 5, v. 5, p. 517.

and direct and award, at chambers, or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practices of the court.

District court in southern district of Florida.

SEC. 575. The district court for the southern district of Florida shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction.

23 Feb., 1847, c. 20, s. 2, v. 9, p. 131.

District courts in Wisconsin.

SEC. 576. The district courts of the districts of Wisconsin shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury.

29 May, 1848, c. 50, s. 4, v. 9, p. 234. 29 June, 1870, c. 175, ss. 1, 3, v. 16, p. 171. 26 Feb., 1845, c. 20, v. 5, p. 726.

Kentucky and Indiana; how terms may be held.

SEC. 577. In the districts of Kentucky and Indiana, the terms of the district courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term of the court elsewhere; but the court intervening may be adjourned over till the business of the court in session is concluded.

Ky., 15 May, 1862, c. 71, s. 6, v. 12, p. 386. Ind., 30 June, 1870, c. 180, s. 6, v. 16, p. 175.

Monthly adjournments for trial for criminal causes.

SEC. 578. District courts shall hold monthly adjournments of their regular terms, for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases.

23 Aug., 1842, c. 188, s. 3, v. 5, p. 517.

Adjourned terms.

SEC. 579. The judge of any district court in Indiana, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, and Texas, may adjourn the same from time to time, to meet the necessities or convenience of the business.

Ind., 30 June, 1870, c. 180, s. 5. v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. La., 20 July, 1854, c. 99, s. 1, v. 10, p. 307; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 24 Feb., 1863, c. 54, s. 2, v. 12, p. 661. Ohio, 10 Feb., 1855, c. 73, s. 2, v. 10, p. 605. Pa., 20 April, 1818, c. 108, s. 1, v. 3, p. 462; 26 May, 1824, c. 170, s. 1, v. 4, p. 50; 28 July, 1866, c. 304, s. 1, v. 14, p. 342. Tex., 21 Feb., 1857, c. 57, s. 2, v. 11, p. 164. Mechanics' Bank *v.* Withers, 6 Wh., 106.

Adjourned terms in Kentucky and Indiana.

SEC. 580. In the districts of Kentucky and Indiana the intervention of a term of the district court at another place, or of a circuit court, shall not preclude the power to adjourn over to a future day.

15 May, 1862, c. 71, s. 4, v. 12, p. 386; 30 June, 1870, c. 180, s. 5, v. 16, p. 175.

Special terms.

SEC. 581. A special term of any district court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the district judge. And any business may be transacted at such special term which might be transacted at a regular term.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73. Ala., 6 Feb., 1839, c. 20, s. 2, v. 5, p. 315; 9 June, 1860, c. 85, s. 3, v. 12, p. 29. Ark., 15 June, 1836, c. 100, s. 4, v. 5, p. 51; 3 Mar., 1851, c. 24, s. 2, v. 9, p. 594. Cal., 28 Sept., 1850, c. 86, s. 3, v. 9, p. 522. Fla., 3 Mar., 1845, c. 75, s. 4, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 2, v. 9, p. 131. Ill., 3 Mar., 1851, c. 44, s. 1, v. 9, p. 606. Ind., 30 June, 1870, c. 180, s. 4, v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. N. C., 4 June, 1872, c. 282, s. 4, v. 17, p. 215. N. Y., 4 July, 1864, c. 245, s. 1, v. 13, p. 385. Tenn., 26 Jan., 1864, c. 5, s. 2, v. 13, p. 2. Va., 3 Feb., 1871, c. 35, s. 4, v. 16, p. 403. Wis., 29 May, 1848, c. 50, s. 4, v. 9, p. 234; 29 June, 1870, c. 175, s. 4, v. 16, p. 171.

Tennessee, when circuit judges may act as district judges.

SEC. 582. In the case of the non-attendance of the district judge of Tennessee at any term of the district court in either of the districts thereof, the circuit justice, or circuit judge of the circuit to which such district belongs, may hold such term, and shall have and exercise the jurisdiction and powers given by law to a district judge.

3 Mar., 1843, c. 74, s. 2, v. 5, p. 610. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Adjournment in case of non-attendance of the judge.

SEC. 583. If the judge of any district court is unable to attend at the commencement of any regular, adjourned, or special term, the court may be adjourned by the marshal, by virtue of a written order directed to him by the judge, to the next regular term, or to any earlier day, as the order may direct.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76. 26 Mar., 1804, c. 44, v. 2, p. 291.

Adjournment in case of non-attendance of the judge in certain districts.

SEC. 584. If the judge of any district court in Alabama, California, Georgia, Indiana, Iowa, Kentucky, North Carolina, Tennessee, or West Virginia is not present at the time for opening the court, the clerk may open and adjourn the court from day to day for four days; and if the judge does not appear by two o'clock after noon of the fourth day, the clerk shall adjourn the court to the next regular term. But this section is subject to the provisions of the preceding and next sections.

Ala., 10 Mar., 1824, c. 28, s. 9, v. 4, p. 10; 6 Feb., 1839, c. 20, s. 10, v. 5, p. 316.
Cal., 28 Sept., 1850, c. 86, s. 6, v. 9, p. 522. Ga., 18 Aug., 1848, c. 151, s. 10, v. 9, p. 281.
Ind., 30 June, 1870, c. 180, s. 2, v. 16, p. 175. Iowa, 3 Mar., 1849, c. 124, s. 1, v. 9, p. 411.
Ky., 15 May, 1862, c. 71, s. 2, v. 12, p. 386. N. C., 23 Jan., 1812, c. 17, s. 2, v. 2, p. 676.
Tenn., 18 June, 1838, c. 118, s. 7, v. 5, p. 250. W. Va., 26 May, 1824, c. 167, s. 3, v. 4, p. 49.

Adjournment in Kentucky and Indiana, by written order, within first three days of terms.

SEC. 585. In the districts of Indiana and Kentucky, the district judge, in the case provided in the preceding section, may, by a written order to the clerk within the first three days of his term, adjourn the district court to a future day within thirty days of the first day. The clerk shall give notice of such adjournment by posting a copy of said order on the front door of the court-house where the court is to be held.

15 May, 1862, c. 71, s. 2, v. 12, p. 386.
30 June, 1870, c. 180, s. 2, v. 16, p. 75.

Intermediate terms in California, Iowa, and Tennessee.

SEC. 586. Whenever the judge of any district court in the districts of California, Iowa, and Tennessee fails to hold any regular term thereof, it shall be his duty, if it appears that the business of the court requires it, to hold an intermediate term. Such intermediate term shall be appointed by an order under his hand and seal, addressed to the clerk and marshal at least thirty days previous to the time fixed therein for holding it, and the order shall be published the same length of time in the several newspapers published within such districts respectively. And at such intermediate term the business of the court shall have reference to and be proceeded with in the same manner as if it were a regular term.

28 Sept., 1850, c. 86, s. 6, v. 9, p. 522.
3 Mar., 1849, c. 124, s. 1, v. 9, p. 411.
18 June, 1838, c. 118, s. 8, v. 5, p. 250.
18 June, 1839, c. 3, s. 1, v. 5, p. 313.

Business certified to circuit court in case of disability of district judge.

SEC. 587. When satisfactory evidence is shown to the circuit judge of any circuit, or, in his absence, to the circuit justice allotted to the circuit, that the judge of any district therein is disabled to hold a district court, and to perform the duties of his office, and an application accordingly is made in writing to such circuit judge or justice, by the district attorney or marshal of the district, the said judge or justice, as the case may be, may issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be held in said district all suits and processes, civil and criminal, depending in said district court, and undetermined, with all the proceedings thereon, and all the files and papers relating thereto. Said order shall be immediately published in one or more newspapers printed in said district, at least thirty days before the session of such circuit court, and shall be sufficient notification to all concerned; and thereupon the circuit court shall proceed to hear and determine the suits and processes so certified. And all bonds and recognizances taken for, or returnable to, such district court, shall be held to be taken for, and returnable to, said circuit court, and shall have the same effect therein as they could have had in the district court to which they were taken. [See § 637.]

2 Mar., 1809, c. 27, s. 1, v. 2, p. 534.
29 July, 1850, c. 30, s. 1, v. 9, p. 442.
2 April, 1852, c. 20, v. 10, p. 5.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Ex parte U. S., 1 Gallis., 338.

Suits brought in district court after order to certify to circuit court.

SEC. 588. When an order has been made as provided in the preceding section, the clerk of the district court shall continue, during the disability of the district judge, to certify, as aforesaid, all suits, pleas, and processes, civil and criminal, thereafter begun in said court, and to transmit them to the circuit court next to be held in that district; and the said court shall proceed to hear and determine them as provided in said section: *Provided*, That when the disability of the district judge ceases or is removed, the circuit court shall order all such suits and proceedings then pending and undetermined therein, in which the district courts have an exclusive original cognizance, to be remanded, and the clerk of such court shall transmit the same, with all matters relating thereto, to the district court next to be held in that district; and the same proceedings shall then be had in the district court as would have been had if such suits had originated or been continued therein.

2 Mar., 1809, c. 27, s. 2, v. 2, p. 535.

Ex parte U. S., 1 Gallis., 338.

Powers of district judge vested, during disability, in circuit judge.

2 Mar., 1809, c. 27, s. 2, v. 2, p. 534.

SEC. 589. In the case provided in the two preceding sections the circuit judge, and in his absence the circuit justice, shall have and exercise, during such disability, all the powers of every kind vested by law in such district judge. But this provision does not require them to hold any special court, or court of admiralty, at any other time than that fixed by law for holding the circuit court in said district.

Preparatory examinations and orders in admiralty cases by district clerk.

2 Mar., 1809, c. 27, s. 3, v. 2, p. 535.
10 April. 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 590. When the business of a [*circuit*] [district] court is certified into the circuit court on account of the disability of the district judge, the district clerk shall be authorized, by order of the circuit judge, or, in his absence, of the circuit justice within whose circuit such district is included, to take, during such disability, all examinations and depositions of witnesses, and make all necessary rules and orders, preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

18 *Feb.*, 1875, *c.* 18, *v.* 18, *p.* 317.

District judge designated to perform duties of disabled judge.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 591. When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, or of the circuit court in his district in the absence of the other judges, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said courts, and to discharge all the judicial duties of the judge so disabled, during such disability. Such appointment shall be filed in the clerk's office, and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the district clerk to the judge so designated and appointed.

Designation of another judge in case of accumulation of business.

2 April, 1852, c. 20, v. 10, p. 5.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 592. When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof; and each of the said district judges may, in case of such appointment, hold separately at the same time a district or circuit court in such district, and discharge all the judicial duties of a district judge therein; but no such judge shall hear appeals from the district court.

When designation of another judge to be by Chief Justice United States.

29 July, 1850, c. 30, s. 2, v. 9, p. 443.
2 April, 1852, c. 20, v. 10, p. 5.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 593. If the circuit judge and circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the courts and transact the business for which he is designated, the district clerk shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint, in the manner aforesaid, the judge of any district within such circuit or within any circuit next contiguous; and said appointment shall be transmitted to the district clerk, and be acted upon by him as directed in the preceding section.

Revocation and new appointment.

29 July, 1850, c. 30, s. 4, v. 9, p. 443.
2 April, 1852, c. 20, v. 10, p. 5.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 594. The circuit judge, or circuit justice, or the Chief Justice, as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge within the said circuits, for the duties, and with the powers mentioned in the three preceding sections, and to revoke any previous designation and appointment.

Duty of district judge to comply with designation and apointment.

29 July, 1850, c. 30, s., 3 v. 9, p. 443.

SEC. 595. It shall be the duty of the district judge who is designated and appointed under either of the four preceding sections, to discharge all the judicial duties for which he is so appointed, during the continuance of such disability, or, in the case of an accumulation of business, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of

said provisions, shall have the same effect and validity as if done by or before the district judge of the said district.

2 April, 1852, c. 20, v, 10, p. 5.

SEC. 596. It shall be the duty of every circuit judge, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section five hundred and ninety-one, the district judge of any judicial district within his circuit to hold a district or circuit court in the place or in aid of any other district judge within the same circuit; and it shall be the duty of the district judge, so designated and appointed, to hold the district or circuit (*) as aforesaid, without any other compensation than his regular salary as established by law, except in the case provided in the next section.

Designation of district judge when public interest requires.

3 Mar., 1871, c. 113, s. 3, v. 16, p. 494.
29 July, 1850, c. 30, s. 1, v. 9, p. 442.

SEC. 597. Whenever a district judge from another district, holds a district or circuit court in the southern district of New York, in pursuance of the preceding section, his expenses, not exceeding ten dollars a day, certified by him, shall be paid by the marshal of said district, as a part of the expenses of the court, and shall be allowed in the marshal's account.

Expenses of a district judge designated to southern district of New York.

5 Mar., 1872, c. 35, v. 17, p. 36.

SEC. 598. When a certificate of the judge of either of the districts of Florida, stating that he is disabled to hold any regular, special, or adjourned term of the court of such district, and requesting the judge of the other district to hold the same, is filed in the clerk's office of the place where it is to be held, the judge of the other district is authorized to hold such courts, and to exercise all the powers of district judge, in the district of the judge so certifying.

Disability of district judges in Florida.

24 Feb., 1855, c. 125, v. 10, p. 615.

SEC. 599. Whenever the judge of the northern district of New York is disabled to perform the duties of his office, it shall be the duty of the judge of the southern district, upon receiving from him notice thereof, to hold the district court, and to perform all the duties of district judge for such district. And whenever the judge of the southern district is so disabled, it shall be the duty of the judge of the eastern district, upon a like notice, to hold the district court, and to perform all the duties of district judge for the southern district. In such cases the said judges, respectively, shall have the same powers as are vested in the judge so disabled.

Disability of judge of northern and southern districts of New York.

3 April, 1818, c. 32, s. 1, v. 3, p. 414.
25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

SEC. 600. Whenever the judge of the southern district of New York deems it desirable, on account of the pressure of public business or other cause, that the judge of the eastern district shall perform the duties of a district judge in the southern district, an order to that effect may be entered upon the records of the district court thereof; and thereupon the judge of the eastern district shall have power to hold the district court, and to perform all the duties of district judge for the southern district.

When district judge of eastern district of New York may act in southern district.

25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

SEC. 601. Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel for either party, or is so related to or connected with either party as to render it improper, in his opinion, for him to sit on the trial, it shall be his duty, on application by either party, to cause the fact to be entered on the records of the court; and, also, an order that an authenticated copy thereof, with all the proceedings in the suit, shall be forthwith certified to the next circuit court for the district; and if there be no circuit court therein, to the next circuit court in the State; and if there be no circuit court in the State, to the next convenient circuit court in an adjoining State; and the circuit court shall, upon the filing of such record with its clerk, take cognizance of and proceed to hear the case, in like manner as if it had originally and rightfully been commenced therein. [See § 637.]

When district judge is interested in suit pending before him.

3 Mar., 1821, c. 51, v. 3, p. 643.
8 May, 1792, c. 36, s. 11, v. 1, p. 278.
Spencer *v.* Lapsley, 20 How., 266.

SEC. 602. When the office of judge of any district court is vacant, all process, pleadings, and proceedings pending before such court shall be continued of course until the next stated term after the appointment and qualification of his successor; except when such first-mentioned term is held as provided in the next section.

Continuances by vacancy in office of district judge.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.
6 Aug., 1861, c. 59, v. 12, p. 318.

(*) The word *court* omitted.

Vacancy in office of district judge.

6 Aug., 1861, c. 59, v. 12, p. 318.

SEC 603. When the office of district judge is vacant in any district in a State containing two or more districts, the judge of the other or of either of the other districts may hold the district court, or the circuit court in case of the sickness or absence of the other judges thereof, in the district where the vacancy occurs, and discharge all the judicial duties of judge of such district, during such vacancy; and all the acts and proceedings in said courts, by or before such judge of an adjoining district, shall have the same effect and validity as if done by or before a judge appointed for such district.

CHAPTER FIVE.

JUDICIAL CIRCUITS.

Sec. 604. Circuits.

Circuits.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.
30 Mar., 1820, c. 27, s. 1, v. 3, p. 554.
23 July, 1866, c. 210, s. 2, v. 14, p. 209.
25 Mar., 1867, c. 7, s. 2, v. 15, p. 5.
26 *June*, 1876, *c.* 147, *v.* 19, *p.* 61.

SEC. 604. The judicial districts of the United States are divided into nine circuits as follows:

First. The first circuit includes the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

Second. The second circuit includes the districts of Vermont, Connecticut, and New York.

Third. The third circuit includes the districts of Pennsylvania, New Jersey, and Delaware.

Fourth. The fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit includes the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit includes the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit includes the districts of Indiana, Illinois, and Wisconsin.

Eighth. The eighth circuit includes the districts of Nebraska, Minnesota, Iowa, Missouri, Kansas, and Arkansas.

Ninth. The ninth circuit includes the districts of California, Oregon, and Nevada.

CHAPTER SIX.

CIRCUIT COURTS—ORGANIZATION.

Sec.
605. Justices allotted to circuits, how designated.
606. Allotment of the justices to the circuits.
607. Circuit judges.
608. Circuit courts, where established.
609. Circuit courts, by whom to be held.
610. Justices of Supreme Court to attend once in every two years.
611. Judges of circuit courts may sit apart.
612. Circuit courts held at same time in different districts.
613. Criminal terms in the southern district of New York; how held.
614. When district judges may sit in cases of appeal or error to their own decisions.
615. When suits transferred from one circuit to another.
616. Cause certified back.
617. Justices may hold courts of other circuits on request.
618. When no justice is allotted to a circuit.
619. Clerks.
620. Clerks in Kentucky.
621. Clerks in North Carolina.
622. Clerks in western district of Virginia.
623. Clerks in western district of Wisconsin.
624. Deputy clerks.
625. Deputy clerks of circuit court in Indiana.
626. Compensation of deputy clerks.
627. Commissioners.
628. Marshals not to be commissioners.

Justices allotted to circuits, how designated.

SEC. 605. The words "circuit justice" and "justice of a circuit," when used in this Title, shall be understood to designate the justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice.

Allotment of the justices to the circuits.

SEC. 606. The Chief Justice and associate justices of the Supreme Court shall be allotted among the circuits by an order of the court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appointment of a Chief Justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the court.

2 Mar., 1867, c. 156, s. 1, v. 14, p. 433.

Stuart *v.* Laird, 1 Cr., 299.

Circuit judges.

SEC. 607. For each circuit there shall be appointed a circuit judge, who shall have the same power and jurisdiction therein as the justice of the Supreme Court, allotted to the circuit, and shall be entitled to receive a salary at the rate of six thousand dollars a year, payable quarterly on the first days of January, April, July, and October. Every circuit judge shall reside within his circuit.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

3 Mar., 1871, c. 113, ss. 3, 4, v. 16, pp. 494, 495.

Circuit courts, where established.

SEC. 608. Circuit courts are established as follows: One for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi, and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.

Ala., 3 Mar., 1873, c. 223, ss. 2, 4, v. 17, pp. 484, 485. Ark., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 3 Mar., 1851, c. 24, ss. 1, 3, v. 9, pp. 594, 595; 19 Feb., 1869, c. 34, v. 15, p. 271; 3 Mar., 1871, c. 106, s. 5, v. 16, p. 472. Cal., Oreg., 3 Mar., 1863, c. 100, s. 2, v. 12, p. 794. Fla., Minn., 15 July, 1862, c. 178, s. 2, v. 12, p. 576. Ga., 11 Aug., 1848, c. 151, ss. 4, 5, 8, v. 9, pp. 280, 281; 4 June, 1872, c. 284, s. 1, v. 17, p. 218. Ill., 19 Feb., 1855, c. 96, s. 2, v. 10, p. 606. Ind., Iowa, Kans., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177. Ky., 24 Feb., 1807, c. 16, s. 2, v. 2, p. 420. La., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 24 Feb., 1863, c. 54, s. 2, v. 12, p. 661. Miss., so. dist., 3 Mar., 1857, c. 34, s. 2, v. 5, p. 177; 18 June, 1838, c. 115, s. 1, v. 5, p. 247; 16 Feb., 1839, c. 27, ss. 1, 2, v. 5, p. 317. Mo., 3 Mar., 1857, c. 100, s. 10, v. 11, p. 198; 8 June, 1872, c. 334, v. 17, p. 282; 25 Feb., 1873, c. 200, v. 17, p. 476. Nebr., 25 Mar., 1867, c. 7, s. 2, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 2, v. 13, p. 440. N. Y., 9 Apr., 1814, c. 49, s. 3, v. 3, p. 121; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126. Ohio, 10 Feb., 1855, c. 73, s. 2, v. 10, p. 604. Penn., 20 Apr., 1818, c. 108, s. 4, v. 3, p. 462; 3 Mar., 1837, c. 34, s. 2, v. 5, p. 177. R. I., 23 June, 1790, c. 21, s. 1, v. 1, p. 128. Tenn., 24 Feb., 1807, c. 16, s. 2, v. 2, p. 420; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313; 25 June, 1868, c. 79, s. 1, v. 15, p. 5. Tex., 15 July, 1862, c. 178, s. 2, v. 12, p. 576. Vt., 2 Mar., 1791, c. 12, s. 3, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, ss. 2, 3, v. 16, p. 403. W. Va., 3 Mar., 1837, c. 34, s. 2, v. 5, p. 177; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 27 July, 1866, Res. 90, v. 14, p. 369. Wis., 29 June, 1870, c. 175, ss. 1, 2, 3, v. 16, p. 171; 22 *June*, 1874, *c.* 401, *v.* 18, *p.* 195.

Circuit courts; by whom to be held.

SEC. 609. Circuit courts shall be held by the circuit justice, or by the circuit judge of the circuit, or by the district judge of the district sitting alone, or by any two of the said judges sitting together.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Justices of Supreme Court to attend once in every two years.

SEC. 610. It shall be the duty of the Chief Justice, and of each justice of the Supreme Court, to attend at least one term of the circuit court in each district of the circuit to which he is allotted during every period of two years.

10 April, 1869, c. 22, s. 4, v. 16, p. 45.

Judges of circuit courts may sit apart.

SEC. 611. Cases may be heard and tried by each of the judges holding a circuit court sitting apart by direction of the presiding justice or judge, who shall designate the business to be done by each.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Circuit courts held at same time in different districts.

SEC. 612. Circuit courts may be held at the same time in the different districts of the same circuit.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Criminal terms in the southern district of New York; how held.

SEC. 613. The terms of the circuit court for the southern district of New York, appointed exclusively for the trial and disposal of criminal business, may be held by the circuit judge of the second judicial court and the district judges for the southern and eastern districts of New

7 Feb., 1873, c. 120, s. 2, v. 17, p. 422.

York, or any one of said three judges; and at every such term held by said judge of said eastern district he shall receive the sum of three hundred dollars, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district.

When district judges may sit in cases of appeal or error to their own decisions.

SEC. 614. A district judge sitting in a circuit court shall not give a vote in any case of appeal or error from his own decision, but may assign the reasons for such decision: *Provided*, That such a cause may, by consent of parties, be heard and disposed of by him when holding a circuit court sitting alone. When he holds a circuit court with either of the other judges, the judgment or decree in such cases shall be rendered in conformity with the opinion of the presiding justice or judge.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74. 29 April, 1802, c. 31, s. 5, v. 2, p. 158.

2 Mar., 1867, c. 185, s. 2, v. 14, p. 545.—Bingham *v.* Cabot, 3 Dall., 19.

When suits transferred from one circuit to another.

SEC. 615. When it appears in any civil suit in any circuit court that all of the judges thereof who are competent by law to try said case are in any way interested therein, or have been of counsel for either party, or are so related or connected with either party as to render it, in the opinion of the court, improper for them to sit in such trial, it shall be the duty of the court, on the application of either party, to cause the fact to be entered on the records, and to make an order that an authenticated copy thereof, with all the proceedings in the case, shall be forthwith certified to the most convenient circuit court in the next adjoining State or in the next adjoining circuit; and said court shall, upon the filing of such record and order with its clerk, take cognizance of and proceed to hear and determine the case, in the same manner as if it had been rightfully and originally commenced therein; and the proper process for the due execution of the judgment or decree rendered in the cause shall run into and may be executed in the district where such judgment or decree was rendered, and also into the district from which the cause was removed.

28 Feb., 1839, c. 36, s. 8, v. 5, p. 322. 3 Mar., 1863, c. 93, s. 2, v. 12, p. 768.

Spencer *v.* Lapsley, 20 How., 264; Supervisors *v.* Rogers, 7 Wall., 175; Richardson *v.* Boston, 1 Curt. C. C., 250; Sawyer *v.* Oakman, 11 Blatch., 65.

Cause certified back.

SEC. 616. The circuit justice, or the circuit judge of any circuit, may order any civil cause, which is certified into any court of the circuit under the provisions of the preceding section, to be certified back to the court whence it came; and then the latter shall proceed therein as if the cause had not been certified from it: *Provided*, That if, for any reason, it shall be improper for the judges of such court to try the cause so certified back, it shall be tried by some other judge holding such court, pursuant to the provisions of the next section.

3 Mar., 1863, c. 93, s. 2, v. 12, p. 768. 28 Feb., 1839, c. 36, s. 8, v. 5, p. 322. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Supervisors *v.* Rogers, 7 Wall., 175.

Justices may hold courts of other circuits on request.

SEC. 617. Whenever a circuit justice deems it advisable, on account of his disability or absence, or of his having been of counsel, or being interested in any case pending in the circuit court for any district in his circuit, or of the accumulation of business therein, or for any other cause, that said court shall be held by the justice of any other circuit, he may, in writing, request the justice of any other circuit to hold the same, during a time to be named in the request; and such request shall be entered upon the journal of the circuit court so to be holden. Thereupon it shall be lawful for the justice so requested to hold such court, and to exercise within and for said district, during the time named in said request, all the powers of the justice of such circuit.

3 Mar., 1863, c. 93, s. 1, v. 12, p. 768.

Supervisors *v.* Rogers, 7 Wall., 175.

When no justice is allotted to a circuit.

SEC. 618. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief Justice of the Supreme Court may make a request as provided in the preceding section, which shall have effect in like manner until a justice is allotted to such circuit.

3 Mar., 1863, c. 93, ss. 2, 3, v. 12, p. 768.

Clerks.

SEC. 619. A clerk shall be appointed for each circuit court by the circuit judge of the circuit, except in cases otherwise provided for by law.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76. 10 April, 1869, c. 22, s. 2, v. 16, p. 45. 20 *June*, 1874, c. 328, *v.* 18, *p.* 109. 22 *June*, 1874, *c.* 40?, *s.* 3, *v.* 18 *n.* 195.

Clerks in Kentucky.

SEC. 620. In the district of Kentucky, a clerk of the circuit court shall be appointed at each place of holding the court, in the same manner and subject to the same duties and responsibilities which are or may be provided for clerks in independent districts.

15 May, 1862, c. 71, s. 7, v. 12, p. 387. 10 April, 1869, c. 22, s. 3, v. 16, p. 45.

Clerks in North Carolina.

4 June, 1872, c. 282, s. 9, v. 17, p. 217.

SEC. 621. In the western district of North Carolina the circuit and district judges shall appoint three clerks, each of whom shall be clerks both of the circuit and district courts for said western district of North Carolina. One shall reside and keep his office at Statesville, one shall reside and keep his office at Asheville, and the third shall reside and keep his office at Greensborough.

Clerks in western district of Virginia.

3 Feb., 1871, c. 35, s. 9, v. 16, p. 404.

SEC. 622. In the western district of Virginia the circuit and district judges shall appoint four clerks, each of whom shall be clerks both of the circuit and district courts for said district. One of these clerks shall reside and keep his office at Lynchburgh, another shall reside and keep his office at Abingdon, another shall reside and keep his office at Danville, and the fourth shall reside and keep his office at Harrisonburgh, in said district.

Clerks in western district of Wisconsin.

29 June, 1870, c. 175, s. 9, v. 16, p. 172.

SEC. 623. In the western district of Wisconsin the circuit and district judges shall appoint two clerks, each of whom shall be clerks both of the circuit and district courts for said district. One shall reside and keep his office at Madison, and the other shall reside and keep his office at La Crosse.

Deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 624. One or more deputies of any clerk of a circuit court may be appointed by such court, on the application of the clerk, and may be removed at the pleasure of judges authorized to make the appointment. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office, and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

Deputy clerks of circuit court in Indiana.

3 Mar., 1871, c. 108, s. 1, v. 16, p. 473.
30 June, 1870, c. 180, ss. 1, 7, v. 16, p. 175.

SEC. 625. In the district of Indiana a deputy clerk of the circuit court must be appointed for said court held at New Albany, and a deputy clerk for said court held at Evansville, who shall reside and keep their offices at said places respectively. Each deputy shall keep in his office full records of all actions and proceedings in the circuit court held at the same place, and shall have the same power to issue all process from the said court that is or may be given to the clerks of other circuit courts in like cases.

Compensation of deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 626. The compensations of deputies of clerks of the circuit courts shall be paid by the clerks, respectively, and allowed, in the same manner that other expenses of the clerks' offices are paid and allowed.

Commissioners.

2 Mar., 1793, c. 22, s. 4, v. 1, p. 334.
20 Feb., 1812, c. 25, s. 2, v. 2, p. 679.
1 Mar., 1817, c. 30, v. 3, p. 350.

SEC. 627. Each circuit court may appoint, in different parts of the district for which it is held, so many discreet persons as it may deem necessary, who shall be called "commissioners of the circuit courts," and shall exercise the powers which are or may be expressly conferred by law upon commissioners of circuit courts. [See §§ 2025, 2026.]

Marshals not to be commissioners.

16 Aug., 1856, c. 124, s. 13, v. 11, p. 50.

SEC. 628. No marshal, or deputy marshal, of any of the courts of the United States shall hold or exercise the duties of commissioner of any of the said courts.

CHAPTER SEVEN.

CIRCUIT COURT—JURISDICTION.

Sec.
629. Jurisdiction.
630. In bankruptcy.
631. Appeals in admiralty causes.
632. Copies of proofs and entries certified to appellate court.
633. Writ of error to judgment of district courts.
634. Circuit court in and for the three districts of Alabama.
635. Writs of error and appeals within one year.
636. Judgment or decree on review.
637. Jurisdiction of cases transferred from district courts on account of disability, &c.

Sec.
638. Courts always open for certain purposes.
639. Removal of suits against aliens, &c., where amount of $500 in dispute.
640. Removal of suits against corporations organized under a law of the United States.
641. Removal of causes against persons denied any civil right, &c.
642. When petitioner is in actual custody of State court.
643. Removal of suits and prosecutions against revenue officers and officers acting under registration laws.
644. Removal of suits by aliens in a particular case.
645. When copies of records are refused by clerk of State court.
646. Attachments, injunctions, and indemnity bonds to remain in force after removal.
647. Removal of suits where parties claim land under titles from different States.
648. Issues of fact; when to be tried by jury.
649. Issues of fact tried by the court.
650. Division of opinion in civil causes; decision by presiding judge.
651. Division of opinion in criminal causes; certificate.
652. Division of opinion in civil causes; certificate.
653. Business of the circuit court for the two districts of Missouri transferred, how.
654. Process issued out of former circuit court for Missouri.
655. Transfer of cases between eastern and western districts.
656. Custody of books, papers, &c., of circuit court of Missouri.
657. Circuit court for southern district of New York, how limited.

Jurisdiction.

Aliens, citizens of different States.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78. 3 *Mar.*, 1875, *c.* 137, *ss.* 1, 2, 3, *v.* 18, *pp.* 470-473.–Emory *v.* Greenough, 3 Dall., 369; Bingham *v.* Cabot, 3 Dall. 382; Turner *v.* Enrille, 4 Dall., 7; Turner *v.* Bank of North America, 4 Dall., 8; Mossman *v.* Higginson, 4 Dall., 12; Abercrombie *v.* Dupuis, 1 Cr., 343; Hepburn *v.* Ellzey, 2 Cr., 445; Strawbridge *v.* Curtiss, 3 Cr., 267; Mantalet *v.* Murray, 4 Cr., 46; Chappel DeLaine *v.* Dechenaux, 4 Cr., 306; Pollard *v.* Dwight, 4 Cr., 421; Brown *v.* Strode, 5 Cr., 306; Sere *v.* Pitto, 6 Cr., 332; New Orleans *v.* Winter, 1 Wh., 91; Morgan's Heirs *v.* Morgan, 2 Wh., 290; Cameron *v.* McRoberts, 3 Wh., 593; Young *v.* Bryan, 6 Wh., 146; Wormley *v.* Wormley, 8 Wh., 422; Childress *v.* Emery, 8 Wh., 642; Gracie *v.* Palmer, 8 Wh., 699; Mollan *v.* Torrance, 9 Wh., 537; McDonald *v.* Smally, 1 Pet., 620; Jackson *v.* Twentyman, 2 Pet., 136; Bank of Kentucky *v.* Wister, 2 Pet., 318; Connolly *v.* Taylor, 2 Pet., 556; Buckner *v.* Finley, 2 Pet., 586; Battier *v.* Hine, 7 Pet., 252; Breedlove *v.* Nicolet, 7 Pet., 413; Dunn *v.* Clark, 8 Pet., 1; Boyce's Executors *v.* Grundy, 9 Pet., 275; Livingston *v.* Story, 11 Pet., 351; Clarke *v.* Matthewson, 12 Pet., 164; Toland *v.* Sprague, 13 Pet., 300, 327; Bank of Augusta *v.* Earle, 13 Pet., 519; Bank of Vicksburgh *v.* Slocomb, 14 Pet., 60; Irvine *v.* Lowry, 14 Pet., 293; Levy *v.* Fitzpatrick, 15 Pet., 171; Gordon *v.* Longest, 16 Pet., 97; McNutt *v.* Bland, 2 How., 9; Gwyn *v.* Breedlove, 2 How., 19; Louisville Railroad Company *v.* Letson, 2 How., 497; Gwyn *v.* Barton, 6 How., 7; Bank of United States *v.* Moss, 6 How., 31; Shelton *v.* Tiffin, 6 How., 163; Smith *v.* Kernochen, 7 How., 198; Sheldon *v.* Sill, 8 How., 441; Shelby *v.* Bacon, 10 How., 56; Chaffee *v.* Hayward, 12 How., 208; Coffee *v.* Planter's Bank, 13 How., 183; Haff *v.* Hutchinson, 14 How., 586; Marshall *v.* Baltimore and Ohio Railroad Company, 16 How., 314; Herndon *v.* Ridgway, 17 How., 424; Jones *v.* League, 18 How., 76; Lafayette Insurance Company *v.* French, 18 How., 404; Union Bank *v.* Vaiden, 18 How., 503; Jones *v.* McMasters, 20 How., 8; Hyde *v.* Stone, 20 How., 175; Chaffee *v.* Haywood, 20 How., 208; Covington Drawbridge Company *v.* Shepherd, 20 How., 227; Whyte *v.* Gibbes, 20 How., 541; Irvine *v.* Marshall, 20 How., 565; Covington Drawbridge Company *v.* Shepherd, 21 How., 122; White *v.* Railroad, 21 How., 575; Barber *v.* Barber, 21 How., 582; Green's Administratrix *v.* Creighton, 23 How., 90; Eberly *v.* Moore, 24 How., 147; Fitch *v.* Creighton, 24 How., 159; Freeman *v.* Howe, 24 How., 460; Railroad *v.* Wheeler, 1 Bl., 286; Minnesota Company *v.* Saint Paul Company, 2 Wall., 609; De Sobry *v.* Nicholson, 3 Wall., 420; Barney *v.* Baltimore City, 6 Wall., 287; Cowles *v.* Mercer County, 7 Wall., 118; Payne *v.* Hook, 7 Wall., 425; Bradly *v.* Rhine's Administrator, 8 Wall., 393; Bushnell *v.* Kennedy, 9 Wall., 387; Hornthall *v.* Collector, 9 Wall., 566; Reilly *v.* Golding, 10 Wall., 56; Jones *v.* Andrews, 10 Wall., 327; Pennsylvania *v.* Quicksilver Company, 10 Wall., 556; Coal Company *v.* Blatchford, 11 Wall., 172; Insurance Company *v.* Francis, 11 Wall., 210; Rice *v.* Houston, 13 Wall., 66; Railway Company *v.* Whitton, 13 Wall., 270; Christmas *v.* Russell, 14 Wall., 69; City of Lexington *v.* Butler, 14 Wall., 282; Horn *v.* Lockhart, 17 Wall., 570; Martin *v.* Taylor, 1 Wash. C. C., 1; Gale *v.* Babcock, 4 Wash. C. C., 199, 344; Bobyshall *v.* Oppenheimer, 4 Wash. C. C., 482; United States *v.* Ravara, 2 Dall., 297; Saint Luke's Hospital *v.* Barclay, 3 Blatch., 259; Graham *v.* Stucken, 4 Blatch., 50; Barr *v.* Simpson, Bald., 543; Hatch *v.* Dorr, 4 McLean, 112; Thaxter *v.* Hatch, 6 McLean, 68; Bradford *v.* Jenks, 2 McLean, 130;

SEC. 629. The circuit courts shall have original jurisdiction as follows: First. Of all suits of a civil nature at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided*, That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange.

Wilkenson *v.* Wilkenson, 2 Cur. C. C., 582; Dundas *v.* Bowler, 3 McLean, 204; United States *v.* Green, 4 Mas., 427; Cochrane *v.* Deener, 94 U. S. 780; Pond *v.* Vermont Valley R. R. Co., 12 Blatch., 280; Wisconsin, *v.* Duluth, 2 Dill., 406; White *v.* Leary, 3 Dill., 378; Insurance Company *v.* The "C. D., jr.," 1 Woods, 72; Lockhart *v.* Horn, 1 Woods, 628; Vose *v.* Reed et al., 1 Woods, 647; Knott *v.* Life Insurance Company, 2 Woods, 479; Morgan's Executor *v.* Gay, 19 Wall., 81.

Second. Of all suits in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and the United States are petitioners.

Suits in equity by the United States.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

Third. Of all suits at common law where the United States, or any officer thereof suing under the authority of any act of Congress, are plaintiffs.

Suits at common law by United States or officers.

24 Sept., 1789, c. 20, ss. 9, 11, v. 1, pp. 76, 78. 3 Mar., 1815, c. 101, s. 4, v. 3, p. 245.—Dugan *v.* U. S., 3 Wh., 172; Postmaster-General *v.* Early, 12 Wh., 136; Parsons *v.* Bedford, 3 Pet., 433; U. S. *v.* Barker, 1 Paine, 156; Lorman *v.* Clarke, 2 McLean, 572.

Fourth. Of all suits at law or in equity, arising under any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties and forfeitures; of all causes arising under any law providing internal revenue, and of all causes arising under the postal laws.

Suits under import, internal-revenue, and postal laws.

Imports, 2 Mar., 1833, c. 57, s. 2, v. 4, p. 632.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. Internal revenue, 13 July, 1866, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152. 2 Mar., 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 Mar., 1865, c. 78, s. 1, v. 13, p. 483. Postal laws, 3 Mar., 1845, c. 43, s. 20, v. 5, p. 739.

Fifth. Of all suits and proceedings for the enforcement of any penalties provided by laws regulating the carriage of passengers in merchant vessels. [See § 4270.]

Suits for the enforcement of penalties.

3 Mar., 1855, c. 213, s. 15, v. 10, p. 720.

Sixth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and eight, Title "INSURRECTION." [See §§ 5308, 5309.]

Condemnation of property used for insurrectionary purposes.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—Union Insurance Company *v.* U. S., 6 Wall, 759.

Seventh. Of all suits arising under any law relating to the slave-trade.

Suits under slave-trade laws.

22 Mar., 1794, c. 11, s. 1, v. 1, p. 347. 10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 Mar., 1807, c. 22, s. 7, v. 2, p. 28. 20 April, 1818, c. 91, ss. 1, 2, 4, 7, v. 3, pp. 450, 451, 452. 3 Mar., 1819, c. 101, s. 1, v. 3, p. 532.—U. S. *v.* La Vengeance, 3 Dall., 297; U. S. *v.* Schooner Sally, 2 Cr., 406; U. S. *v.* Schooner Betsey and Charlotte, 4 Cr., 443; The Sarah, 8 Wh., 391.

Eighth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. [See § 3039.]

Suits on debentures.

2 Mar., 1799, c. 22, s. 80, v. 1, p. 687, (688.)

Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States.

Patent and copyright suits.

8 July, 1870, c. 230, ss. 55, 106, v. 16, pp. 206, 215. 16 *Feb.* 1875, *c.* 77, *s.* 2, *v.* 18, *p.* 314.—Allen *v.* Blunt, 1 Blatch., 480; Goodyear *v.* Day, 1 Blatch., 565; Goodyear *v.* Union India Rubber Company, 4 Blatch., 63; Burr *v.* Gregory, 2 Paine, 426; Brooks *v.* Stolly, 3 McLean, 523; Pulte *v.* Derby, 5 McLean, 328.

Tenth. Of all suits by or against any banking association established in the district for which the court is held, under any law providing for national banking associations.

Suits against national banks.

3 June, 1864, c. 106, s. 57, v. 13, p. 116.—Kennedy v. Gibson, 8 Wall., 506.

Eleventh. Of all suits brought by [*or against*] any banking association established in the district for which the court is held, under the provisions of Title "THE NATIONAL BANKS," to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title. [See § 5237.]

Suits to enjoin the Comptroller of the Currency.

3 June, 1864, c. 106, ss. 50, 57, v. 13, pp. 115, 116.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318

Twelfth. Of all suits brought by any person to recover damages for any injury to his person or property on account of any act done by him, under any law of the United States for the protection or collection of

Suits for injuries on account of acts done under laws of the United States.

2 Mar., 1833, c. 57, s. 2, v. 4, p. 632.

any of the revenues thereof, or to enforce the right of citizens of the United States to vote in the several States.

13 July 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438. 31 May, 1870, c. 114, v. 16, p. 140.

Suits to recover offices.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the States. [See § 2010.]

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Suits for removal of officers holding contrary to fourteenth amendment

Fourteenth. Of all proceedings by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. [See § 1786.]

31 May, 1870, c. 114, s. 14, v. 16, p. 143. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.

Suits for penalties under laws to enforce elective franchise.

Fifteenth. Of all suits to recover pecuniary forfeitures under any act to enforce the right of citizens of the United States to vote in the several States.

31 May, 1870, c. 114, ss. 2, 3, 4, 8, v. 16, pp. 140, 141, 142. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.—U. S. *v.* Reese et al., 92 U. S., 214; U. S. *v.* Cruikshank et al., 92 U. S., 542.

Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States.

Sixteenth. Of all suits authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States. [See §§ 1977, 1979.]

20 April, 1871, c. 22, s. 1, v. 17, p. 13.

31 May, 1870, c. 114, ss. 16,.18, v. 16, p. 114. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.—Miller *v.* The Mayor of City of New York, 13 Blatch., 469; Illinois *v.* Chicago & Alton R. R. Co., 6 Biss., 107.

Suits on account of injuries by conspirators in certain cases.

Seventeenth. Of all suits authorized by law to be brought by any person on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

1 *Mar.*, 1875, *c.* 114, *s.* 3, *v.* 18, *p.* 336.—Blyew *v.* U. S., 13 Wall., 581.

Suits against persons having knowledge of conspiracy, &c.

Eighteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section nineteen hundred and eighty, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act. [See § 1981.]

20 April, 1871, c. 22, s. 6, v. 17, p. 15.

22 *Feb.*, 1875, *c.* 95, *s.* 4, *v.* 18, *p.* 333.

Suits against officers and owners of vessels.

Nineteenth. Of all suits and proceedings arising under section fifty-three hundred and forty-four, Title "CRIMES," for the punishment of officers and owners of vessels, through whose negligence or misconduct the life of any person is destroyed.

28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.

Crimes and offenses.

Twentieth. Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

19 *Feb.*, 1875, *c.* 90, *s.* 7, *v.* 18, *p.* 331.—U. S. *v.* Hudson and Goodwin, 7 Cr., 32; U. S. *v.* Cooledge, 1 Wh., 415; U. S. *v.* Bevans, 3 Wh., 336; U. S. *v.* Coombs, 12 Pet., 72; State of Pennsylvania *v.* Wheeling Bridge, 13 How., 563; U. S. *v.* Jackalow, 1 Bl., 484; U. S. *v.* Holliday, 3 Wall., 407; U. S. *v.* Wood, 2 Wh., Cr. Cas., 325; U. S. *v.* Ta-wan-ga-ca, Hemp., 304; U. S. *v.* Terrell, Hemp., 411, 422; U. S. *v.* Alberty, Hem., 444.

In bankruptcy.

SEC. 630. The circuit courts shall have jurisdiction in matters in bankruptcy, to be exercised within the limits and in the manner provided by law.

2 Mar., 1867, c. 176, ss. 2, 8, v. 14, pp. 518, 520. 22 *June*, 1874, *c.* 401, *s.* 2, *v.* 18, *p.* 195.—Coit *v.* Robinson, 19 Wall., 274; Bank *v.* Cooper, 20 Wall., 171; Stickney *v.* Wilt, 23 Wall., 150; Payson *v.* Dietz, 2 Dill., 504; Bachman *v.* Packard, 2 Saw., 264; Flanders *v.* Libby, 6 Biss., 16; *In re* Milton, 6 Biss., 30.

Appeals in admiralty causes.

SEC. 631. From all final decrees of a district court in causes of equity or of admiralty and maritime jurisdiction, except prize causes, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal.

24 Sept., 1789, c. 20, s. 21, v. 1, p. 83. 3 Mar., 1803, c. 40, s. 2, v. 2, p. 244. 30 June, 1864, c. 170, s. 13, v. 13, p. 310. 1 June, 1872, c. 255, s. 2, v. 17, p. 196. 16 *Feb.*, 1875, *c.* 77, *v.* 18, *p.* 315.—Mordecai *v.* Lindsay, 19 How., 199; Montgomery *v.* Anderson, 21 How., 386; U. S. *v.* Woonson, 1 Gallis., 4; McLellan *v.* U. S., 1 Gallis., 226; Hollen and Cargo, 1 Mas., 431. U. S. *v.* Thirty-seven Barrels Rum, 1 Woods, 19.

Copies of proofs and entries certified to appellate court.

SEC. 632. In case of an appeal, as provided by the preceding section, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

Writ of error to judgments of district courts.

SEC. 633. Final judgments of a district court in civil actions, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

Patterson *v.* U. S., 2 Wh., 221; Smith *v.* Allyn, 1 Paine, 453; Postmaster-General *v.* Cross, 4 Wash. C. C., 326.

Circuit court in and for the three districts of Alabama.

SEC. 634. The circuit court in and for the three districts of Alabama shall exercise appellate and revisory jurisdiction of the decrees and judgments of the district courts for the said districts, under the laws conferring and regulating the jurisdiction, powers, and practice of circuit courts in cases removed into such courts by appeal or writ of error.

3 Mar., 1873, c. 223, s. 4, v. 17, p. 485. 22 *June*, 1874, *c.* 401, *s.* 5, *v.* 18, *p.* 195.

Writs of error and appeals within one year.

SEC. 635. No judgment, decree, or order of a district court shall be reviewed by a circuit court, on writ of error or appeal, unless the writ of error is sued out, or the appeal is taken, within one year after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or non compos mentis, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within one year after the entry of the judgment, decree, or order, exclusive of the term of such disability. [See § 1008.]

1 June, 1872, c. 255, s. 2, v. 17, p. 196. Sedgwick *v.* Fridenberg, 11 Blatch., 77.

Judgment or decree on review.

SEC. 636. A circuit court may affirm, modify, or reverse any judgment, decree, or order of a district court brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the district court, as the justice of the case may require.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Jurisdiction of cases transferred from district courts on account of disability, &c.

SEC. 637. When any cause, civil or criminal, of whatever nature, is removed into a circuit court, as provided by law, from a district court wherein the same is cognizable, on account of the disability of the judge of such district court, or by reason of his being concerned in interest therein, or having been of counsel for either party, or being so related to or connected with either party to such cause as to render it improper, in his opinion, for him to sit on the trial thereof, such circuit court shall have the same cognizance of such cause, and in like manner, as the said district court might have, or as said circuit [court] might have if the same had been originally and lawfully commenced therein; and shall proceed to hear and determine the same accordingly. [See §§ 587, 601.]

2 Mar., 1809, c. 27, s. 1, v. 2, p. 534. 3 Mar., 1821, c. 51, v. 3, p. 643. 27 *Feb.*, 1877, *c.* 69, *v.* 19, p. 241.

Courts always open for certain purposes.

SEC. 638. The circuit courts, as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory

23 Aug., 1842, c. 188, s. 5, v. 5, p. 517. 22 Feb., 1875, c. 95, s. 4, v. 18, p. 333.

motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any judge of a circuit court may, upon reasonable notice to the parties, make, and direct and award, at chambers or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable, of course, according to the rules and practice of the court.

Removal of suits against aliens, &c., where amount of $500 in dispute.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79. 27 July, 1866, c. 288, v. 14, p. 306. 2 Mar., 1867, c. 196, v. 14, p. 558. 3 Mar., 1875, c. 137, ss. 2, 7, 9, v. 18, pp. 471, 472, 473.

SEC. 639. Any suit commenced in any State court, wherein the amount in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, to be made to appear to the satisfaction of said court, may be removed, for trial, into the circuit court, for the district where such suit is pending, next to be held after the filing of the petition for such removal hereinafter mentioned, in the cases and in the manner stated in this section.

First. When the suit is against an alien, or is by a citizen of the State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant, filed in said State court at the time of entering his appearance in said State court.

Eurtetiqui *v.* D'Arcy, 9 Pet., 692; Gordon *v.* Longest, 16 Pet., 97; Kanouse *v.* Martin, 15 How., 198; Parker *v.* Overman, 18 How., 137; Wood *v.* Davis, 18 How., 467; Green *v.* Custar, 23 How., 484; West *v.* Aurora City, 6 Wall., 139; Bushnell *v.* Kennedy, 9 Wall., 387; Insurance Co. *v.* Weide, 9 Wall., 677; Railway Com. *v.* Whitton, 13 Wall., 270; City of Lexington *v.* Butler, 14 Wall., 282; Case of the Sewing Machine Com's, 18 Wall., 553; Muns *v.* Dupont, 2 Wash. C. C., 463; Beardsley *v.* Torrey, 4 Wash. C. C., 286; Wright *v.* Wells, 1 Pet. C. C., 220; Ladd *v.* Tudor, 3 Wood & M. C. C., 325; Matthews *v.* Lyall, 6 McLean, 13; Brownell *v.* Gordon, 1 McAll, C. C., 207; Gier *v.* Gregg, 4 McLean, 202; Wilson *v.* Blodgett, 4 McLean, 363; McLeod *v.* Duncan, 5 McLean, 342; Hubbard *v.* Northern R. R., 3 Blatch., 84; Bliven *v.* New England Screw Co., 3 Blatch, C. C., 111;

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same, and a citizen of another State, it may be so removed, as against said alien or citizen of another State, upon the petition of such defendant, filed at any time before the trial or final hearing of the cause, if, so far as it relates to him, it is brought for the purpose of restraining or enjoining him, or is a suit in which there can be a final determination of the controversy, so far as concerns him, without the presence of the other defendants as parties in the cause. But such removal shall not take away or prejudice the right of the plaintiff to proceed at the same time with the suit in the State court, as against the other defendants.

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be so removed on the petition of the latter, whether he be plaintiff or defendant, filed at any time before the trial or final hearing of the suit, if, before or at the time of filing said petition, he makes and files in said State court an affidavit, stating that he has reason to believe and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court.

In order to such removal, the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the cause, or, in said cases where a citizen of the State in which the suit is brought is a defendant, copies of all process, pleadings, depositions, testimony, and other proceedings in the cause concerning or affecting the petitioner, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein. It shall thereupon be the duty of the State court to accept the surety and to proceed no further in the cause against the petitioner, and any bail that may have been originally taken shall be discharged.

When the said copies are entered as aforesaid in the circuit court, the cause shall there proceed in the same manner as if it had been brought there by original process, and the copies of pleadings shall have the same force and effect, in every respect and for every purpose, as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

Barney *v.* Globe Bank, 5 Blatch. C. C., 107; Screw Co. *v.* Bliven, 3 Blatch. C. C., 240; Suydam *v.* Ewing, 2 Blatch. C. C., 359; Sayles *v.* Northwestern Ins. Co., 2 Curt. C. C., 212; Bristol *v.* Chapman, 34 How. Pr., 140; Shelby *v.* Hoffman, 7 Ohio St., 450; *In re* Turner, 3 Wall., Jr., 258; *In re* Girard, 3 Wall., Jr., 263; Ward *v.* Arredund, 1 Paine, 410; McVaughter *v.* Cassily, 4 McLean, 351; Spraggins *v.* County Court, Cooke, 160; Gibson *v.* Johnson, Peters C. C., 44; Jersey *v.* Babcock, 4 Wash. C. C., 344; Charter Oak Ins. Co. *v.* Star Ins. Co., 6 Blatch. C. C., 208; Roberts *v.* Nelson, 8 Blatch. C. C., 74; Beecher

v. Gillett, 1 Dill. C. C., 308; Hatch v. Railroad, 6 Blatch. C. C., 105; Bixby v. Couse, 8 Blatch. C. C., 73; Field v. Larmsdale, 1 Deady, 288; Dart v. McKinney, 9 Blatch., 359; Akerly v. Vilas, 1 Abb. C. C., 284; Fields v. Lamb, 1 Deady, 430; Sands v. Smith, 1 Dillon, 290; Johnson v. Monell, 1 Wool. C. C., 390; Case v. Douglass, 1 Dillon, 299; Boggs v. Willard, 16 Int. Rev. Rec., 22; Insurance Company v. Dunn, 19 Wall., 214; Stevenson v. Williams, 19 Wall., 572; Knapp v. Railroad, 20 Wall., 117; Gardner v. Brown, 21 Wall., 36; Vannevar v. Bryant, 21 Wall., 41; Gaines v. Fuentes et al., 92 U. S. 10; Hurst v. Western and Atlantic R. R. Co., 93 U. S., 71; Kimball v. Evans, 93 U. S., 320; Lowe v. Williams, 94 U. S., 650; Merchants' National Bank v. Wheeler, 13 Blatch., 218; Warner v. Pennsylvania R. R. Co., 13 Blatch., 231; Broadway v. Eisner, 13 Blatch., 366; Petterson v. Chapman, 13 Blatch., 395; Allen v. Ryerson, 2 Dill., 501; Waggener v. Cheek, 2 Dill., 560; McGinnity v. White, 3 Dill., 350; Kellogg v. Hughes, 3 Dill., 357; Millett v. Milwaukee R. R. Co., 3 Dill., 461; Wheeler v. Bates, 6 Biss., 88; Warren v. Wisconsin R. R. Co., 6 Biss., 425; Chicago v. Gage, 6 Biss., 467; Scott v. C. & S. R. R. Co., 6 Biss., 529; Gardner v. Brown, 21 Wall., 36; Vannevar v. Bryant, 21 Wall., 41.

Removal of suits against corporations organized under a law of United States.

27 July, 1868, c. 255, s. 2, v. 15, p. 227.
27 July, 1866, c. 288, s. 1, v. 14, p. 306.

Fisk v. Union P. R. R., 8 Blatch., 343.

SEC. 640. Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

Jones v. Oceanic Steam Navigation Company, 11 Blatch, 406; Turton v. Union Pacific R. R. Co., 3 Dill., 366; Farmers' Loan Company v. Maquillan, 3 Dill., 379; Terry v. Insurance Company, 3 Dill., 408; Patterson v. Boom Company, 3 Dill., 465; Magee v. Union Pacific R. R. Co., 2 Saw., 447; Bird v. Cockrem, 2 Woods, 32; Lewis v. Smythe, 2 Woods, 117.

Removal of causes against persons denied any civil right, &c.

31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144.
9 April, 1866, c. 31, s. 3, v. 14, p. 27.
3 Mar., 1863, c. 81, s. 5, v. 12, p. 756.
11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.

Commonwealth v. Artman, 3 Grant, 436.
Hodgson v. Milward, 3 Grant, 418.
Lamar v. Dana, 10 Blatch., 34; Britton v. Butler, 11 Blatch., 350; Walker v. Crane, 13 Blatch., 1; Barclay v. Levee Commissioners, 1 Woods, 254; Texas v. Gaines, 2 Woods, 342.

SEC. 641. When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs, made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed, for trial, into the next circuit court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleading, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the circuit court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket the case in the circuit court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff, require the plaintiff to file a declaration, petition, or complaint in the cause; and, in case of his default, may order a nonsuit and dismiss the case at the costs, of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the circuit court as herein provided, a certificate, under the seal

of the circuit court, stating such failure, shall be given, and upon the production thereof in said State court, the cause shall proceed therein as if no petition for a removal had been filed. [See § 1971.]

When petitioner is in actual custody of State court.

5 Feb., 1867, c. 27, v. 14, p. 385. 3 Mar., 1863, c. 81, s. 5, v. 12, p. 756. 11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46. 9 Apr., 1866, c. 31, s. 3, v. 14, p. 27.

SEC. 642. When all the acts necessary for the removal of any suit or prosecution, as provided in the preceding section, have been performed, and the defendant petitioning for such removal is in actual custody on process issued by said State court, it shall be the duty of the clerk of said circuit court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said circuit court according to law and the orders of said court, or, in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ.

Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

2 Mar., 1833, c. 57, s. 3, v. 4, p. 633. 13 July, 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 16, v. 16, p. 438. 3 *Mar.*, 1875, *c.* 130, *s.* 8, *v.* 18, *p.* 401.

SEC. 643. When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States, or other person, on account of any act done under the provisions of Title XXVI, "THE ELECTIVE FRANCHISE," or on account of any right, title or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the circuit court next to be holden in the district where the same is pending, upon the petition of such defendant to said circuit court, and in the following manner: Said petition shall set forth the nature of the suit or prosecution, and be verified by affidavit; and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said circuit court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the circuit court, and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpœna, petition, or another process except capias, the clerk of the circuit court shall issue a writ of certiorari to the State court, requiring it to send to the circuit court the record and proceedings in the cause. When it is commenced by capias, or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or by some person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the circuit court, and any further proceedings, trial, or judgment therein in the State court shall be void. And if the defendant in the suit or prosecution be in actual custody or mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the circuit court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear

Coggins *v.* Lawrence, 2 Blatch. C. C., 384; Wood *v.* Matthews, 2 Blatch. C. C., 370; Van Zandt *v.* Maxwell, 2 Blatch. C. C., 421; Abranches *v.* Schell, 4 Blatch. C. C., 256; Warner *v.* Fowler, 4 Blatch. C. C., 311; Victor *v.* Cisco, 5 Blatch. C. C., 128; Benchley *v.* Gilbert, 8 Blatch. 147; Salem and Lowell R. R. *v.* Boston and Lowell R. R., 21 Law Rep., 210; Peyton *v.* Bliss, 1 Wool. C. C., 170; Buttner *v.* Miller, 1 Woods, 620.

to the circuit court that no copy of the record and proceedings therein in the State court can be obtained, the circuit court may allow and require the plaintiff to proceed de novo, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court. On failure of the plaintiff so to proceed, judgment of non prosequitur may be rendered against him, with costs for the defendant.

Removal of suits by aliens in a particular case.

30 Mar., 1872, c. 72, v. 17, p. 44.
3 *Mar.*, 1875, *c.* 137, *s.* 2, *v.* 18, *p.* 471.

SEC. 644. Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a non-resident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the circuit court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as now provided for the removal of an action brought in a State court by the provisions of the preceding section.

When copies of records are refused by clerk of State court.

2 Mar., 1833, c. 57, s. 4, v. 4, p. 634.
28 Feb., 1871, c. 99, s. 17, v. 16, p. 439.

SEC. 645. In any case where a party is entitled to copies of the record and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such record and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

Attachments, injunctions, and indemnity bonds to remain in force after removal.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.
27 July, 1866, c. 288, v. 14, p. 306.
2 Mar., 1867, c. 196, v. 14, p. 558.
27 July, 1868, c. 255, s. 2, v. 15, p. 227.
9 April, 1866, c. 31, s. 3, v. 14, p. 27.
3 Mar., 1863, c. 81, s. 5, v. 12, p. 756.
11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.
5 Feb., 1867, c. 27, v. 14, p. 385.
2 Mar., 1833, c. 57, s. 3, v. 4, p. 633. 13 July, 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 16, v. 16, pp. 438, 439.—Lamar v. Dana, 10 Blatch., 34.

SEC. 646. When a suit is removed for trial from a State court to a circuit court, as provided in the foregoing sections, any attachment of the goods or estate of the defendant by the original process shall hold the same to answer the final judgment, in the same manner as by the laws of such State they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced; and any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause is removed; and any bond of indemnity or other obligation, given by the plaintiff upon the issuing or granting of any attachment, writ of injunction, or other restraining process, against the defendant petitioning for the removal of the cause, shall also continue in full force and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction, or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner, and with the same effect as if such attachment, injunction, or other restraining process had been granted, and such bond had been originally filed or given in such State court.

Removal of suits where parties claim land under titles from different States.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.
3 *Mar.*, 1875, *c.* 137, *ss.* 2, 3, *v.* 18, *p.* 471.

Town of Pawlet *v.* Clark, 9 Cr., 292.

SEC. 647. If, in any action commenced in a State court, where the title of land is concerned, and the parties are citizens of the same State, and the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, states to the court, and makes affidavit, if they require it, that he claims and shall rely upon a right or title to the land under a grant from a State other than that in which the suit is pending, and produces the original grant, or an exemplification of it, except where the loss of public records shall put it out of his power, and moves that the adverse party inform the court whether he claims a right or title to the land under a grant from the State in which the suit is pending, the said adverse party shall give such information,

or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he gives information that he does claim under such grant, the party claiming under the grant first mentioned may, on motion, remove the cause for trial into the next circuit court to be holden in the district where such suit is pending. If the party so removing the cause is defendant, the removal shall be made under the regulations governing removals of a cause into such court by an alien; and neither party removing the cause shall be allowed to plead or give evidence of any other title than that stated by him as aforesaid as the ground of his claim.

Issues of fact, when to be tried by jury.

SEC. 648. The trial of issues of fact in the circuit courts shall be by jury, except in cases of equity and of admiralty and maritime jurisdiction, and except as otherwise provided in proceedings in bankruptcy, and by the next section.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.

3 Mar., 1865, c. 86, s. 4, v. 13, p. 501.—Elmore *v.* Grymes, 1 Pet., 471; De Wolf *v.* Rabaud, 1 Pet., 497; Crane *v.* Morris's Lessee, 6 Pet., 609; Silsby *v.* Foote, 14 How., 222; Castle *v.* Bullard, 23 How., 183; Blair *v.* Allen, 3 Dill., 101.

Issues of fact tried by the court.

SEC. 649. Issues of fact in civil cases in any circuit court may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury. [See § 700.]

3 Mar., 1865, c. 86, s. 4, v. 13, p. 501.

Grayham *v.* Bayne, 18 How., 60; Guild *v.* Frontin, 18 How., 135; McGavock *v.* Woodlief, 20 How., 225; Suydam, *v.* Williamson, 20 How., 432; Kelsey *v.* Forsyth, 21 How., 85; Campbell *v.* Boyreau, 21 How., 223; Burr *v.* Des Moines Company, 1 Wall., 99; Sanlet *v.* Shepherd, 4 Wall., 502; Insurance Company *v.* Tweed, 7 Wall., 44; Generes *v.* Bonnemer, 7 Wall., 564; Basset *v.* U. S., 9 Wall., 38; Norris *v.* Jackson, 9 Wall., 125; Flanders *v.* Tweed, 9 Wall., 425; Copeland *v.* Insurance Company, 9 Wall., 467; Coddington *v.* Richardson, 10 Wall., 516; Bethel *v.* Mathews, 13 Wall., 1; Dirst *v.* Morris, 14 Wall., 484; Insurance Company *v.* Folsum, 18 Wall., 237; French *v.* Edwards, 21 Wall., 147; Insurance Company, *v.* Sea, 21 Wall., 158; Jennisons *v.* Leonard, 21 Wall., 302; Gilman et al. *v.* Illinois and Mississippi Telegraph Company, 91 U. S., 603.

Division of opinion in civil causes; decision by presiding judge.

SEC. 650. Whenever, in any civil suit or proceeding in a circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, there occurs any difference of opinion between the judges as to any matter or thing to be decided, ruled, or ordered by the court, the opinion of the presiding justice or judge shall prevail, and be considered the opinion of the court for the time being.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

Division of opinion in criminal causes; certificate.

SEC. 651. Whenever any question occurs on the trial or hearing of any criminal proceeding before a circuit court upon which the judges are divided in opinion, the point upon which they disagree shall, during the same term, upon the request of either party, or of their counsel, be stated under the direction of the judges, and certified, under the seal of the court, to the Supreme Court at their next session; but nothing herein contained shall prevent the cause from proceeding if, in the opinion of the court, further proceedings can be had without prejudice to the merits. Imprisonment shall not be allowed nor punishment inflicted in any case where the judges of such court are divided in opinion upon the question touching the said imprisonment or punishment. [See § 697.]

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

1 June, 1872, c. 25, s. 1, v. 17, p. 196.

Ogle *v.* Lee, 2 Cr., 33.

Hepburn *v.* Ellzey, 2 Cr., 445; U. S. *v.* Tyler, 7 Cr., 285; Ross *v.* Triplett, 3 Wh., 600; U. S. *v.* Lancaster, 5 Wh., 434; U. S. *v.* Daniel, 6 Wh., 542; Wayman *v.* Southard, 10 Wh., 1; Devereaux *v.* Marr, 12 Wh., 212; De Wolf *v.* Usher, 3 Pet., 269; Saunders *v.* Gould, 4 Pet., 392; Grant *v.* Raymond, 6 Pet., 218; U. S. *v.* Bailey, 9 Pet., 267; Davis *v.* Braden, 10 Pet., 286; Smith *v.* Vaughan, 10 Pet., 366; Packer *v.* Nixon, 10 Pet., 408; Adams *v.* Jones, 12 Pet., 213; White *v.* Turk, 12 Pet., 238; U. S. *v.* Briggs, 5 How., 208; Nesmith *v.* Sheldon, 6 How., 41; Luther *v.* Borden, 7 How., 1; U. S. *v.* Chicago 7 How., 185; Sadler *v.* Hoover, 7 How., 646; Wilson *v.* Barnum, 8 How., 258; Webster *v.* Cooper, 10 How., 54; Dennistcun *v.* Stewart, 18 How., 565; U. S. *v.* City Bank of Columbus, 19 How., 385; Silliman *v.* Hudson River Bridge, 1 Bl., 582; Daniels *v.* Railroad Company, 3 Wall., 250; Havemeyer *v.* Iowa County, 3 Wall., 294; Brobst *v.* Brobst, 4 Wall., 2; U. S. *v.* Rosenburgh, 7 Wall., 580.

Division of opinion in civil causes, certificate.

SEC. 652. When a final judgment or decree is entered in any civil suit or proceeding before any circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, in the trial or hearing whereof any question has occurred upon which the opinions of the judges were opposed, the point upon which

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

they so disagreed shall, during the same term, be stated under the direction of the judges, and certified, and such certificate shall be entered of record. [See § 698.]

29 Apr., 1802, c. 31, s. 6, v. 2, p. 159.

Ogle *v.* Lee, 2 Cr., 33; Hepburn *v.* Ellzey, 2 Cr., 445; U. S. *v.* Tyler, 7 Cr., 285; Ross *v.* Triplett, 3 Wh., 600; U. S. *v.* Lancaster, 5 Wh., 434; U. S. *v.* Daniel, 6 Wh., 542; Wayman *v.* Southard, 10 Wh., 1; Devereaux *v.* Marr, 12 Wh., 212; De Wolf *v.* Usher, 3 Pet., 269; Saunders *v.* Gould, 4 Pet., 392; Bank United States *v.* Green, 6 Pet., 26; Grant *v.* Raymond, 6 Pet., 218; U. S. *v.* Bailey, 9 Pet., 267; Davis *v.* Braden, 10 Pet., 286; Smith *v.* Vaughan, 10 Pet., 366; Packer *v.* Nixon, 10 Pet., 408; Adams *v.* Jones, 12 Pet., 207; White *v.* Turk, 12 Pet., 238; U. S. *v.* Briggs, 5 How., 208; Nesmith *v.* Sheldon, 6 How., 41; Luther *v.* Borden, 7 How., 1; U. S. *v.* Chicago, 7 How., 185; Sadler *v.* Hoover, 7 How., 646; Wilson *v.* Barnum, 8 How., 258; Dennistoun *v.* Stewart, 18 How., 565; U. S. *v.* City Bank of Columbus, 19 How., 385; Silliman *v.* Hudson River Bridge, 1 Bl., 582; *Ex parte* Gordon, 1 Bl., 503; Ward *v.* Chamberlain, 2 Bl., 430; Daniels *v.* Railroad Company, 3 Wall., 250; Havemeyer *v.* Iowa County, 3 Wall., 294; Brobst *v.* Brobst, 4 Wall., 2; U. S. *v.* Rosenburgh, 7 Wall., 580; Hannauer *v.* Woodruff, 10 Wall., 482.

Business of the circuit court for the two districts of Missouri transferred, how.

SEC. 653. The circuit court for the eastern district of Missouri, is vested with full and complete jurisdiction to hear, determine, and dispose of, according to the usual course of judicial proceedings, all suits, causes, motions, and other matters which were pending in the circuit court of the United States in and for the districts of Missouri at the time the said circuit court for the eastern district of Missouri was created, on the eighth day of June, eighteen hundred and seventy-two, and also all other matters which have since arisen that pertain to said suits or causes, and also to make all orders and issue of (*) all processes which said circuit court of the United States in and for the districts of Missouri might have done if it had not ceased to exist; and said circuit court for said eastern district of Missouri is vested with jurisdiction and authority to do all and singular that may in the due course of judicial proceedings pertain to any of said suits, causes, or unfinished business as fully as the said circuit court in and for the districts of Missouri might have done if said circuit court had not ceased to exist.

25 Feb., 1873, c. 200, s. 1, v. 17, p. 476.

Process issued out of former circuit court for Missouri.

SEC. 654. The service of process, mesne or final, issued out of said circuit court of the United States in and for the districts of Missouri, which service was had after the eighth day of June, eighteen hundred and seventy-two, and all levies, seizures, and sales made thereunder, also all service, seizures, levies, and sales made under any process which issued as out of said court after the said eighth day of June, eighteen hundred and seventy-two, are made valid, and all said processes are to be deemed returnable to said circuit court of the United States in and for the eastern district of Missouri as of the return day thereof.

25 Feb., 1873, c. 200, s. 2, v. 17, p. 476.

Transfer of cases between eastern and western districts.

SEC. 655. Either of the circuit courts for the eastern and for the western district of Missouri may order any suit, cause, or other matter pending therein, and commenced prior to the creation of said new court, to be transferred for trial or determination to the other of said circuit courts when, in the opinion of the court, said transfer ought to be made; and the court to which said transfer is made shall have as full authority and jurisdiction over the same from the date the certified transcript of the record thereof is filed as if the same had been originally pending therein.

25 Feb., 1873, c. 200, s. 3, v. 17, p. 476.

Custody of books, papers, &c., of circuit court of Missouri.

SEC. 656. That the clerk of the circuit court for the eastern district of Missouri, and his successors in office, shall have the custody of all records, books, papers, and property belonging or in any wise appertaining to said circuit court of the United States in and for the districts of Missouri, and, as such custodians and the successors of the clerk of said last-named court, they are hereby invested with the same powers and authority with respect thereto as the clerk thereof had during the existence of said last-named circuit court. Said circuit court for the eastern district of Missouri is hereby made the successor of said circuit court of the United States in and for the districts of Missouri as to all suits, causes, and unfinished business therein or in any wise pertaining thereto, except as hereinbefore provided.

25 Feb., 1873, c. 200, s. 4, v. 17, p. 476.

Circuit court for southern district of New York, how limited.

SEC. 657. The original jurisdiction of the circuit court for the southern district of New York shall not be construed to extend to causes of action arising within the northern district of said State.

3 April, 1818, c. 32, s. 6, v. 3, p. 415.—Wheeler *v.* McCormick, 8 Blatch. C. C., 267.

(*) The word *of* in the Roll redundant.

CHAPTER EIGHT.

CIRCUIT COURTS—SESSIONS.

Sec.
658. Terms.
659. Recognizances to a certain term in southern district of New York.
660. Effect of altering terms of circuit courts.
661. Special sessions for trial of criminal cases.
662. Special sessions for criminal trials near the place of the offense.
663. Adjourned terms, Missouri.
664. California, Oregon, and Nevada, special sessions.
665. Kentucky and Indiana, special terms.
666. Tennessee, special terms.
667. North Carolina, special terms.
668. Virginia, Wisconsin, special terms.
669. Special terms, general rule.
670. Special terms, business transacted at.
671. Adjournment in absence of the judges.
672. Adjournment in absence of the judges, by written order.

Terms.

SEC. 658. The regular terms of the circuit courts shall be held in each year, at the times and places following; but when any of said dates shall fall on Sunday, the term shall commence on the following day:

Alabama, S. D.

In and for the southern district of Alabama, at Mobile, on the second Monday in April and the fourth Monday in December.

3 Mar., 1837, c. 34, s. 2, v. 5, p. 177. 22 Feb., 1838, c. 12, s. 1, v. 5, p. 210. 6 Aug., 1842, c. 180, s. 1, v. 5, p. 507. 12 April, 1844, c. 12, s. 3, v. 5, p. 655. 1 Mar., 1845, c. 39, s. 1, v. 5, p. 731. 15 July, 1862, c. 178, s. 1, v. 12, p. 576. 18 *Feb.*, 1876, *c.* 11, *v.* 19, *p.* 4.—Jones *v.* Oceanic Steam Navigation Co., 11 Blatch., 406.

Arkansas.

In and for the eastern district of Arkansas, at Little Rock, on the second Monday in April and the fourth Monday in October.

3 Mar., 1837, c. 34, s. 2, v. 5, p. 177. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.

California.

In the district of California, at San Francisco, on the first Monday in February, the second Monday in June, and the first Monday in October.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.

Connecticut.

In the district of Connecticut, at New Haven, on the fourth Tuesday in April; and at Hartford, on the third Tuesday in September.

13 April, 1792, c. 21, s. 2, v. 1, p. 253. 24 Feb., 1843, c. 44, s. 1, v. 5, p. 601.

Delaware.

In the district of Delaware, at Wilmington, on the third Tuesdays in June and October.

10 May, 1852, c. 33, s. 1, v. 10, p. 5. 14 June, 1856, c. 45, s. 1, v. 11, p. 22.

Florida.

In the southern district of Florida, at Key West, on the first Mondays in May and November.

23 Feb., 1847, c. 20, s. 2, v. 9, p. 131. 15 July, 1862, c. 178, s. 1, v. 12, p. 576.

In the northern district of Florida, at Tallahassee, on the first Monday in February; at Pensacola, on the first Monday in March; and at Jacksonville, on the first Monday in December.

27 July, 1868, c. 270, s. 1, v. 15, p. 239.

Georgia.

In the southern district of Georgia, at Savannah, on the second Monday in April; and on the Thursday after the first Monday in November.

21 Jan., 1829, c. 8, s. 1, v. 4, p. 331. 1 Mar., 1845, c. 39, s. 1, v. 5, p. 731.

In the northern district of Georgia, at Atlanta, on the second Mondays in March and September.

11 Aug., 1848, c. 151, ss. 4, 5, 8, v. 9, pp. 280, 281. 4 June, 1872, c. 284, s. 3, v. 17, p. 218.

Illinois.

In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December.

19 Feb., 1855, c. 96, s. 2, v. 10, p. 606. 23 April, 1856, c. 18, s. 1, v. 11, p. 4.

In the southern district of Illinois, at Springfield, on the first Mondays in January and June.

Indiana.

In the district of Indiana, at Indianapolis, on the first Tuesday in May and November; and at New Albany, on the first Monday in January and July; and at Evansville, on the first Monday in February and August.

10 Mar., 1838, c. 33, s. 1, v. 5, p. 215. 20 Feb., 1863, c. 47, s. 1, v. 12, p. 657. 30 June, 1870, c. 180, s. 1, v. 16, p. 175.

Iowa.

In the district of Iowa, at Des Moines, on the second Mondays in May and October.

13 June, 1863, c. 9, s. 1, v. 12, p. 634. 2 Mar., 1863, c. 63, s. 2, v. 12, p. 699. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.

Kansas.

In the district of Kansas, at Leavenworth, on the first Monday in June; and at the seat of government of the State, on the fourth Monday in November.

21 Jan., 1861, c. 20, s. 5, v. 12, p. 128. 13 Jan., 1863, c. 9, s. 1, v. 12, p. 634. 21 May, 1872, c. 176, s. 1, v. 17, p. 135. 8 June, 1872, c. 341, v. 17, p. 334.

Kentucky.

In the district of Kentucky, at Covington, on the third Monday in April and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the third Monday in March and the first Monday in November.

15 May, 1862, c. 71, s. 1, v. 12, p. 386.

Louisiana.

In the district of Louisiana, at New Orleans, on the fourth Monday in April and the first Monday in November.

1 Mar., 1845, c. 39, s. 1, v. 5, p. 731. 20 July, 1854, c. 99, s. 2, v. 10, p. 307. 23 July, 1866, c. 210, s. 2, v. 14, p. 209. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.

Maine.

In the district of Maine, at Portland, on the twenty-third days of April and September.

3 Mar., 1823, c. 41, s. 1, v. 3, p. 774. 13 Feb., 1843, c. 32, s. 1, v. 5, p. 600. 11 Aug., 1848, c. 154, s. 1, v. 9, p. 282.

Maryland.

In the district of Maryland, at Baltimore, on the first Mondays in April and November.

3 Mar., 1837, c. 34, s. 2, v. 5, p. 177. 7 July, 1838, c. 193, s. 1, v. 5, p. 308.

Massachusetts.

In the district of Massachusetts, at Boston, on the fifteenth days of May and October.

26 Mar., 1812, c. 45, s. 1, v. 2, p. 696.

Michigan.

In the eastern district of Michigan, at Detroit, on the first Tuesdays in March, June, and November.

In the western district of Michigan, at Grand Rapids, on the third Mondays in May and October.

24 Feb., 1863, c. 54, s. 2, v. 12, p. 661.

Minnesota.

In the district of Minnesota, at Saint Paul, on the third Monday in June and the second Monday in December.

13 Jan., 1863, c. 9, s. 1, v. 12, p. 635. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.

Mississippi, S.D.

In the southern district of Mississippi, at Jackson, on the first Mondays in May and November.

3 Mar., 1837, c. 34, s. 2, v. 5, p. 177. 18 June, 1838, c. 115, s. 1, v. 5, p. 247. 16 Feb., 1839, c. 27, ss. 1, 2, v. 5, p. 317.

Missouri.

In the eastern district of Missouri, at Saint Louis, on the third Mondays in March and September.

In the western district of Missouri, at Jefferson, on the third Mondays in April and November.

21 May, 1872, c. 176, s. 1, v. 17, p. 135. 8 June, 1872, c. 334, ss. 1, 2, v. 17, pp. 282, 283.

Nebraska.

In the district of Nebraska, at Omaha, on the first Monday in May and the second Monday in November.

18 May, 1872, c. 176, s. 1, v. 17, p. 135.

Nevada.

In the district of Nevada, at Carson City, on the first Mondays in March, August, and December.

27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.

New Hampshire.

In the district of New Hampshire, at Portsmouth, on the eighth day of May; and at Exeter on the eighth day of October.

3 Mar., 1823, c. 41, s. 1, v. 3, p. 773.

New Jersey.

In the district of New Jersey, at Trenton, on the fourth Tuesdays in March and September.

24 Sept., 1789, c. 20, s. 5, v. 1, p. 75. 3 Mar., 1797, c. 27, s. 1, v. 1, p. 517. 12 Aug., 1848, c. 169, s. 1, v. 9, p. 303.

New York.

In the northern district of New York, at Canandaigua, on the third Tuesday in June; at Albany on the second Tuesday in October; and when the term appointed to be held at Albany is adjourned, it shall be adjourned to meet at the same place on the third Tuesday in January; and when said adjourned term is adjourned it shall be adjourned to meet in Utica on the third Tuesday in March. The said adjourned terms shall be held for the transaction of civil business only.

20 May, 1830, c. 213, s. 2, v. 4, p. 422. 10 April, 1832, c. 15, s. 1, v. 4, p. 497. 8 Aug., 1846, c. 98, s. 1, v. 9, p. 72.

4 July, 1864, c. 245, s. 2, v. 13, p. 385.
25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.
7 Feb., 1873, c. 120, ss. 1, 2, v. 17, p. 422.

In the southern district of New York, at the city of New York, on the first Monday in April and the third Monday in October; and for the trial of criminal causes and suits in equity, on the last Monday in February; and exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the second Wednesday in January, March, and May, on the third Wednesday in June, and on the second Wednesday in October and December: *Provided*, That the holding of any of the last-mentioned terms for criminal business shall not dispense with nor affect the holding of any other term of the court at the same time, and that the pending of any other term of the court shall not prevent the holding of any of the said terms for criminal business.

In the eastern district of New York, at Brooklyn, on the first Wednesday in every month.

North Carolina.

15 July, 1846, c. 38, v. 9, p. 38.
15 Feb., 1847, c. 9, v. 9, p. 126.
4 June, 1872, c. 282, s. 2, v. 17, p. 215.

In the eastern district of North Carolina, at Raleigh, on the first Monday in June and the last Monday in November.

In the western district of North Carolina, at Greensborough, on the first Mondays in April and October; at Statesville, on the third Mondays in April and October; and at Asheville, on the first Mondays in May and November.

Ohio.

21 Feb., 1863, c. 49, v. 12, p. 657.
7 July, 1870, c. 214, v. 16, p. 192.

In the northern district of Ohio, at Cleveland, on the first Tuesdays in January, April, and October.

In the southern district of Ohio, at Cincinnati, on the first Tuesdays in February, April, and October.

Oregon.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4.

In the district of Oregon, at Portland, on the first Mondays in January, May, and September.

Pennsylvania.

3 Mar., 1797, c. 27, s. 1, v. 1, p. 517.
20 April, 1818, c. 108, s. 4, v. 3, p. 462.
3 Mar., 1837, c. 34, s. 2, v. 5, p. 177.

In the eastern district of Pennsylvania, at Philadelphia, on the first Mondays in April and October.

In the western district of Pennsylvania, at Erie, on the second Monday in January and third Monday in July; at Pittsburgh, on the second Mondays in May and November; and at Williamsport, on the third Mondays in June and September.

3 Mar., 1843, c. 97, s. 1, v. 5, p. 628. 3 Mar., 1851, c. 40, s. 1, v. 9, p. 631. 21 Feb., 1871, c. 63, v. 16, p. 429.

Rhode Island.

22 Feb., 1867, c. 60, s. 1, v. 14, p. 399.

In the district of Rhode Island, at Providence, on the fifteenth days of June and November.

South Carolina.

10 Feb., 1858, c. 5, s. 2, v. 11, p. 260.

In the district of South Carolina, at Charleston, on the first Monday in April; and at Columbia, on the fourth Monday in November.

24 Feb., 1829, c. 19, v. 4, p. 335. 4 May, 1826, c. 37, s. 2, v. 4, p. 160. 3 Mar., 1825, c. 78, s. 1, v. 4, p. 124. 25 May, 1824, c. 145, s. 1, v. 4, p. 34.

Tennessee.

25 June, 1868, c. 79, s. 1, v. 15, p. 80.

In the eastern district of Tennessee, at Knoxville, on the second Mondays in January and July.

In the middle district of Tennessee, at Nashville, on the third Mondays in April and October.

In the western district of Tennessee, at Memphis, on the fourth Mondays in May and November.

Texas.

21 Feb., 1857, c. 58, s. 2, v. 11, p. 164.
11 June, 1858, c. 147, s. 1, v. 11, p. 314.
15 July, 1862, c. 178, s. 1, v. 12, p. 576.

In the eastern district of Texas, at Brownsville, on the first Mondays in March and October; and at Galveston, on the first Mondays in May and December.

In the western district of Texas, at Austin, on the first Mondays in January and June; and at Tyler on the fourth Monday in April and the first Monday in November.

Vermont.

3 Mar., 1797, c. 27, s. 1, v. 1, p. 517.

In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the fourth Tuesday in July; and at Rutland, on third day of October.

22 Mar., 1816, c. 31, ss. 1, 4, v. 3, p. 258. 4 May, 1858, c. 28, s. 1, v. 11, p. 272. 22 Feb., 1869, c. 43, s. 1, v. 15, p. 274. 5 *June*, 1874, *c.* 214, *v.* 18, *p.* 53.

Virginia.

3 Feb., 1871, c. 35, s. 3, v. 16, p. 403.

In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk, on the first Monday in May and November.

In the western district of Virginia, at Danville, on Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Harrisonburgh, on the Tuesday after the first Monday in May and the Tuesday after the second Monday in October; and at Abingdon, on the Tuesday after the fourth Monday in May and October.

1 Feb., 1872, c. 10, v. 17, p. 27.
13 April, 1872, c. 99, v. 17, p. 52.

In the district of West Virginia, at Parkersburgh, on the first Monday in August.

West Virginia.
3 Mar., 1837, c. 34, s. 2, v. 5, p. 177. 26 June, 1856, c. 48, s. 2, v. 11, p. 23. 11 June, 1864, c. 120, s. 1, v. 13, p. 124. 27 July, 1866, Res. No. 90, v. 14, p. 369.

In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; and at Milwaukee, on the first Monday in January and October.

Wisconsin.
29 June, 1870, c. 175, ss. 2, 3, v. 16, p. 171.

In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.

9 May, 1872, c. 143, s. 1, v. 17, p. 88. 16 *June*, 1874, *c.* 286, *v.* 18, *p.* 75. 16 *June*, 1874, *c.* 287, *v.* 18, *p.* 76. 22 *June*, 1874, *c.* 401, *ss.* 6, 7, *v.* 18, *p.* 195.

SEC. 659. All recognizances and bail-bonds taken in criminal cases for an appearance at a circuit court in the southern district of New York, conditioned upon an appearance at the next one of the terms appointed by the act of February seven, eighteen hundred and seventy-three, shall be valid.

Recognizances to a certain term in southern district of New York.
7 Feb., 1873; c. 120, s. 2, v. 27, p. 423.

SEC. 660. No action, suit, proceeding, or process in any circuit court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established, next after the return day thereof.

Effect of altering terms of circuit courts.

See all acts altering terms.

SEC. 661. Any circuit court may, at its own discretion, or at the discretion of the Supreme Court, hold special sessions for the trial of criminal causes.

Special sessions for trial of criminal causes.
24 Sept., 1789, c. 20, s. 5, v. 1, p. 75.

SEC. 662. The Supreme Court, or, when that court is not sitting, any circuit justice or circuit judge, together with the judge of the proper district, may direct special sessions of a circuit court to be held, for the trial of criminal causes, at any convenient place within the district nearer to the place where the offenses are said to be committed than the place appointed by law for the stated sessions. The clerk of such court shall, at least thirty days before the commencement of such special session, cause the time and place for holding it to be notified, for at least three weeks, consecutively, in one or more of the newspapers published nearest to the place where it is to be held. All process, writs, and recognizances respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at such special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto. Any such session may be adjourned from time to time to any time previous to the next stated term of the court; and all business depending for trial at any special session shall, at the close thereof, be considered as removed to the next stated term.

Special sessions for criminal trials near the place of the offense.
2 Mar., 1793, c. 22, s. 3, v. 1, p. 334.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

U. S. *v.* The Insurgents, 2 Dall., 513.
U. S. *v.* Cornell, 2 Mas., 98.

SEC. 663. The circuit courts for the several districts of Missouri may at any time order adjourned terms thereof. In the eastern district a copy of the order shall be posted on the door of the court-room, and shall be advertised in some newspaper printed in Saint Louis, and in the western district a copy of the order shall be posted on the door of the court-room, and advertised in some newspaper printed in the city of Jefferson, at least twenty days before the adjourned term is held. At such adjourned term any business may be transacted which might be transacted at a regular term.

Adjourned terms, Missouri.
8 June, 1872, c. 334, s. 3, v. 17, p. 283.

Mechanics' Bank *v.* Withers, 3 Dall., 19.
Anon., Cr. C. C., 159.

SEC. 664. In the districts of California, Oregon, and Nevada the circuit justice or circuit judge may appoint special sessions of the circuit courts, to be held at the places where the regular sessions are held, by an order under his hand and seal, directed to the marshal and clerk of such court at least fifteen days before the time fixed for the commencement of such special sessions. Said order shall be published by the marshal in one or more of the newspapers within the district where such sessions are to be held.

California, Oregon, and Nevada, special sessions.
19 Feb., 1864, c. 11, s. 3, v. 13, p. 4.
3 Mar., 1863, c. 100, s. 1, v. 12, p. 794.
27 Feb., 1865, c. 64, s. 2, v. 13, p. 440. 10 April, 1869, *c.* 22, *s.* 2, v. 16, p. 44. 16 *June*, 1874, *c.* 287, *v.* 18, *p.* 76.

Kentucky and Indiana, special terms.

15 May, 1862, c. 71, s. 2, v. 12, p. 386.
30 June, 1870, c. 180, s. 2, v. 16, p. 175.

SEC. 665. In the districts of Kentucky and Indiana the district judge, and, in his absence, the circuit justice or circuit judge, may, by a written order to the clerk of the circuit court, appoint a special term of such court; and by said order the judge may prescribe the duties of the officers of the court in summoning juries, and in the performance of other acts necessary for the holding of such special term, or the court may, by its order, after it is opened, prescribe the duties of its officers, and the mode of proceeding, and any of the details thereof. Notice of such special term shall be given by the clerk, by posting a copy of said order on the front door of the court-house where the court is to be held, and by publishing the same in one or more newspapers in the same place.

Tennessee, special terms.

26 Jan., 1864, c. 5, s. 2, v. 13, p. 2.

SEC. 666. In each of the districts of Tennessee the judges of the circuit court may appoint special terms thereof, to be held at the place where the regular terms are held; and notice of such special terms shall be published, for four consecutive weeks, in at least one newspaper printed at the place where the court is to be held.

North Carolina, special terms.

4 June, 1872, c. 282, s. 4, v. 17, p. 215.

SEC. 667. In each of the districts of North Carolina the circuit court may order special terms thereof to be held at such times and places in said district as the court may designate: *Provided*, That no special term of the circuit court for either district shall be appointed, except by and with the concurrence and consent of the circuit judge.

Virginia, Wisconsin, special terms.

29 June, 1870, c. 175, s. 4, v. 16, p. 171.
3 Feb., 1871, c. 35, s. 4, v. 16, p. 403.

SEC. 668. In each of the districts of Virginia and of Wisconsin the circuit court may order special terms, and direct a grand or petit jury, or both, to attend the same, by an order, to be entered of record twenty days before the day on which such special term is to convene: *Provided*, That no special term of such circuit courts shall be appointed in any of the said districts, except by and with the concurrence and consent of the circuit judge.

Special terms, general rule.

4 July, 1840, c. 43, s. 2, v. 5, p. 393.

SEC. 669. In the districts not mentioned in the five preceding sections, the presiding judge of any circuit court may appoint special sessions thereof, to be held at the places where the regular sessions are held.

Special terms, business transacted at.

15 May, 1862, c. 71, s. 2, v. 12, p. 386.
30 June, 1870, c. 180, s. 2, v. 16, p. 175.
21 Feb., 1855, c. 118, s. 3, v. 10, p. 612.
29 June, 1870, c. 175, s. 4, v. 16, p. 171.

SEC. 670. At any special term of a circuit court in any district in Indiana, Kentucky, Missouri, North Carolina, Virginia, and Wisconsin, any business may be transacted which might be transacted at any regular term of such court. At any special term of a circuit court in any other district, it shall be competent for the court to entertain jurisdiction of and to hear and decide all cases in equity, cases in error or on appeal, issues of law, motions in arrest of judgment, motion for a new trial, and all other motions, and to award executions and other final process, and to do and transact all other business, and direct all other proceedings, in all causes pending in the circuit court, except trying any cause by a jury, in the same way and with the same effect as the same might be done at any regular session of said court.

3 Feb., 1871, c. 35, s. 4, v. 16, p. 403. 4 July, 1840, c. 43, s. 2, v. 5, p. 393. 26 Jan., 1864, c. 5, s. 2, v. 13, p. 2. 19 Feb., 1864, c. 11, s. 3, v. 13, p. 4. 27 Feb., 1865, c. 64, s. 7, v. 13, p. 440. 4 June, 1872, c. 282, s. 4, v. 17, p. 215.

Adjournment in absence of the judges.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.
19 May, 1794, c. 32, v. 1, p. 369.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 671. If neither of the judges of a circuit court is present to open any session, the marshal may adjourn the court from day to day until a judge is present: *Provided*, That if neither of them attends before the close of the fourth day after the time appointed for the commencement of the session, the marshal may adjourn the court to the next regular term.

Adjournment in absence of the judges, by written order.

4 July, 1840, c. 43, s. 1, v. 5, p. 392.
18 Jan., 1839, c. 3, s. 9, v. 5, p. 314.

SEC. 672. If neither of the judges of a circuit court be present to open and adjourn any regular or adjourned or special session, either of them may, by a written order, directed alternatively to the marshal, and, in his absence, to the clerk, adjourn the court from time to time, as the case may require, to any time before the next regular term.

CHAPTER NINE.

SUPREME COURT—ORGANIZATION.

Sec.
673. Number of justices.
674. Precedence of the associate justices.
675. Vacancy in the office of Chief Justice.
676. Salaries of judges.
677. Clerk, marshal, and reporter.
678. Deputies of the clerk.
679. Records of the old court of appeals.
680. Marshal of the Supreme Court.
681. Duties of the reporter.
682. Reporter's salary and price of reports.
683. Distribution of the Supreme Court reports.

Number of justices.

SEC. 673. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

10 April, 1869, c. 22, s. 1, v. 16, p. 44.

Precedence of the associate justices.

SEC. 674. The associate justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

24 Sept., 1789, c. 20, s. 1, v. 1, p. 73.

Vacancy in the office of Chief Justice.

SEC. 675. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the associate justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every associate justice who succeeds to the office of Chief Justice.

24 Sept., 1789, c. 20, s. 1, v. 1, p. 73. 25 June, 1868, c. 81, s. 1, v. 15, p. 80.

Salaries of judges.

SEC. 676. The Chief Justice of the Supreme Court of the United States shall receive the sum of ten thousand five hundred dollars a year, and the justices thereof shall receive the sum of ten thousand dollars a year each, to be paid monthly.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

Clerk, marshal, and reporter.

SEC. 677. The Supreme Court shall have power to appoint a clerk and a marshal for said court, and a reporter of its decisions.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76. 26 Aug., 1842, c. 202, s. 2, v. 5, p. 524. 29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 2 Mar., 1867, c. 156, s. 2, v. 14, p. 433.

Deputies of the clerk.

SEC. 678. One or more deputies of the clerk of the Supreme Court may be appointed by the court on the application of the clerk, and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

8 June, 1872, c. 336, v. 17, p. 330.

Records of the old court of appeals.

SEC. 679. The records and proceedings of the court of appeals, appointed previous to the adoption of the present Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall give copies thereof to any person requiring and paying for them in the manner provided by law for giving copies of the records and proceedings of the Supreme Court; and such copies shall have like faith and credit with all other proceedings of said court.

8 May, 1792, c. 36, s. 12, v. 1, p. 279.

Marshal of the Supreme Court.

SEC. 680. The marshal is entitled to receive a salary at the rate of three thousand five hundred dollars a year. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an associate justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.

2 Mar., 1867, c. 156, s. 2, v. 14, p. 443. 27 Feb., 1801, c. 15, s. 7, v. 2, p. 106. 24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

Duties of the reporter.

SEC. 681. The reporter shall cause the decisions of the Supreme Court made during his office to be printed and published within eight months

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 21 May, 1866, c. 88, s. 1, v. 14, p. 51. 23 July, 1866, c. 208, s. 1, v. 14, p. 191, (205.)

after they are made; and, within the same time, shall deliver three hundred copies of the volumes of said reports to the Secretary of the Interior. And he shall, in any year when he is so directed by the court, cause to be printed and published a second volume of said decisions, of which he shall deliver, in like manner and time, three hundred copies.

2 Mar., 1867, c. 168, s. 10, v. 14, p. 471.

Reporter's salary and price of reports.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 21 May, 1866, c. 88, s. 1, v. 14, p. 51. 23 July, 1866, c. 208, s. 1, v. 14, p. 191, (205.) 2 Mar., 1867, c. 168, s. 10, v. 14, p. 471.

SEC. 682. The reporter shall be entitled to receive from the Treasury an annual salary of twenty-five hundred dollars, when his report of said decisions constitutes one volume, and an additional sum of fifteen hundred dollars when, by direction of the court, he causes to be printed and published, in any year, a second volume. But said salary and compensation, respectively, shall be paid only when he causes such decisions to be printed, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding five dollars a volume.

Distribution of the Supreme Court reports.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 2 Mar., 1861, c. 87, s. 6, v. 12, p. 245. 15 July, 1870, c. 292, s. 1, v. 16, p. 291, (307.) 23 July, 1866, c. 208, s. 1, v. 15, p. 191, (205.)

SEC. 683. The three hundred copies of said reports delivered to the Secretary of the Interior shall be distributed as follows: To the President, the justices of the Supreme Court, the circuit judges, the judges of the district courts, the judges of the Court of Claims, the judges of the supreme court of the District of Columbia, the judges of the several territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster-General, the Attorney-General, the Solicitor-General, the Secretary of the Senate, for the use of the Senate, the Clerk of the House of Representatives, for the use of the House of Representatives, the governors of the Territories, the Commissioner of Agriculture, the Commissioner of Internal Revenue, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land-Office, the Commissioner of Patents, the Commissioner of Customs, the Commissioner of Education, the Paymaster-General, the First and Second Comptrollers of the Treasury, the First, Second, Third, Fourth, Fifth, and Sixth Auditors of the Treasury, the Solicitor of the Treasury, the Register of the Treasury, the Treasurer of the United States, and the heads of such other executive offices as may hereafter be provided by law, of equal grade with any of the said officers, each one copy; to the Secretary of the Senate, for the use of the standing committees of the Senate, ten copies; and to the Clerk of the House of Representatives, for the use of the standing committees of the House, twelve copies; and the residue of said copies shall be deposited in the Library of Congress, to become a part of said Library. The copies received by any officer under this section shall, in case of his death, resignation, or dismissal from office, be delivered up to his successor in office.

CHAPTER TEN.

SUPREME COURT—SESSIONS.

Sec.
684. Terms.
685. Adjournments for want of a quorum.
686. Preparatory orders made by less than a quorum.

Terms.

23 July, 1866, c. 210, s. 1, v. 14, p. 209. 24 Jan., 1873, c. 64, v. 17, p. 419.

SEC. 684. The Supreme Court shall hold, at the seat of Government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business; and suits, proceedings, recognizances, and processes pending in or returnable to said court shall be tried, heard, and proceeded with as if the time of holding said sessions had not been hereby altered.

Adjournments for want of a quorum.

SEC. 685. If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for twenty days after said appointed

time, unless there be sooner a quorum. If a quorum does not attend within said twenty days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.

29 April, 1802, c. 31, s. 1, v. 2, p. 156. 21 Jan., 1829, c. 12, ss. 1, 2, v. 4, p. 332.

SEC. 686. The justices attending at any term when less than a quorum is present, may within the twenty days mentioned in the preceding section, make all necessary orders touching any suit, proceeding, or process, depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.

Preparatory orders made by less than a quorum.

29 April, 1802, c. 31, s. 1, v. 2, p. 156.

21 Jan., 1829, c. 12, s. 1, v. 4, p. 323. 23 July, 1866, c. 210, s. 1, v. 14, p. 209.

CHAPTER ELEVEN.

SUPREME COURT—JURISDICTION.

Sec.
687. Original jurisdiction.
688. Writs of prohibition and mandamus.
689. Issues of fact.
690. Appellate jurisdiction.
691. Judgments in circuit court on writ of error.
692. Appeals in equity and admiralty cases.
693. Review of decisions of circuit court on certificate of division of opinion.
694. Cases pending in Supreme Court from middle and northern districts of Alabama.
695. Appeals in prize causes.
696. Appeals in prize causes remaining in circuit courts.
697. Points certified on division of opinion in a circuit court.
698. Transcripts on appeals.
699. Writs of error and appeals, without reference to amount.
700. Cases tried by the circuit court, without the intervention of a jury.
701. Judgment or decree on review.
702. Writs of error and appeals from territorial courts.
703. When a Territory becomes a State after judgment or decree in territorial court.
704. Judgments and decrees of district courts in cases transferred from territorial courts.
705. Judgments and decrees of supreme court of District of Columbia.
706. Cases where matter in dispute exceeds $100.
707. Appeals from the Court of Claims.
708. Time and manner of appeals from the Court of Claims.
709. Judgments and decrees of State courts on writ of error.
710. Precedence of writs of error to State courts in criminal cases.

SEC. 687. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against embassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by embassadors, or other public ministers, or in which a cousul or vice-consul is a party. [See §§ 4063-4066.]

Original jurisdiction.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

States:
Fowler *v.* Lindsey, 3 Dal., 411; New York *v.* Connecticut, 4 Dall., 1; U. S. *v.* Peters, 5 Cr., 115; Cohens *v.* Virginia, 6 Wh., 264; Osborn *v.* United States Bank, 9 Wh., 738; Governor of Georgia *v.* Madrazo, 1 Pet., 110; Cherokee Nation *v.* Georgia, 5 Pet., 1; New Jersey *v.* New York, 5 Pet., 284; *Ex parte* Madrazo, 7 Pet., 627; Rhode Island *v.* Massachusetts, 12 Pet., 657; Rhode Island *v.* Massachusetts, 13 Pet., 23; Rhode Island *v.* Massachusetts, 14 Pet., 210; Rhode Island *v.* Massachusetts, 15 Pet., 233; Rhode Island *v.* Massachusetts, 4 How., 591; Missouri *v.* Iowa, 7 How., 660; Florida *v.* Georgia, 17 How., 478; Pennsylvania *v.* Wheeling Bridge, 18 How., 460; Kentucky *v.* Dennison, governor, 24 How., 66; Georgia *v.* Stanton, 6 Wall., 50; Texas *v.* White, 7 Wall., 700; Pennsylvania *v.* Quicksilver Company, 10 Wall., 553; Virginia *v.* West Virginia, 11 Wall., 39; Commonwealth *v.* Boutwell, 13 Wall., 526. Railway Company *v.* Ramsey, 22 Wall., 322; Hoadley *v.* San Francisco, 94, U. S., 4; *Ex parte* Smith, 94 U. S., 455.

Embassadors:
U. S. *v.* Ravara, 2 Dall., 297; U. S. *v.* Ortega, 11 Wh., 467.

SEC. 688. The Supreme Court shall have power to issue writs of prohibition in the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted

Writs of prohibition and mandamus.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an embassador, or other public minister, or a consul or vice-consul is a party.

Prohibition:

U. S. *v.* Peters, 3 Dall., 121; *Ex parte* Christy, 3 How., 292; *Ex parte* Gordon, 1 Bl., 503; U. S. *v.* Hoffman, 4 Wall., 158; *Ex parte* Warmouth, 17 Wall., 67.

Mandamus:

Hayburn's Case, 2 Dall., 409; U. S. *v.* Lawrence, 3 Dall., 42; Livingston *v.* Dorgenois, 7 Cr., 577; *Ex parte* Burr, 9 Wh., 529; Bank of Columbia *v.* Sweeney, 1 Pet., 567; *Ex parte* Bradstreet, 4 Pet., 102; *Ex parte* Crane, 5 Pet., 190; *Ex parte* Roberts, 6 Pet., 216; *Ex parte* Davenport, 6 Pet., 661; *Ex parte* Bradstreet, 6 Pet., 774; *Ex parte* Bradstreet, 7 Pet., 634; *Ex parte* Bradstreet, 8 Pet., 588; Life and Fire Ins. Co. *v.* Adams, 9 Pet., 571, 573; *Ex parte* Hoyt, 13 Pet., 279; *Ex parte* Whitney, 13 Pet., 404; *Ex parte* Taylor, 14 How., 3; *Ex parte* William Many, 14 How., 24; Stafford *v.* Union Bank of Louisiana, 17 How., 275; *Ex parte* Secombe, 19 How., 9; Mussina *v.* Cavazos, 20 How., 280; *Ex parte* Ransom *v.* City of New York, 20 How., 581; U. S., *ex rel.*, *v.* Addison, 22 How., 174; *Ex parte* Kentucky *v.* Dennison, 24 How., 66; White's Administrator *v.* U. S., 1 Bl., 501; *Ex parte* Fleming, 2 Wall., 759; Commissioner of Patents *v.* Whitely, 4 Wall., 533–4; Riggs *v.* Johnson County, 6 Wall., 188; *Ex parte* De Groot, 6 Wall., 497; *Ex parte* Bradley, 7 Wall., 364; *Ex parte* Graham, 10 Wall., 541; Commonwealth *v.* Boutwell, 13 Wall., 526; *Ex parte* Russell, 13 Wall., 664; *Ex parte* Newman, 14 Wall., 152; *Ex parte* Cutting, 94 U. S., 14; *Ex parte* Jordan, 94 U. S., 248; *Ex parte* Flippin, 94 U. S., 348; *Ex parte* Loring, 94 U. S., 418.

Issues of fact.

SEC. 689. The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

Appellate jurisdiction.

SEC. 690. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80. 3 *Mar.*, 1875, *c.* 137, *s.* 5, *v.* 18, *p.* 472.—Semple *v.* Hagar, 4 Wall., 431.

Judgments in circuit court, on writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84. 3 Mar., 1803, c. 40, s. 2, v. 2, p. 244. 4 July, 1840, c. 43, s. 3, v. 5, p. 393. 16 *Feb.*, 1875, *c.* 77, *s.* 3, *v.* 18, *p.* 316.

SEC. 691. All final judgments of any circuit court, or of any district court acting as a circuit court, in civil actions brought there by original process, or removed there from courts of the several States, and all final judgments of any circuit court in civil actions removed there from any district court by appeal or writ of error, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error.

26 *June*, 1876, *c.* 147, *v.* 19, *p.* 62.—Wilson *v.* Daniel, 3 Dall., 401; Williamson *v.* Kincaid, 4 Dall., 20; Course *v.* Stead, 4 Dall., 22; U. S. *v.* McDowell, 4 Cr., 316; Durousseau *v.* U. S., 6 Cr., 307; Wise *v.* Turnpike Company, 7 Cr., 276; Peyton *v.* Robertson 9 Wh., 527; Gordon *v.* Ogden, 3 Pet., 33; Smith T. *v.* Honey, 3 Pet., 469; U. S. *v.* Eighty-four Boxes Sugar, 7 Pet., 453; Lee *v.* Lee, 8 Pet., 44; Hagan *v.* Foison, 10 Pet., 160; Minor *v.* Tillotson, 1 How., 287; Knapp *v.* Bank, 2 How., 73; Matheson's Administrator *v.* Grant's Administrator, 2 How., 263; Barry *v.* Merceni, 5 How., 103; Mayberry *v.* Thompson, 5 How., 121; Bayard *v.* Lombard, 9 How., 530; Brooks *v.* Norris, 11 How., 204; Connor *v.* Peugh's Lessee, 18 How., 394; Stevens *v.* Gladding, 19 How., 64; Dred Scott *v.* Sanford, 19 How., 393; Doswell *v.* De La Lanza, 20 How., 29; Payne *v.* Niles, 20 How., 219; Suydam *v.* Williamson, 20 How., 427; Warner *v.* Norton, 20 How., 461; Roberts *v.* Cooper, 20 How., 467; McFaul *v.* Ramsay, 20 How., 527; Barton *v.* Forsyth, 20 How., 533; Holcomb *v.* McKusick, 20 How., 552; McCargo *v.* Chapman, 20 How., 555; Rice *v.* Minnesota, &c., Railroad, 21 How., 82; Richmond *v.* Milwaukee, 21 How., 391; U. S. *ex rel.*, v. Addison, 22 How., 174; Kellogg *v.* Forsyth, 24 How., 186; Hecker *v.* Fowler, 1 Bl., 95; Pratt *v.* Fitzhugh, 1 Bl., 271; *Ex parte* Gordon, 1 Bl., 503; Taylor *v.* Morton, 2 Bl., 481; De Krafft *v.* Burney, 2 Bl., 704; Pomroy's Lessee *v.* Bank of Indiana, 1 Wall., 592; Ryan *v.* Bindley, 1 Wall., 66; Burr *v.* Des Moines Railroad, &c., 1 Wall., 99; Lee *v.* Watson, 1 Wall., 337; Gregg *v.* Forsyth, 2 Wall., 56; Heckers *v.* Fowler, 2 Wall., 123; Cooke *v.* U. S., 2 Wall., 218; Marine Bank *v.* Fulton Bank, 2 Wall., 252; Harvey *v.* Tyler, 2 Wall., 328; Sparrow *v.* Strong, 3 Wall., 103; Simpson *v.* Dall, 3 Wall., 460, (473;) Rogers *v.* Burlington, 3 Wall., 654; U. S. *v.* Dashiel, 3 Wall., 688; Walker *v.* U. S., 4 Wall., 163; Davidson *v.* Lanier, 4 Wall., 453; Sparrow *v.* Strong, 4 Wall., 584; U. S. *v.* McMasters, 4 Wall., 682; Barton *v.* Forsyth, 5 Wall., 190; Thompson *v.* Riggs, 5 Wall., 663; McClane *v.* Boon, 6 Wall., 244; City of Washington *v.* Dennison, 6 Wall., 495; *Ex parte* McArdle, 7 Wall., 506; Washington County *v.* Durant, 7 Wall., 694; Avendano *v.* Gay, 8 Wall., 376; Morris's Cotton, 8 Wall., 507; Steamboat Burns, 9 Wall., 237; New Orleans Railroad *v.* Morgan, 10 Wall., 256; Masterson *v.* Herndon, 10 Wall., 416; Miller *v.* U. S., 11 Wall., 268; Cook *v.* Burnley, 11 Wall., 672; Germain *v.* Mason, 12 Wall., 259; Knox *v.* Exchange Bank, 12 Wall., 379; Hampton *v.* Rouse, 13 Wall., 187; Insurance Company *v.* Barton, 13 Wall., 603; O'Dowd *v.* Russell, 14 Wall., 402; Merrill *v.* Petty, 16 Wall., 344; Moore *v.* Robbins, 18 Wall., 588; St. Clair County *v.* Lovingston, 18 Wall., 628; Kitchen *v.* Randolph, 93 U. S., 86; Yznaga Del Valle *v.* Harrison et al., 93 U. S., 233; Wiswall et al. *v.* Campbell et al., 93 U. S., 347; U. S. *v.* Young, 94 U. S., 258.

Appeals in equity and admiralty cases.

SEC. 692. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court, or of any district court acting as a circuit court, in cases of equity, and of admiralty and maritime jurisdiction, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, and the Supreme Court is required to receive, hear, and determine such appeals.

3 Mar., 1803, c. 40 s. 2, v. 2, p. 244. 30 June, 1864, c. 174, s. 13, v. 13, p. 310. 16 *Feb.*, 1875, *c.* 77, *s.* 3, *v.* 18, *p.* 316. 1 *Mar.*, 1875, *c.* 114, *s.* 5, *v.* 18, *p.* 337.—U. S. *v.* Brig Union, 4 Cr., 216; The San Pedro, 2 Wh., 132; Conn *v.* Penn., 5 Wh., 424; Gordon *v.* Ogden, 3 Pet., 33; Oliver *v.* Alexander, 6 Pet., 143; U. S. *v.* Nourse, 6 Pet., 470; Bank of Alexandria *v.* Hooff, 7 Pet., 168; Owings *v.* Kinkannon, 7 Pet., 399; U. S. *v.* Eighty-four Boxes of Sugar, 7 Pet., 453; Stratton *v.* Jarvis, 8 Pet., 4; Lee *v.* Lee, 8 Pet., 44; Jackson *v.* Ashton, 8 Pet., 148; Bank of United States *v.* Daniel, 12 Pet., 32; Lea *v.* Kelly, 15 Pet., 213; Young *v.* Smith, 15 Pet., 287; Parish *v.* Ellis, 16 Pet., 451; Forgay *v.* Conrad, 6 How., 201; Perkins *v.* Fourniquet, 6 How., 206; Bayard *v.* Lombard, 9 How., 530; Gruner *v.* U. S., 11 How., 163; Spear *v.* Place, 11 How., 522; Southard *v.* Russel, 12 How., 139; Rich *v.* Lambert, 12 How., 347; Perkins *v.* Fourniquet, 14 How., 328; Stafford *v.* Union Bank Louisiana, 16 How., 135; Adams *v.* Law, 16 How., 144; Shields *v.* Thomas, 17 How., 3; Udall *v.* Steamship Ohio, 17 How., 17; Verden *v.* Coleman 18 How., 86; Craighead *v.* Wilson, 18 How., 199; Hudgins *v.* Kemp., 18 How., 530; Beebe *v.* Russel, 19 How., 283; Farrelly *v.* Woodfolk, 19 How., 288; Brown *v.* Shannon, 20 How., 58; McMickin *v.* Perin, 20 How., 133; Richmond *v.* Milwaukee, 21 How., 80; Vallance *v.* Forsyth, 21 How., 389; Richmond *v.* Milwaukee, 21 How., 391; U. S. *v.* Fossatt, 21 How., 450; Rogers *v.* Law., 21 How., 526; Nelson *v.* Leland, 22 How., 46; Day *v.* Washburn, 23 How., 309; Clifton *v.* Sheldon, 23 How., 481; Gridley *v.* Westbrook, 23 How., 503; Sampson *v.* Welsh, 24 How., 207; Wabash and Erie Canal *v.* Beers, 1 Bl., 54; Pratt *v.* Fitzhugh, 1 Bl., 271; Ship Marcellus, 1 Bl., 414; Cleveland *v.* Chamberlain, 1 Bl., 419; U. S. *v.* Knight's Administrator, 1 Bl., 488; Mississippi and Missouri R. R. *v.* Ward, 2 Bl., 485; Callan *v.* May, 2 Bl., 541; Sturgis *v.* Clough, 1 Wall., 269; Malarin *v.* U. S., 1 Wall., 282; Blossom *v.* Railroad Company, 1 Wall., 655; U. S. *v.* Gomez, 1 Wall., 690; Humiston *v.* Stainthorp, 2 Wall., 106; Railroad Company *v.* Soutter, 2 Wall., 440, 510; Newell *v.* Norton and Ship, 3 Wall., 267; Barrel *v.* Transportation Company, 3 Wall., 424; The Douro, 3 Wall., 564; Merryam *v.* Haas, 3 Wall., 687; U. S. *v.* Gomez, 3 Wall., 752; Seaver *v.* Bigelows, 5 Wall., 208; Rubber Company *v.* Goodyear, 6 Wall., 153; The Grace Girdler, 6 Wall., 441; Edmonson *v.* Bloomshire, 7 Wall., 306; Thompson *v.* Dean, 7 Wall., 342; The Baltimore, 7 Wall., 382; Sheets *v.* Selden, 7 Wall., 416; *Ex parte* McCardle, 7 Wall., 506; Railroad Company *v.* Bradleys, Wall., 575; Washington County *v.* Durant, 7 Wall., 694; The Lucy, 8 Wall., 307; Morris's Cotton, 8 Wall., 507; Latham's Appeal, 9 Wall., 145; Steamboat Burns, 9 Wall., 237; Hoe *v.* Wilson, 9 Wall., 501; The Nonesuch, 9 Wall., 504; Herndon *v.* Howard, 9 Wall., 664; Masterson *v.* Herndon, 10 Wall., 416; Morgan *v.* Thornhill, 11 Wall., 65; The Protector, 11 Wall., 82; French *v.* Shoemaker, 12 Wall., 86; Bigler *v.* Waller, 12 Wall., 142; Germain *v.* Mason, 2 Wall., 259; Knox *v.* Exchange Bank, 12 Wall., 379; Hall *v.* Allen, 12 Wall., 352; Mead *v.* Thompson, 15 Wall., 635; Merrill *v.* Petit, 16 Wall., 344; Marin *v.* Lalley, 17 Wall., 14; *Ex parte* Warmouth, 17 Wall., 64; Rodd *v.* Heartt, 17 Wall., 354; Moore *v.* Robbins, 18 Wall., 589; Saint Clair County *v.* Lovingston, 18 Wall., 628; Terry *v.* Hatch, 93 U. S., 44; Hinckley *v.* Gillman et al., 94 U. S., 467; Supervisors *v.* Kennicott, 94 U. S., 498; Butcher Association *v.* Slaughter-house Company, 1 Woods., 50.

Review of decisions of circuit court on certificate of division of opinion.

SEC. 693. Any final judgment or decree, in any civil suit or proceeding before a circuit court which was held, at the time, by a circuit justice and a circuit judge or a district judge, or by the circuit judge and a district judge, wherein the said judges certify as provided by law, that their opinions were opposed upon any question which occurred on the trial or hearing of the said suit or proceeding, may be reviewed and affirmed or reversed or modified by the Supreme Court, on writ of error or appeal, according to the nature of the case, and subject to the provisions of law applicable to other writs of error or appeals in regard to bail and supersedeas. [See § 652.]

1 June, 1872, c. 255, s. 1, v. 17 p. 196. 16 *Feb.*, 1875, *c.* 77, *v.* 18, *p.* 315.

Cases pending in Supreme Court from middle and northern districts of Alabama.

SEC. 694. Nothing in the act of March three, eighteen hundred and seventy-three, relating to the circuit and district courts for the middle and northern districts of Alabama, shall affect the jurisdiction of the Supreme Court to hear and determine any cause or proceeding pending in said court at the date of said act on writ of error or appeal from the district courts of either of said districts.

3 Mar., 1873, c. 223, s. 3, v. 17, p. 485.

Appeals in prize causes.

SEC. 695. An appeal shall be allowed to the Supreme Court from all final decrees of any district court in prize causes, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars; and shall be allowed, without reference to the value of the matter in dispute, on the certificate of the district judge that the adjudication involves a question of general importance. And the Supreme Court

30 June, 1864, c. 174, s. 13, v. 13, p. 310. 3 Mar., 1803, c. 40, s. 2, v. 2, p. 244.

The Admiral, 3 Wall., 603; Withenbury *v.* U. S., 5 Wall., 819; The Alicia, 7 Wall., 571.

shall receive, hear, and determine such appeals and shall always be open for the entry thereof. [See § 1009.]

Appeals in prize causes remaining in circuit courts.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

SEC. 696. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court in prize causes depending therein on the thirtieth day of June, eighteen hundred and sixty-four, in the same manner, and subject to the same conditions as appeals in prize causes from the district courts.

Points certified on division of opinion in a circuit court.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

SEC. 697. When any question occurs on the hearing or trial of any criminal proceeding before a circuit court, upon which the judges are divided in opinion, and the point upon which they disagree is certified to the Supreme Court according to law, such point shall be finally decided by the Supreme Court; and its decision and order in the premises shall be remitted to such circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order. [See § 651.]

Ogle *v.* Lee, 2 Cr., 33; Hepburn *v.* Ellzey, 2 Cr., 445; U. S. *v.* Tyler, 7 Cr., 285; Ross v. Triplett, 3 Wh., 600; U. S. *v.* Lancaster, 5 Wh., 434; U. S. *v.* Daniel, 6 Wh., 542; Wayman *v.* Southard, 10 Wh., 1; Devereaux *v.* Marr, 12 Wh., 212; Wolf *v.* Usher, 3 Pet., 269; Saunders *v.* Gould, 4 Pet., 392; Grant *v.* Raymond, 6 Pet., 218; U. S. *v.* Bailey, 9 Pet., 267; Davis *v.* Braden, 10 Pet., 286; Smith *v.* Vaughan, 10 Pet., 336; Packer *v.* Nixon, 10 Pet., 408; Adams *v.* Jones, 12 Pet., 207; White *v.* Turk, 12 Pet., 238; U. S. *v.* Stone, 14 Pet., 524; U. S. *v.* Briggs, 5 How., 208; Nesmith *v.* Sheldon, 6 How., 41; Luther *v.* Borden, 7 How., 1; U. S. *v.* Chicago, 7 How., 185; Sadler *v.* Hoover, 7 How., 646; Wilson *v.* Barnum, 8 How., 258; Webster *v.* Cooper, 10 How., 54; Dennistoun *v.* Stewart, 18 How., 565; U. S. *v.* City Bank Columbus, 19 How., 385; *Ex parte* Gordon, 1 Bl., 503; Silliman *v.* Hudson River Bridge Company, 1 Bl., 582; Ward *v.* Chamberlain, 2 Bl., 430; Daniels *v.* Railroad, 3 Wall., 250; Havemeyer *v.* Iowa County, 3 Wall., 294; Brobst *v.* Brobst, 4 Wall., 2; U. S. *v.* Rosenburgh, 7 Wall., 580; Hannauer *v.* Woodruff, 10 Wall., 482; U. S. *v.* Avery, 13 Wall., 251; Insurance Company *v.* Comstock, 16 Wall., 258.

Transcripts on appeals.

3 Mar., 1803, c. 40, s. 2, v. 2, p. 244.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

SEC. 698. Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record, as directed by law to be made, and copies of the proofs, and of such entries and papers on file as may be necessary on the hearing of the appeal, shall be transmitted to the Supreme Court: *Provided*, That either the court below or the Supreme Court may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof. And on such appeals no new evidence shall be received in the Supreme Court, except in admiralty and prize causes. [See § 750.]

Conn. *v.* Pennsylvania, 5, Wh., 424; Villabolas *v.* U. S., 6 How., 81; U. S. *v.* Curry, 6 How., 106; Steamer Virginia *v.* West, 19 How., 182; Mesa *v.* U. S., 2 Bl., 721; U. S. *v.* Gomez, 3 Wall., 763, 766; The Mabey, 10 Wall., 419.

Writs of error and appeals, without reference to amount.

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in equity hereinafter mentioned, without regard to the sum or value in dispute:

Patent and copyright cases.

8 July, 1870, c. 230, ss. 56, 107, v. 16, pp. 207, 215.

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory, in any case touching patents-rights or copyrights.

—Hogg *v.* Emerson, 6 How., 477; Stimpson v. Railroad, 10 How., 346; Sizer *v.* Maney, 16 How., 98; Brown *v.* Shannon, 20 How., 55.

Actions for enforcement of any revenue law.

31 May, 1844, c. 31, v. 5, p. 658.

Second. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by the United States for the enforcement of any revenue law thereof.

—Curry *v.* Curtis, 3 How., 244; U. S. *v.* Carr., 8 How., 9; U. S. *v.* Bromley, 12 How., 88; Mason v. Gamble, 21 How., 390.

Actions against revenue officers.

27 Mar., 1868, c. 34, s. 1, v. 15, p. 44.

Third. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action against any officer of the revenue for any act done by him in the performance of his official duty, or for the recovery of any money exacted by or paid to him which shall have been paid into the Treasury.

Fourth. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, in any case brought on account of the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or of any right or privilege of a citizen of the United States.

Cases on account of deprivation of rights of citizens or under the Constitution.

22, ss. 1, 2, v. 17, p. 13. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144. 20 April, 1871, c. 22, ss. 1, 3, v. 14, p. 27. 9 April, 1866, c. 31,

Fifth. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by any person on account of injury to his person or property by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

Suits for injuries by conspirators against civil rights.

20 April, 1871, c. 22, s. 2, v. 17, p. 13. 9 April, 1866, c. 31, s. 10, v. 14, p. 29.—Cooper, ex., *v.* Omohundro, 19 Wall., 65.

SEC. 700. When an issue of fact in any civil cause in a circuit court is tried and determined by the court without the intervention of a jury, according to section six hundred and forty-nine, the rulings of the court in the progress of the trial of the cause, if excepted to at the time, and duly presented by a bill of exceptions, may be reviewed by the Supreme Court upon a writ of error or upon appeal; and when the finding is special the review may extend to the determination of the sufficiency of the facts found to support the judgment. [See § 649.]

Cases tried by the circuit court without the intervention of a jury.

3 Mar., 1865, c. 86, s. 4, v. 13, p. 501. See acts. 24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

3 Mar., 1803, c. 40, s. 2, v. 2, p. 244.—Barnes *v.* Williams, 11 Wh., 415; Prentice *v.* Zane's Administrator, 8 How., 470; Stimpson *v.* Railroad, 10 How., 329; Graham *v.* Bayne, 18 How., 62; Suydam *v.* Williamson, 20 How., 432; Kelsey *v.* Forsyth, 21 How., 85; Campbell *v.* Boyreau, 21 How., 223; Cucullu *v.* Emmerling, 22 How., 83; Burr *v.* Des Moines Company, 1 Wall., 99; Insurance Company *v.* Tweed, 7 Wall., 44; Basset *v.* U. S., 9 Wall., 38; Norris *v.* Jackson, 9 Wall., 125; Flanders *v.* Tweed, 9 Wall., 425; Copelin *v.* Insurance Company, 9 Wall., 467; Coddington *v.* Richards, 10 Wall., 516; Smith *v.* Sac County, 11 Wall., 139; Bethel *v.* Mathews, 13 Wall., 1; Dirst *v.* Morris, 14 Wall., 484; Dickinson *v.* Planters' Bank, 16 Wall., 250; Insurance Company *v.* Folsom, 18 Wall., 237; Town of Ohio *v.* Marcy, 18 Wall., 552.

SEC. 701. The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a circuit court, or district court acting as a circuit court, or of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court, as the justice of the case may require. The Supreme Court shall not issue execution in a cause removed before it from such courts, but shall send a special mandate to the inferior court to award execution thereupon.

Judgment or decree on review.

1 June, 1872, c. 255, s. 2, v. 17, p. 196. 24 Sept., 1789, c. 20, s. 24, v. 1, p. 85. 3 Mar., 1803, c. 40, s. 2, v. 2, p. 244. 30 June, 1864, c. 174, s. 13, v. 13, p. 310.—Sheehy *v.* Mandeville, 6 Cr., 266; Martin *v.* Hunter's Lessee, 1 Wh., 304; Lanusse *v.* Barker, 3 Wh., 147; United States Bank *v.* Smith, 11 Wh., 182; Fowle *v.* Common Council of Alexandria, 11 Wh., 324; Barnes *v.* Williams, 11 Wh., 415; McArthur *v.* Porter's Lessee, 1 Pet., 626; Farrar *v.* U. S., 5 Pet., 389; U. S. *v.* Hawkins, 10 Pet., 125; Mackey *v.* U. S., 10 Pet., 342; *Ex parte* Sibbold, 12 Pet., 492; West *v.* Bradshaw, 14 Pet., 51; U. S. *v.* Boyd, 15 Pet., 209; Garland *v.* Davis, 4 How., 131; Cutler *v.* Rae, 7 How., 732; Humphreys *v.* Leggett, 9 How., 297; McNulty *v.* Batty, 10 How., 72; Graham *v.* Bayne, 18 How., 63; Suydam *v.* Williamson, 20 How., 440; Taylor *v.* Morton, 2 Bl., 481; *Ex parte* Dubuque and Pacific Railroad, 1 Wall., 69; Railroad *v.* Soutter, 2 Wall., 510; *Ex parte* McCardle, 7 Wall., 506; *Ex parte* Morris & Johnson, 9 Wall., 607; Insurance Company *v.* Boykin, 12 Wall., 433; Insurance Company *v.* Piaggio, 16 Wall., 378; U. S. *v.* Huckabee, 16 Wall., 435; Walbrun v. Babbit, 16 Wall., 577.

SEC. 702. The final judgments and decrees of the supreme court of any Territory, except the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, may be reviewed and reversed or affirmed in the Supreme Court, upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court. In the Territory of Washington the value of the matter in dispute must exceed two thousand dollars, exclusive of costs. And any final judgment or decree of the supreme court of said Territory in any

Writs of error and appeals from territorial courts.

7 *April*, 1874, *c.* 80, *r.* 18, *p.* 27. 26 *June*, 1876, *c.* 147, *v.* 19, *p.* 62. 27 *Feb.*, 1877, *c.* 169, *r.* 19, *p.* 241.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p.

455; New Mexico, 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449; Washington, 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175; Dakota, 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241; Arizona, 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665; Idaho, 3 Mar., 1863, c. 117, s. 9, v. 12, p. 811; Montana, 26 May, 1864, c. 95, s. 9, v. 13, p. 88; Wyoming, 25 July, 1868, c. 235, s. 9, v. 15, p. 180.—Sheppard *v.* Wilson, 5 How., 210; U. S. *v.* Vigil, 10 Wall., 423; Wells *v.* McGregor, 13 Wall., 188; Bartemeyer *v.* Iowa, 14 Wall., 26.

cause [when] the Constitution or a statute or treaty of the United States is brought in question may be reviewed in like manner. [See §§ 1909, 1911.]

When a Territory becomes a State after judgment or decree in territorial court.

12 June, 1858, c. 154, s. 18, v. 11, p. 328.

SEC. 703. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

Hunt *v.* Palas, 4 How., 589; Freeborn *v.* Smith, 2 Wall., 160.

Judgments and decrees of district courts in cases transferred from territorial courts.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

SEC. 704. The judgments or decrees of any district court, in cases transferred to it from the superior court of any Territory, upon the admission of such Territory as a State, under sections five hundred and sixty-seven and five hundred and sixty-eight, may be reviewed and reversed or affirmed upon writs of error sued out of, or appeals taken to, the Supreme Court, in the same manner as if such judgments or decrees had been rendered in said superior court of such Territory. And the mandates and all writs necessary to the exercise of the appellate jurisdiction of the Supreme Court in such cases shall be directed to such district court, which shall cause the same to be duly executed and obeyed. [See §§ 567, 568.]

Express Company *v.* Kountze Bros., 8 Wall., 342.

Judgments and decrees of supreme court of District of Columbia.

3 Mar., 1863, c. 91, s. 11, v. 12, p. 764.
27 Feb., 1801, c. 15, s. 8, v. 2, p. 106.

SEC. 705. The final judgment or decree of the supreme court of the District of Columbia, in any case where the matter in dispute, exclusive of costs, exceeds the value of one thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in the same manner and under the same regulations as are provided in cases of writs of error on judgments, or appeals from decrees rendered in a circuit court.

2 April, 1816, c. 39, s. 1, v. 3, p. 261.—U. S. *v.* Moore, 3 Cr., 159; Young *v.* Bank of Alexandria, 4 Cr., 384; Carter's Heirs *v.* Cutting, 8 Cr., 251; Peyton *v.* Robertson, 9 Wh., 527; Crown *v.* Wiley, 4 Wall., 165; Garnett *v.* U. S., 11 Wall., 256; Smith *v.* Mason, 14 Wall., 419.—Railroad Company *v.* Church, 19 Wall., 62; Stanton et al. *v.* Embrey, adm., 93 U. S., 548.

Case where matter in dispute exceeds $100.

2 April, 1816, c. 39, s. 2, v. 3, p. 261.
3 Mar., 1863, c. 91, ss. 2, 11, v. 12, pp. 763, 764.

SEC. 706. The writ of error or appeal provided by the preceding section may be allowed in any case where the value of the matter in dispute, exclusive of costs, is less than one thousand dollars, but more than one hundred dollars, upon the petition in writing of either party, accompanied by a copy of the proceedings complained of, and an assignment of errors, exhibited to any justice of the Supreme Court, if said justice is of opinion that such errors involve questions of law of such extensive operation as to render a decision of them by the Supreme Court desirable. The allowance in such case shall be by the written order of said justice, directed to the clerk of the supreme court of said District, to allow the appeal or issue the writ of error.

Lee *v.* Lee, 8 Pet., 44; Campbell *v.* Reed, 2 Wall., 198.

Appeals from the Court of Claims.

25 June, 1868, c. 71, s. 1, v. 15, p. 75.
3 Mar., 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 767.

SEC. 707. An appeal to the Supreme Court shall be allowed, on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds three thousand dollars, or where his claim is forfeited to the United States by the judgment of said court, as provided in section one thousand and eighty-nine.

De Groot *v.* U. S., 5 Wall., 419; U. S. *v.* Adams, 6 Wall., 101; *Ex parte* Zellner, 9 Wall., 245; U. S. *v.* Ayres, 9 Wall., 608; U. S. *v.* Adams, 9 Wall., 661; *Ex parte* Roberts, 15 Wall., 384; Vigo's Case, 21 Wall., 648; Diehelman's Case, 9 C. Cls., 320.

Time and manner of appeals from the Court of Claims.

SEC. 708. All appeals from the Court of Claims shall be taken within ninety days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

3 Mar., 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 737. 25 June, 1868, c. 71, s. 1, v. 15, p. 75.—United States *v.* Young, 94 U. S., 258.

Judgments and decrees of State courts on writ of error.

5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.
24 Sept., 1789, c. 20, s. 25, v. 1, p. 85.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

SEC. 709. A final judgment or decree in any suit in the highest court of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States; [*and the proceeding upon the reversal shall be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the case, and award execution, or remand the same to the court from which it was so removed.*] [See § 1017.]

The Supreme Court may [*re-affirm*,] reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution, or remand the same to the court from which it was removed by the writ.

Olney *v.* Arnold, 3 Dall., 308; Hepburn *v.* Elzey, 2 Cr., 445; Gordon *v.* Caldleugh, 3 Cr., 268; Matthews *v.* Zane, 4 Cr., 382; Owings *v.* Norwood's Lessee, 5 Cr., 344; Martin *v.* Hunter's Lessee, 1 Wh., 304; Inglee *v.* Coolidge, 2 Wh., 363; Miller *v.* Nichols, 4 Wh., 311; Gibbons *v.* Ogden, 6 Wh., 448; Ewell *v.* Van Ness, 8 Wh., 312; Williams *v.* Gwynn's Heirs *v.* Jackson, 12 Wh., 135; Hickie *v.* Starke, 1 Pet., 94; Ross *v.* Barland, 1 Pet., 655; Wilson *v.* Blackbird Creek Marsh Company, 2 Pet., 245; Satterlee *v.* Matthewson, 2 Pet., 380; Weston *v.* City Council Charleston, 2 Pet., 449; Harris *v.* Dennie, 3 Pet., 292; Craig *v.* Missouri, 4 Pet., 410; Fisher's Lessee *v.* Cockerell, 5 Pet., 248; Maynard *v.* Aspasia, 5 Pet., 505; Davis *v.* Packard, 6 Pet., 41; City of New Orleans *v.* Armas, 9 Pet., 223; Crowell *v.* Randell, 10 Pet., 368; McBride *v.* Hoey, 11 Pet., 167; Reed's Lessee *v.* Marsh, 13 Pet., 153; Ocean Ins. Co. *v.* Polleys, 13 Pet., 157; Mitchell *v.* Lennox, 14 Pet., 45; Kentucky *v.* Griffith, 14 Pet., 56; Holmes *v.* Jennison, 14 Pet., 540; Fulton *v.* McAffee, 16 Pet., 149; City of Mobile *v.* Eslava, 16 Pet., 234; Armstrong *v.* Treasurer of Athens Company, 16 Pet., 281; Mills *v.* Brown, 16 Pet., 525; Chouteau *v.* Eckhart, 2 How., 344; Mackay *v.* Dillon, 4 How., 421; Pepper *v.* Dunlap, 5 How., 51; Walker *v.* Taylor, 5 How., 64; Commercial Bank of Cincinnati *v.* Buckingham's Executors, 5 How., 317; Scott *v.* Jones, 5 How., 343; Erwin *v.* Lowry, 7 How., 172; Smith *v.* Hunter, 7 How., 738; Almonester *v.* Kenton, 9 How., 1; Strader *v.* Baldwin, 9 How., 261; Doe *v.* Eslava, 9 How., 421; Doe *v.* Mobile, 9 How., 451; Henderson *v.* Tennessee, 10 How., 311; Clements *v.* Berry, 11 How., 398; Webster *v.* Reid, 11 How., 437; Gill *v.* Oliver's Executors, 11 How., 529; Miners' Bank *v.* Iowa, 12 How., 1; Williams *v.* Oliver, 12 How., 111; Kanouse *v.* Martin, 14 How., 23; Lawler *v.* Walker, 14 How., 149; State Bank of Ohio *v.* Knoop, 16 How., 369; Poydras de la Land *v.* Treasurer of Louisiana, 17 How., 1; Heirs of Poydras de la Land *v.* Treasurer of Louisiana, 18 How., 192; Calcote *v.* Stanton, 18 How., 243; U. S. *v.* Booth, 18 How., 476; Maxwell *v.* Newbold, 18 How., 511; Cousin *v.* Blanc's Executor, 19 How., 202; Bell *v.* Hearne, 19 How., 252; Michigan Central Railroad *v.* Michigan Southern Railroad, 19 How., 379; Burke *v.* Gaines, 19 How., 388; Wynn *v.* Morris, 20 How., 3; Christ Church *v.* County Philadelphia, 20 How., 26; Withers *v.* Buckley, 20 How., 84; Moreland *v.* Paige, 20 How., 522; Beers *v.* Arkansas, 20 How., 527; Abelman *v.* Booth, 21 How., 507; White *v.* Wright, 22 How., 19; Verden *v.* Coleman, 22 How., 192; Lytle *v.* Arkansas, 22 How., 193; Berthold *v.* McDonald, 22 How., 334; Medberry *v.* State of Ohio, 24 How., 413; Porter *v.* Foley, 24 How., 415; Reddall *v.* Bryan, 24 How., 420; Maguire *v.* Tyler, 1 Bl., 195; Attorney-General *v.* Federal-street Meeting-House; 1 Bl., 262; Farney *v.* Towle, 1 Bl., 350; Hoyt *v.* Shelden, 1 Bl., 518; Taylor *v.* Morton, 2 Bl., 481; Congdon *v.* Goodman, 2 Bl., 574; Randall *v.* Howard, 2 Bl., 585; Minnesota *v.* Batchelder, 1 Wall., 116; Bridge Proprietors *v.* Hoboken Company, 1 Wall., 142; Day *v.* Gallup, 2 Wall., 97; The Binghamton Bridge, 3 Wall., 51; Lewis *v.* Campeau, 3 Wall., 106; Mining Company *v.* Baggs, 3 Wall., 304; Buck *v.* Colbath, 3 Wall., 334; McGuire *v.* The Commonwealth, 3 Wall., 382; *Ex parte* Milligan, 4 Wall., 113; Railroad Company *v.* Rock, 4 Wall., 177; Lanfier *v.* Hunley, 4 Wall., 209; Ryan *v.* Thomas, 4 Wall., 603; Green *v.* Van Buskirk, 5 Wall., 307; Townsend *v.* Greeley, 5 Wall., 326; Walker *v.* Villavaso, 6 Wall., 124; Rector *v.* Ashley, 6 Wall., 142; Reichart *v.* Felps, 6 Wall., 160; Millengar *v.* Hartupee, 6 Wall., 258; The Victory, 6 Wall., 382; Hamilton Company *v.* Massachusetts, 6 Wall., 632; The Banks *v.* The Mayor, 7 Wall., 16; Twitchell *v.* The Commonwealth, 7 Wall., 321; Austin *v.* The Aldermen, 7 Wall., 694; Furman *v.* Nicholl, 8 Wall., 44; Gibson *v.* Chauteau, 8 Wall., 314; Aldrich *v.* Ætna Company, 8 Wall., 491; Maguire *v.* Tyler, 8 Wall., 651; Worthy *v.* The Commissioners, 9 Wall., 611; Downham *v.* Alexandria, 9 Wall., 661; Gleason *v.* Florida, 9 Wall., 779; Carpenter *v.* Williams, 9 Wall., 785; Messenger *v.* Mason, 10 Wall., 507; Railroad Company *v.* McClure, 10 Wall., 511; Bethel *v.* Demorest, 10 Wall., 537; Parmelee *v.* Lawrence, 11 Wall., 36; Insurance Company *v.* The Treasurer, 11 Wall., 204; Runkin *v.* The State, 11 Wall., 380; Knox *v.* Exchange Bank,

12 Wall., 379; People *v.* Central Railroad, 12 Wall., 455; Trebilcock *v.* Wilson, 12 Wall., 687; West Tennessee Bank *v.* Citizens' Bank, 13 Wall., 432; Dooley *v.* Smith, 13 Wall., 604; Cockroft *v.* Vose, 14 Wall., 5; Tennessee Bank *v.* Bank of Louisiana, 14 Wall., 9; Palmer *v.* Marston, 14 Wall., 10; Sevier *v.* Haskell, 14 Wall., 13; Steines *v.* Franklin, 14 Wall., 15; Kennebec Railroad *v.* Portland Railroad, 14 Wall., 23; Bartemeyer *v.* Iowa, 14 Wall., 26; Hurley *v.* Street, 14 Wall., 85; Caperton *v.* Bowyer, 14 Wall., 216; Caperton *v.* Ballard, 14 Wall., 238; O'Dowd *v.* Russell, 14 Wall., 402; Delmas *v.* Insurance Company, 14 Wall., 661; Railroads *v.* Richmond, 15 Wall., 3; Railroad *v.* Johnson, 15 Wall., 8; Tarver *v.* Keach, 15 Wall., 67; Salomons *v.* Graham, 15 Wall., 208; Pennywit *v.* Eaton, 15 Wall., 380; Moses *v.* The Mayor, 15 Wall., 387; Hall *v.* Jordan, 15 Wall., 393; Commercial Bank *v.* Rochester, 15 Wall., 639; Smith *v.* Adsit, 16 Wall., 185; Bank *v.* Turnbull, 16 Wall., 190; Marqueze *v.* Bloom, 16 Wall., 351; Taylor *v.* Taintor, 16 Wall., 366; Steamboat Company *v.* Chase, 16 Wall., 522; Crapo *v.* Kelly, 16 Wall., 610; Tyler *v.* Magwire, 17 Wall., 253; Miller *v.* Joseph, 17 Wall., 655; Murdock *v.* The City of Memphis, 20 Wall., 590; Matthews *v.* McStea, 20 Wall., 646; Dupasseur *v.* Rochersau, 21 Wall., 130; Edwards *v.* Elliott et al., 21 Wall., 532; Moore *v.* Mississippi, 21 Wall., 636; Scott, assignee, *v.* Kelly, 22 Wall., 57; Gregory *v.* McVeigh, 23 Wall., 294; Smith *v.* Adsit, 23 Wall., 368; Fashnacht *v.* Frank, 23 Wall., 416; Long et al. *v.* Converse et al., 91 U. S., 105; U. S. *v.* Thompson et al., 93 U. S., 586; Davis *v.* Crouch, 94 U. S., 514.

Precedence of writs of error to State courts in criminal cause.

SEC. 710. Cases on writ of error, to revise the judgment of a State court in any criminal case, shall have precedence, on the docket of the Supreme Court, of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

13 July, 1866, c. 184, s. 69, v. 14, p. 172. 24 Sept., 1789, c. 20, s. 25, v. 1, p. 85. 5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

CHAPTER TWELVE.

PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE.

Sec.
711. Exclusive jurisdiction of courts of United States.
712. Oath of United States judges.
713. Judges prohibited from practicing law.
714. Judges resigning entitled, in certain cases, to salary for life.
715. Criers of the courts. Attendants on juries.
716. Power to issue writs.
717. Writs of *ne exeat*.
718. Temporary restraining power.
719. Injunctions.
720. Injunction to stay proceedings in State courts.
721. Laws of the States, rules of decision.
722. Proceedings, civil and criminal, in vindication of civil rights.
723. When suits in equity may be maintained.
724. Power to order production of books and writings in actions at law.
725. Power to impose oaths and punish contempts.
726. New trials.
727. Power to hold to security for the peace and good behavior.
728. Power to enforce awards of foreign consuls, &c., in certain cases.
729. Offenses punishable with death, where tried.
730. Offenses on the high seas, &c., where triable.
731. Offenses begun in one district and completed in another.
732. Suits for pecuniary penalties and forfeitures, where to be brought.
733. Suits for internal-revenue taxes, where to be brought.
734. Seizures, where cognizable.
735. Captures of insurrectionary property, where cognizable.
736. Proceedings to enjoin Comptroller of the Currency.
737. When a part of several defendants cannot be served.
738. Suits in equity against absent defendants, to subject property in the district.
739. Suits against inhabitants of United States to be brought where they reside or are found.
740. Suits not of a local nature in States containing several districts.
741. Suits of a local nature in States containing several districts.
742. When land lies in different districts of same State.
743. In Indiana; where actions may be commenced.
744. Iowa; where suits are to be brought.
745. Kentucky; where suits to be returned and tried.
746. Causes in progress of trial not discontinued by arrival of new term.
747. Parties may manage their causes personally or by counsel.
748. Certain officers forbidden to practice as attorneys, &c.
749. Penalty for violating preceding section.
750. Final record, how made in equity and admiralty causes.

Exclusive jurisdiction of courts of United States.

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States:

First. Of all crimes and offenses cognizable under the authority of the United States. 24 Sept., 1789, c. 20, ss. 9, 11, v. 1, pp. 76, 78.

Martin *v.* Hunter's Lessee, 1 Wh., 329; Houston *v.* Moore, 5 Wh., 24, 29; Prigg *v.* Pennsylvania, 16 Pet., 658; Ely *v.* Peck, 7 Conn., 239; The State *v.* Adams, 4 Blackf., 146; Haney *v.* Sharp, 1 Dana, 442; U. S. *v.* Lathrop, 17 Johns., 4; U. S. *v.* Campbell, Tappan's R., 29; State *v.* McBride, 1 Rice, (So. C.,) 400; Commonwealth *v.* Feely, 1 Va. Cases, 321; Jackson *v.* Rose, 2 Va. Cases, 34; Pond *v.* Vermont Valley R. R. Co., 12 Blatch., 280.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States. 24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Ketland *v.* The Cassius, 2 Dall., 365; Martin *v.* Hunter's Lessee, 1 Wh., 329; Houston *v.* Moore, 5 Wh., 24, 29; Prigg *v.* Pennsylvania, 16 Pet., 658; Hall *v.* Warren, 2 McLean, 332; Ely *v.* Peck, 7 Conn., 239; The State *v.* Adams, 4 Blackf., 146; Haney *v.* Sharp, 1 Dana, 442; U. S. *v.* Lathrop, 17 Johns., 4; U. S. *v.* Campbell, Tappan's R., 276; State *v.* McBride, 1 Rice, (So. C.,) 400; Commonwealth *v.* Feely, 1 Va. Cases, 321; Jackson *v.* Rose, 2 Va. Cases, 34.

Third. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it. 24 Sept., 1789, c. 20 s. 9, v. 1, p. 76.

The Hine *v.* Trevor, 4 Wall., 555, (569;) The Belfast, 7 Wall., 625.

Fourth. Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction. 24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 13 July, 1866, c. 184, s. 9, v. 14, p. 111. 3 Mar., 1867, c. 169, s. 25, v. 14, p. 483. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—Slocum *v.* Mayberry, 2 Wh., 1; Gelston *v.* Hoyt, 3 Wh., 246, (312.)

Fifth. Of all cases arising under the patent-right or copyright laws of the United States. Patent and copyright cases.

8 July, 1870, c. 230, ss. 55, 56, 58, 106, v. 16, pp. 206, 207, 215.

Sixth. Of all matters and proceedings in bankruptcy. 2 Mar., 1867, c. 176, s. 1, v. 14, p. 517.—Lathrop's Assignee *v.* Drake et al., 91 U. S., 516; Claflin *v.* Houseman, assignee, 93 U. S., 130; Shearman et al. *v.* Bingham et al., 1 Low., 575; *In re* The International Ins. Co., 2 Low., 97.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens. States. 24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

Georgia *v.* Brailsford, 2 Dall., 402; Chisholm *v.* Georgia, 2 Dall., 419; Hollingsworth *v.* Virginia, 3 Dall., 378; New York *v.* Connecticut, 4 Dall., 1; Governor of Georgia *v.* Madrazo, 1 Pet., 110; New Jersey *v.* New York, 5 Pet., 284; Rhode Island *v.* Massachusetts, 12 Pet., 657; Florida *v.* Georgia, 11 How., 293.

[*Eighth. Of all suits or proceedings against embassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice consuls.*] *Foreign ministers and their servants, and consuls.*

24 Sept., 1789, c. 20, ss. 9, 11, 13, v. 1, pp. 76, 78, 80. 18 *June*, 1874. *c.* 301, *v.* 18, *p.* 78. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318. U. S. *v.* Ravara, 2 Dall., 297; Cohens *v.* Virginia, 6 Wh., 407; Davis *v.* Packard, 7 Pet., 276; St. Luke's Hospital *v.* Barkley et al., 3 Blachf., 259.

SEC. 712. The justices of the Supreme Court, the circuit judges, and the district judges, hereafter appointed, shall take the following oath before they proceed to perform the duties of their respective offices: "I, ——— ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God." Oath of United States judges. 24 Sept., 1789, c. 20, s. 8, v. 1, p. 76. *In re* Sime & Co., 2 Saw., 320.

SEC. 713. It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor. Judges prohibited from practicing law. 18 Dec., 1812, c. 5, v. 2, p. 788.

SEC. 714. When any judge of any court of the United States resigns his office, after having held his commission as such at least ten years, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation. Judges resigning entitled, in certain cases, to salary for life. 10 April, 1869, c. 22, s. 5, v. 16, p. 45. 2 *June*, 1876, *c.* 119, *v.* 19, *p.* 57.

Criers of the courts, attendants on juries.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 165.
2 Mar., 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 715. The circuit and district courts may appoint criers for their courts, to be allowed the sum of two dollars per day; and the marshals may appoint such a number of persons, not exceeding five, as the judges of their respective courts may determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of two dollars per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands. Such compensation shall be paid only for actual attendance, and, when both courts are in session at the same time, only for attendance on one court.

Power to issue writs.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81.
2 Mar., 1793, c. 22, s. 5, v. 1, p. 334.

SEC. 716. The Supreme Court and the circuit and district courts shall have power to issue writs of scire facias. They shall also have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law.

Mandamus: McIntire *v.* Wood, 7 Cr., 504; Kendall *v.* U. S., 12 Pet., 524; Decatur *v.* Paulding, 14 Pet., 497; Brashear *v.* Mason, 6 How., 92; Commissioners of Knox County *v.* Aspinwall, 24 How., 376; Supervisors *v.* U. S., 4 Wall., 435; Commissioner of Patents *v.* Whitely, 4 Wall., 522; Van Hoffman *v.* City of Quincy, 4 Wall., 535; U. S. *v.* The Commissioner, 5 Wall., 563; Riggs *v.* Johnson County, 6 Wall., 166; Walkley *v.* Muscatine, 6 Wall., 481; *Ex parte* De Groot, 6 Wall., 497; Benbow *v.* Iowa City, 7 Wall., 313; *Ex parte* Bradley, 7 Wall., 364; Butz *v.* City of Muscatine, 8 Wall., 575; The Mayor *v.* Lord, 9 Wall., 409; Litchfield *v.* The Register and Receiver, 9 Wall., 575; Bath County *v.* Amy, 13 Wall., 244; Graham *v.* Norton, 15 Wall., 427; Insurance Company *v.* Comstock, 16 Wall., 258; *In re* Turner, 3 Wall., jr., C. C., 258; Spraggins *v.* County Court, Cooke, 160; Fisk *v.* Union Pacific Railway, 10 Blatch., 518.

Injunctions: Georgia *v.* Brailsford, 2 Dall., 402; New York *v.* Connecticut, 4 Dall., 1; Diggs *v.* Wolcott, 4 Cr., 179; Marine Ins. Co. *v.* Hodgson, 7 Cr., 332; Osborne *v.* Bank of United States, 9 Wh., 738; Parker *v.* Judges of Circuit Court of Maryland, 12 Wh., 561; Boyle *v.* Zacharie & Turner, 6 Pet., 658; Mississippi *v.* Johnson, 4 Wall,. 475; Gaines *v.* Thompson, 7 Wall., 347; Litchfield *v.* The Register and Receiver, 9 Wall., 575; Perry *v.* Parker, 1 Wood. & M., 280; Bonaparte *v.* Railroad, 1 Baldw., 205, (218.)

Certiorari: Fenimore *v.* U. S., 3 Dall., 362; Stewart *v.* Ingle, 9 Wh., 526; Clark *v.* Hackett, 1 Bl., 77; *Ex parte* Vallandingham, 1 Wall., 243; *Ex parte* Dougan, 2 Wall., 134; Stearns *v.* U. S., 4 Wall., 1; U. S. *v.* Adams, 9 Wall., 661.

Supersedeas: Hogan *v.* Ross, 11 How., 294; *Ex parte* The Milwaukee R. R. Co., 5 Wall., 188.

Executions: Bank of United States *v.* Halstead, 10 Wh., 56.

Writs of *ne exeat*.

2 Mar., 1793, c. 22, s. 5, v. 1, p. 334.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Gurnon *v.* Bœcaline, 2 Wash. C. C., 130.

SEC. 717. Writs of ne exeat may be granted by any justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any circuit justice or circuit judge, in cases where they might be granted by the circuit court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.

Temporary restraining orders.

1 June, 1872, c. 255, s. 7, v. 17, p. 197.

SEC. 718. Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

Injunctions.

2 Mar., 1793, c. 22, s. 5, v. 1, p. 334.
13 Feb., 1807, c. 13, v. 2, p. 418.
10 April, 1869, c. 22, s. 1, v. 16, p. 44.
1 June, 1872, c. 255, s. 7, v. 17, p. 197.

Searles *v.* Railroad, 2 Wood., 621.

SEC. 719. Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it cannot be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of a circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court.

Injunction to stay proceedings in State courts.

SEC. 720. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy. [See § 5106.]

2 Mar., 1793, c. 22, s. 5, v. 1, p. 334.

Diggs *v.* Wolcott, 4 Cr., 179; Peck *v.* Jenness, 7 How., 625; Watson *v.* Jones, 13 Wall., 719; Haines et al. *v.* Carpenter et al., 91 U. S., 254; Watson *v.* Bondurant, 2 Woods, 166.

Laws of the States, rules of decision.

SEC. 721. The laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply.

24 Sept., 1789, c. 20, s. 34, v. 1, p. 92.

Brown *v.* Van Braam, 3 Dall., 344; Robinson *v.* Campbell, 3 Wh., 212; Cohens *v.* Virginia, 6 Wh., 264; Wayman *v.* Southard, 10 Wh., 1; Green *v.* Neal's Lessee, 6 Pet., 291; Ross *v.* Duvall, 13 Pet., 45; Swift *v.* Tyson, 16 Pet., 1; Lane *v.* Vick, 3 How., 464; Luther *v.* Borden, 7 How., 1; Williamson *v.* Berry, 8 How., 495; Van Rensalaer *v.* Kearney, 11 How., 297; U. S. *v.* Reid, 12 How., 361; Neves *v.* Scott, 13 How., 268; Carroll *v.* Carroll's Lessee, 16 How., 275; Morgan *v.* Curtaneous, 20 How., 1; Fenn *v.* Holme, 21 How., 481; Jeter *v.* Hewitt, 22 How., 352; Suydam *v.* Williamson, 24 How., 327; Sheirburn *v.* Cordova, 24 How., 423; Haussnecht *v.* Claypool, 1 Bl., 431; Jefferson Branch Bank *v.* Skelly, 1 Bl., 436; Conway *v.* Taylor's Executor, 1 Bl., 603; Chicago *v.* Robbins, 2 Bl., 418; Leffingwell *v.* Warren, 2 Bl., 599; Bridge Proprietors *v.* Hoboken Company, 1 Wall., 145; Gelpcke *v.* Dubuque, 1 Wall., 175; Christie *v.* Pridgeon, 4 Wall., 203; Mitchell *v.* Burlington, 4 Wall., 274; Ewing *v.* City of Saint Louis, 5 Wall., 419; Nichols *v.* Levi, 5 Wall., 433; Delmas *v.* Insurance Company, 14 Wall., 667, 8; Boyce *v.* Tabb, 18 Wall., 546. 1 *June*, 1874, *c.* 200, *v.* 18, *p.* 50.

Proceedings, civil and criminal, in vindication of civil rights.

SEC. 722. The jurisdiction in civil and criminal matters conferred on the district and circuit courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

9 April, 1866, c. 31, s. 3, v. 14, p. 27. 31 May, 1870, c. 114, s. 18, v. 16, p. 144.

When suits of equity may be maintained.

SEC. 723. Suits in equity shall not be sustained in either of the courts of the United States in any case where a plain, adequate, and complete remedy may be had at law.

24 Sept., 1789, c. 20, s. 16, v. 1, p. 82.—Robinson *v.* Campbell, 3 Wh., 212; Boyce's Executors *v.* Grundy, 3 Pet., 210; *Ex parte* Tillinghast, 4 Pet., 108; Clark *v.* Smith, 13 Pet., 195; U. S. *v.* Price, 9 How., 83; Bennett *v.* Butterworth, 11 How., 669; *Ex parte* Secombe, 19 How., 9; Hipp *v.* Babin, 19 How., 271; Hungerford *v.* Sigerson, 20 How., 156; Parker *v.* Winnepiseogee Company, 2 Bl., 545; Watts *v.* Sutherland, 5 Wall., 74; Thompson *v.* Railroad Companies, 6 Wall., 134.

Power to order production of books and writings in actions at law.

SEC. 724. In the trial of actions at law, the courts of the United States may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery. If a plaintiff fails to comply with such order, the court may, on motion, give the like judgment for the defendant as in cases of nonsuit; and if a defendant fails to comply with such order, the court may, on motion, give judgment against him by default.

24 Sept., 1789, c. 20, s. 15, v. 1, p. 82.

Thompson *v.* Selden, 20 How., 194; Geyger's Lessee *v.* Geyger, 2 Dall. C. C., 332; Maye *v.* Carberry, 2 Cr. C. C., 336; Bank U. S. *v.* Kurtz, 2 Cr. C. C., 342; Hilton's Lessee *v.* Brown, 1 Wash. C. C., 298; Bas *v.* Steele, 3 Wash. C. C., 381; Durham *v.* Riley, 4 Wash. C. C., 126; Vasse *v.* Mifflin, 4 Wash. C. C., 519; Jacques *v.* Collins, 2 Blatch., 23; Iasigi *v.* Crown, 1 Cur. C. C., 301.

Power to impose oaths and punish contempts.

SEC. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such

24 Sept., 1789, c. 20, s. 17, v. 1, p. 83. 2 Mar., 1831, c. 99, s. 1, v. 4, p. 487.

power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

Ex parte Garland, 4 Wall., 378. *Ex parte* Robinson, 19 Wall., 505; Allen's Case, 13 Blatch., 271.

New trials.

SEC. 726. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law.

24 Sept., 1789, c. 20, s. 17, v. 1, p. 83.

Warner *v.* Norton, 20 How., 448; Zantzinger *v.* Waitman, 2 Cr. C. C., 478; Lloyd *v.* Scott, 4 Cr. C. C., 206; U. S. *v.* White, 5 Cr. C. C., 38; U. S. *v.* Keene, 1 McLean, 429; U. S. *v.* Connor, 3 McLean, 573; U. S. *v.* Macomb, 5 McLean, 286; U. S. *v.* Wanson, 1 Gallis., 5; U. S. *v.* Gilbert, 2 Sumn., 19; Cunningham *v.* Bell, 5 Mas., 161; U. S. *v.* Halberstadt, Gilp., 262; Rochelle *v.* Phillips, Hemp., 22; Parker *v.* Lewis, Hemp., 72; U. S. *v.* Beaty, Hemp., 487; U. S. *v.* Harding, 1 Wall., jr., 127; Clark *r.* Manufacturers' Ins. Co., 2 Wood. & M., 472.

Power to hold to security for the peace and good behavior.

SEC. 727. The judges of the Supreme Court and of the circuit and district courts, the commissioners of the circuit courts, and the judges and other magistrates of the several States who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace, and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91. 2 Mar., 1793, c. 22, s. 4, v. 1, p. 334. 16 July, 1798, c. 83, v. 1, p. 609. 23 Aug., 1842, c. 188, s. 1, v. 5, p. 516. 15 May, 1862, c. 71, s. 8, v. 12, p. 387. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.—U. S. *v.* Hortin's Sureties, 2 Dillon, 94.

Power to enforce awards of foreign consuls, &c., in certain cases.

SEC. 728. The district and circuit courts, and the commissioners of the circuit courts, shall have power to carry into effect, according to the true intent and meaning thereof, the award, or arbitration, or decree of any consul, vice-consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice-consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge; application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice-consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice-consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice-consul, or commercial agent: *Provided, however*, That the expenses of the said imprisonment, and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice-consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

8 Aug., 1846, c. 105, v. 9, p. 78. 23 *June*, 1874, *c.* 469, *v.* 18, *p.* 253.

Offenses punishable with death, where tried.

SEC. 729. The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88. 16 July, 1862, c. 189, s. 2, v. 12, p. 589.

Offenses on the high seas, &c., where triable.

SEC. 730. The trial of all offenses committed upon the high seas or elsewhere, out of the jurisdiction of any particular State or district, shall

be in the district where the offender is found, or into which he is first brought.

30 April, 1790, c. 9, s. 8, v. 1, p. 113. 20 April, 1818, c. 88, s. 4, v. 3, p. 448. 15 May, 1820, c. 113, ss. 3, 4, 5, v. 3, p, 600. 3 Mar., 1825, c. 65, ss. 5, 14, v. 4, pp. 115, 118. 3 Mar., 1847, c. 51, v. 9, p. 175.—U. S. *v.* Jackalow, 1 Bl., 484; U. S. *v.* Baker, 5 Blatch. C. C., 6. U. S. *v.* Arno, 19 Wall., 486.

Offenses begun in one district and completed in another.

SEC. 731. When any offense against the United States is begun in one judicial circuit and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

2 Mar., 1867, c. 169, s. 30, v. 14, p. 484.

Suits for pecuniary penalties and forfeitures, where to be brought.

SEC. 732. All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found.

28 Feb., 1839, c. 36, s. 3, v. 5, p. 322. 13 July, 1866, c. 184, s. 9, v. 14, pp. 111, 145. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 305.

Suits for internal-revenue taxes, where to be brought.

SEC. 733. Taxes accruing under any law providing internal revenue may be sued for and recovered either in the district where the liability for such tax occurs or in the district where the delinquent resides.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Seizures, where cognizable.

SEC. 734. Proceedings on seizures, for forfeiture under any law of the United States, made on the high seas may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prosecuted in the district where the seizure is made, except in cases where it is otherwise provided.

24 Sept., 1789 c. 20, s. 9, v. 1, p. 76. 13 July, 1861, c. 3, ss. 4, 5, 9, v. 12, pp. 256, 257, 258. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319. 30 June, 1864, c. 173, s. 48, v. 13, p. 240. 13 July, 1866, c. 184, s. 9, v. 14, p. 111. 2 Mar., 1867, c. 169, s. 25, v. 14, p. 483.—Jennings *v.* Carson, 4 Cr., 2; Ship Richmond *v.* U. S., 9 Cr., 102; Sloop Abby, 1 Mas., 360; Schooner Bolena and Cargo, 1 Gallis., 75; The Washington, 4 Blatch., 101; Brig Little Ann, 1 Paine, 40.

Captures of insurrectionary property, where cognizable.

SEC. 735. Proceedings for the condemnation of any property captured [*as prize,*] whether on the high seas or elsewhere out of the limits of any judicial district, or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the Government of the United States, or knowingly so used or employed by the owner thereof, or with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319. 18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 318.

Insurance Company *v.* U. S., 6 Wall., 759.

Proceedings to enjoin Comptroller of the Currency.

SEC. 736. All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, shall be had in the district where such association is located.

3 June, 1864, c. 106, ss. 50, 57, v. 13, pp. 115, 116.

When a part of several defendants cannot be served.

SEC. 737. When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and non-joinder of parties who are not inhabitants of nor found within the district, as aforesaid, shall not constitute matter of abatement or objection to the suit.

28 Feb., 1839, c. 36, s. 1, v. 5, p. 321. 3 *Mar.*, 1875, *c.* 137, *ss.* 1, 7, 8, 10, *v.* 18, *pp.* 470, 472, 473.

Bank of Vicksburgh *v.* Slocomb, 14 Pet., 60; Louisville R. R. Co. *v.* Letson, 2 How., 556; Union Bank *v.* Stafford, 12 How., 327; Hagan *v.* Walker, 14 How., 36; Rundel *v.* Delaware and Raritan Canal Co., 14 How., 95; Nor. Indiana R. R. *v.* Michigan Central R. R., 15 How., 233; Shields *v.* Barrow, 17 How., 130; Coiron et al. *v.* Millandon et al., 19 How., 115; Clearwater *v.* Meredith, 21 How., 489; Barney *v.* Baltimore City, 6 Wall., 285; Taylor *v.* Cook, 2 McLean, 516; Cooper *v.* Gordon, 4 McLean, 6; Ober *v.* Gallagher, 93 U. S., 199: Pond *v.* Vermont Valley R. R. Co., 12 Blatch., 280.

Suits in equity against absent defendants, to subject property in the district.

SEC. 738. When any defendant in a suit in equity to enforce any legal or equitable lien or claim against real or personal property within the district where the suit is brought is not an inhabitant of nor found within the said district, and does not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer, or demur to the complainant's bill at a certain day, therein to be designated; and the said order shall be served on such absent defendant, if practicable, wherever found, or, where such personal service is not practicable, shall be published in such manner as the court shall direct. If such absent defendant does not appear, plead, answer, or demur within the time so limited, or within some further time to be allowed by the court in its discretion, it shall be lawful for the court, upon proof of the service or publication of the said order, and of the performance of the directions contained therein, to entertain jurisdiction, and proceed to the hearing and adjudication of such suit, in the same manner as if such absent defendant had been served with process within the said district. But the said adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

1 June, 1872, c. 255, s. 13, v. 17, p. 198.

3 *Mar.*, 1875, c. 137, *ss.* 1, 7, 8, 10, *v.* 18, *pp.* 470, 472, 473.

Bingham *v.* Luddington, 12 Blatch., 237; Bronson *v.* Keokuk, 2 Dill., 499; Parsons *v.* Howard, 2 Woods, 1; Kilgore's Case, 2, Woods, 144.

Suits against inhabitants of United States to be brought where they reside or are found.

SEC. 739. Except in the cases provided in the next three sections, no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court; and except in the said cases and the cases provided by the preceding section, no civil suit shall be brought before either of said courts against an inhabitant of the United States, by any original process, in any other district than that of which he is an inhabitant or in which he is found at the time of serving the writ.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 79.

4 May, 1858, c. 27, ss. 1, 2, v. 11, p. 272. 1 June, 1872, c. 255, s. 13, v. 17, p. 198; 3 *Mar.*, 1875, *c.* 137, *ss.* 1, 7, 8, 10, *v.* 18, *pp.* 470, 472, 473.—Pollard & Picket *v.* Dwight, 4 Cr., 421; Logan *v.* Patrick, 5 Cr., 288; Gracie *v.* Palmer, 8 Wh., 699; Toland *v.* Sprague, 12 Pet., 300; Levy *v.* Fitzpatrick, 15 Pet., 167; Herndon *v.* Ridgway, 17 How., 424; Harrison *v.* Rowan, 1 Pet. C. C., 489; Segee *v.* Thomas, 3 Blatch., 11; Moffat *v.* Soley, 2 Paine, 103; Flanders *v.* Insurance Company, 3 Mas., 158; Picquet *v.* Swan, 5 Mas., 35; Myers *v.* Dorr, 13 Blatch., 22

Suits not of a local nature in States containing several districts.

SEC. 740. When a State contains more than one district, every suit not of a local nature, in the circuit or district courts thereof, against a single defendant, inhabitant of such State, must be brought in the district where he resides; but if there are two or more defendants, residing in different districts of the State, it may be brought in either district, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district in which any defendant resides. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court of the proper district; and such original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded on as one suit; and upon any judgment or decree rendered therein, execution may be issued, directed to the marshal of any district in the same State.

4 May, 1858, c 27, s. 1, v. 11, p. 272.

24 Feb., 1863, c. 54, s. 9, v. 12, p. 662.

3 *Mar.*, 1875, *c.* 137, *ss.* 1, 7, 8, 9, 10, *v.* 18, *pp.* 470, 472, 473.

Loc. Truck Co. *v.* Erie R. R. Co., 10 Blatch., 292.

Suits of a local nature in States containing several districts.

SEC. 741. In suits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, the plaintiff may have original and final process against him, directed to the marshal of the district in which he resides.

4 May, 1858, c. 27, s. 1, v. 11, p. 272. 3 *Mar.*, 1875, *c.* 137, *ss.* 1, 7, 8, 9, 10, *v.* 18, *pp.* 470; 472, 473.

When land lies in different districts of same State.

SEC. 742. Any suit of a local nature, at law or in equity, where the land or other subject-matter of a fixed character lies partly in one district and partly in another, within the same State, may be brought in the circuit or district court of either district; and the court in which it is brought shall have jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed, as fully as if the said subject-matter were wholly within the district for which such court is constituted.

4 May, 1858, c. 27, s. 2, v. 11, p. 272.

In Indiana; where actions may be commenced.

SEC. 743. In the district of Indiana all actions of which the circuit and district courts have jurisdiction may be instituted in said courts, respectively, held at New Albany and Evansville, in the first instance, by

filing the proper pleadings or other papers in the offices of the deputy clerks performing the duties of clerks of said courts respectively; and all proper and lawful process shall issue therefrom in the same manner as from other circuit and district courts in like cases.

3 Mar., 1871, c. 108, s. 1, v. 16, p. 473.

Iowa; where suits are to be brought.

SEC. 744. In the district of Iowa all suits not of a local nature in the district court against a single defendant, inhabitant of such State, must be brought in the division of the district where he resides; but if there are two or more defendants, residing in different divisions of the district, such suits may be brought in either division, and duplicate writs may be sent to the other defendants. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court in the proper division of the district; and the original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded in as one suit. All issues of fact in such suits shall be tried at a term of the court held in the division where the suit is so brought.

3 Mar., 1849, c. 124, ss. 1, 3, v. 9, pp. 410, 411.
30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

Kentucky; where suits to be returned and tried.

SEC. 745. In the district of Kentucky the clerks of the circuit and district courts, respectively, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest a court, if he have information sufficient, and shall immediately, upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.

15 May, 1862, c. 71, s. 9, v. 12, p. 387.

Causes in progress of trial not discontinued by arrival of new term.

SEC. 746. When the trial or hearing of any cause, civil or criminal, in a circuit or district court, has been commenced and is in progress before a jury or the court, it shall not be stayed or discontinued by the arrival of the time fixed by law for another session of said court; and the court may proceed therein and bring it to a conclusion, in the same manner and with the same effect as if another stated term of the court had not intervened.

2 Mar., 1855, c. 140, s. 1, v. 10, p. 620.

Parties may manage their causes personally or by counsel.

SEC. 747. In all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as, by the rules of the said courts, respectively, are permitted to manage and conduct causes therein.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.

Certain officers forbidden to practice as attorneys, &c.

SEC. 748. No clerk, assistant or deputy clerk, of any territorial, district, or circuit court, or of the Court of Claims, or the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in either of said courts, or in any district for which he is acting as such officer.

16 Jan., 1873, c. 36, s. 1, v. 17, p. 411.

Penalty for violating preceding section.

SEC. 749. Whosoever violates the preceding section shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice, and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office.

16 Jan., 1873, c. 36, s. 2, v. 17, p. 411.

Final record, how made in equity and admiralty causes.

SEC. 750. In equity and admiralty causes, only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record. [See § 698.]

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

CHAPTER THIRTEEN.

HABEAS CORPUS.

Sec.
751. Power of courts to issue writs of *habeas corpus*.
752. Power of judges to grant writs of *habeas corpus*.
753. Writs of *habeas corpus* when prisoner is in jail.
754. Application for the writ of *habeas corpus*.
755. Allowance and direction of the writ.
756. Time of return.
757. Form of return.
758. Body of the party to be produced.
759. Day for hearing.
760. Denial of return, counter-allegations, amendments.
761. Summary hearing; disposition of party.
762. In cases involving the law of nations, notice to be served on State attorney-general.
763. Appeals in cases of *habeas corpus* to circuit court.
764. Appeal to Supreme Court.
765. Appeals, how taken.
766. Pending proceedings in certain cases, action by State authority void.

Power of courts to issue writs of *habeas corpus*.

SEC. 751. The Supreme Court and the circuit and district courts shall have power to issue writs of habeas corpus.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 10 April, 1869, c. 22, s. 2, v. 16, p. 44. 2 Mar., 1833, c. 57, s. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, s. 1, v. 5, p. 539.—U. S. *v.* Hamilton, 3 Dall., 17; *Ex parte* Burford, 3 Cr., 448; *Ex parte* Bollman, 4 Cr., 75; *Ex parte* Wilson, 6 Cr., 52; *Ex parte* Kearney, 7 Wh., 38; *Ex parte* Watkins, 3 Pet., 193; *Ex parte* Watkins, 7 Pet., 568; *Ex parte* Milburn, 9 Pet., 704; Holmes *v.* Jennison, 14 Pet., 540; *Ex parte* Barry, 2 How., 65; *Ex parte* Dorr, 3 How., 103; Barry *v.* Mercein, 5 How., 103; *In re* Metzger, 5 How., 176; *In re* Kaine, 14 How., 103; *Ex parte* Wells, 18 How., 307; *Ex parte* Milligan, 4 Wall., 2; *Ex parte* McCardle, 6 Wall., 318; *Ex parte* McCardle, 7 Wall., 506; *Ex parte* Yerger, 8 Wall., 85; *Ex parte* Lange, 18 Wall., 163; *In re* Heinrich, 5 Blatch., 414; *Ex parte* Keeler, Hemps., 306; U. S. *v.* Williamson, 3 Am. Law Rep., 729; Bennet *v.* Bennet, 1 Deady, 299; *Ex parte* Evarts, 7 Am. Law Rep., 79; Norris *v.* Newton, 5 McLean, 22; U. S. *v.* Rector, 5 McLean, 174; Veremaitre's Case, 13 Law Rep., 608; *Ex parte* Sifford, 5 Am. Law Rep., 659; *Ex parte* McCan, 14 Am. Law Rep., 158; U. S. *v.* French, 1 Gallis., 1; *Ex parte* Cheeney, 5 Law Rep., 19; *Ex parte* Des Roches, 1 McAllis., 68; *Ex parte* Pleasants, 4 Cr. C. C., 314; *Ex parte* Turner, 6 Int. Rev. Rec., 147; *Ex parte* Jenkins, 2 Wall., jr., 521; *Ex parte* Robinson, 6 McLean, 355; *Ex parte* Smith, 3 McLean, 121; Meade's Case, 1 Brock., 324; U. S. *v.* Anderson, Cooke, 143; Fisk *v.* Union Pacific Railway, 10 Blatch., 518; *In re* Joseph Stupp, 11 Blatch., 124; *In re* MacDonnell, 11 Blatch., 79, 170; *In re* Thomas, 12 Blatch., 370; *In re* Giacamo, 12 Blatch., 391; *In re* Joseph Stupp, 12 Blatch., 501; *In re* W. B. Bird, 2 Saw., 33; *In re* Bogart, 2 Saw., 396.

Power of judges to grant writs of *habeas corpus*.

SEC. 752. The several justices and judges of the said courts, within their respective jurisdictions, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of restraint of liberty.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 10 April, 1869, c. 22, s. 2, v. 16, p. 44. 2 Mar., 1833, c. 57, s. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, s. 1, v. 5, p. 539.

Writ of *habeas corpus* when prisoner is in jail.

SEC. 753. The writ of habeas corpus shall in no case extend to a prisoner in jail, unless where he is in custody under or by color of the authority of the United States, or is committed for trial before some court thereof; or is in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or is in custody in violation of the Constitution or of a law or treaty of the United States; or, being a subject or citizen of a foreign state, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; or unless it is necessary to bring the prisoner into court to testify.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 2 Mar., 1833, c. 57, s. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, s. 1, v. 5, p. 539. *Ex parte* Dorr, 3 How., 103; *Ex parte* Barnes, 1 Sprague, 133; *Ex parte* Bridges, 2 Woods, 428.

Application for the writ of *habeas corpus*.

SEC. 754. Application for writ of habeas corpus shall be made to the court, or justice, or judge authorized to issue the same, by complaint in writing, signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the complaint shall be verified by the oath of the person making the application.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Allowance and direction of the writ.

SEC. 755. The court, or justice, or judge to whom such application is made shall forthwith award a writ of habeas corpus, unless it appears from the petition itself that the party is not entitled thereto. The writ shall be directed to the person in whose custody the party is detained.

5 Feb., 1867, c. 28, s 1, v. 14, p. 385.

Ex parte Watkins, 3 Pet., 193; *Ex parte* Milligan, 4 Wall., 2, (110.)

Time of return.

SEC. 756. Any person to whom such writ is directed shall make due return thereof within three days thereafter, unless the party be detained beyond the distance of twenty miles; and if beyond that distance and not beyond a distance of a hundred miles, within ten days; and if beyond the distance of a hundred miles, within twenty days.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Form of return.

SEC. 757. The person to whom the writ is directed shall certify to the court, or justice, or judge before whom it is returnable the true cause of the detention of such party.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Body of the party to be produced.

SEC. 758. The person making the return shall at the same time bring the body of the party before the judge who granted the writ.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Day for hearing.

SEC. 759. When the writ is returned, a day shall be set for the hearing of the cause, not exceeding five days thereafter, unless the party petitioning requests a longer time.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Denial of return, counter-allegations, amendments.

SEC. 760. The petitioner or the party imprisoned or restrained may deny any of the facts set forth in the return, or may allege any other facts that may be material in the case. Said denials or allegations shall be under oath. The return and all suggestions made against it may be amended, by leave of the court, or justice, or judge, before or after the same are filed, so that thereby the material facts may be ascertained.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Summary hearing; disposition of party.

SEC. 761. The court, or justice, or judge shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the party as law and justice require.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

In cases involving the law of nations, notice to be served on State attorney-general.

SEC. 762. When a writ of habeas corpus is issued in the case of any prisoner who, being a subject or citizen of a foreign state and domiciled therein, is committed, or confined, or in custody, by or under the authority or law of any one of the United States, or process founded thereon, on account of any act done or omitted under an alleged right, title, authority, privilege, protection, or exemption, claimed under the commission or order or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceeding, to be prescribed by the court, or justice, or judge at the time of granting said writ, shall be served on the attorney-general or other officer prosecuting the pleas of said State, and due proof of such service shall be made to the court, or justice, or judge before the hearing.

29 Aug., 1842, c. 257, s. 5, p. 539.

Appeals in cases of *habeas corpus* to circuit court.

SEC. 763. From the final decision of any court, justice, or judge inferior to the circuit court, upon an application for a writ of habeas corpus or upon such writ when issued, an appeal may be taken to the circuit court for the district in which the cause is heard:

29 Aug., 1842, c. 257, v. 5, p. 539.
5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.
27 Mar., 1868, c. 34, s. 2, v. 15, p. 44.

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution, or of any law or treaty of the United States.

2. In the case of any prisoner who, being a subject or citizen of a foreign state, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof.

Ex parte McCardle, 6 Wall., 318; *Ex parte* McCardle, 7 Wall., 506; *Ex parte* Yerger, 8 Wall., 85.

Appeal to Supreme Court.

SEC. 764. From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the last clause of the preceding section.

29 Aug., 1842, c. 257, v. 5, p. 539.

Appeals, how taken.

29 Aug., 1842, c. 257, v. 5, p. 539. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

SEC. 765. The appeals allowed by the two preceding sections shall be taken on such terms, and under such regulations and orders, as well for the custody and appearance of the person alleged to be in prison or confined or restrained of his liberty, as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings, as may be prescribed by the Supreme Court, or, in default thereof, by the court or judge hearing the cause.

Pending proceedings in certain cases, action by State authority void.

29 Aug., 1842, c. 257, v. 5, p. 539. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

SEC. 766. Pending the proceedings or appeal in the cases mentioned in the three preceding sections, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty, in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined, under such writ of habeas corpus, shall be deemed null and void.

CHAPTER FOURTEEN.

DISTRICT ATTORNEYS, MARSHALS, AND CLERKS.

Sec.
767. District attorneys.
768. Iowa, district attorney.
769. Term and oath of district attorneys.
770. Salaries of district attorneys.
771. Duties of district attorneys.
772. Statement of suits for fines, penalties, and forfeitures.
773. Returns of district attorneys to Solicitor of the Treasury.
774. Returns of district attorneys to Commissioner of Internal Revenue.
775. Reports by district attorney to Department of Justice.
776. Marshals.
777. Georgia, (N. D.,) marshal's office in.
778. Iowa, marshal.
779. Marshal's term.
780. Deputy marshals.
781. Marshal's salaries for extra services.
782. Oath of marshals and deputy marshals.
783. Marshal's bond.
784. Suits on marshal's bond; costs.
785. Marshal's bond to remain after judgment as further security.
786. Limitation of suit on marshal's bonds.
787. Duties of marshal.
788. Marshals shall have, in each State, the same power as sheriffs in executing the laws of the United States.
789. In case of death of the marshals, deputies to continue.
790. Marshals and deputy marshals, when removed or office expires, may execute process in their hands.
791. Marshal's returns to the Solicitor of the Treasury.
792. Returns of marshals to Auditor of Post-Office Department.
793. Vacancies in office of district attorney and marshal, how filled temporarily.
794. Oath of clerks.
795. Clerk's bond.
796. Bond of deputy clerks.
797. Clerk to forward to Solicitor of the Treasury a list of judgments.
798. Account of payments and moneys in court to be stated by the clerk.
799. Oaths to persons identifying papers in admiralty causes, when administered by clerks.

District attorneys.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 20 *June*, 1874, c. 328, *r.* 18, *p.* 109.

SEC. 767. There shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina, a person learned in the law, to act as attorney for the United States in such district. The district attorney of the northern district of Alabama shall perform the duties of district attorney of the middle district of said State; and the district attorney of the southern district of Georgia shall perform the duties of district attorney of the northern district of said State; and the district attorney of the eastern district of South Carolina shall perform the duties of district attorney for the western district of said State.

Ala., 21 April, 1820, c. 47, s. 6, v. 3, p. 565; 10 Mar., 1824, c. 28, s. 8, v. 4, p. 10; 6 Feb., 1839, c. 20, s. 7, v. 5, p. 316. Ark., 15 June, 1836, c 100, s. 6, v. 5, p. 51; 3 Mar., 1851, c. 24, s. 4, v. 9, p. 595. Ga., 11 Aug., 1848, c. 151, s. 7, v. 9, p. 281. Fla., 3 Mar., 1845, c. 75, s. 7, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 5, v. 9, p. 131. Ill., 3 Mar., 1819, c. 70, s. 4, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 9, v. 10, p. 607. Ind., 3 Mar., 1817, c. 100, s. 4, v. 3, p. 391. Iowa, 3 Mar., 1845, c. 76, s. 4, v. 5, p. 789. Kans., 29 Jan., 1861. c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 1 July, 1836 c. 234, s. 4, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, s. 4, v. 3, p. 413; 18 June, 1838, c. 115, s. 6, v. 5, p 248. Mo., 16 Mar., 1822, c. 12, s. 4, v. 3, p. 653; 3 Mar., 1857, c. 100, ss. 8, 9, v. 11, p 198. Nebr., 25 Mar., 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v 13, p. 440. N. Y., 3 Mar., 1815, c. 95, v. 3, p 235; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N.C., 4 June,

1790, c. 17, s. 1, v. 1, p. 126; 4 June, 1872, c. 282, s. 7, v. 17, p. 217. Ohio, 19 Feb., 1802, c. 7, s. 4, v. 2, p. 202; 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 Mar., 1859, c. 85, s. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 108, s. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, s. 20, v. 2, p. 165; 18 June, 1838, c. 118, s. 11, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Vt., 2 Mar., 1791, c. 12, s. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172. 22 *June* 1874, *c.* 401, *s.* 3, *r.* 18, *p.* 195.

Iowa, district attorney.

SEC. 768. The district attorney of the district of Iowa shall perform the duties of district attorney for all of the divisions of said district.

3 Mar., 1849, c. 124, s. 5, v. 9, p. 412. 3 Mar., 1859, c. 85, ss. 5, 8, pp. 437, 438. 30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

Term and oath of district attorney.

SEC. 769. District attorneys shall be appointed for a term of four years, and their commissions shall cease and expire at the expiration of four years from their respective dates. And every district attorney, before entering upon his office, shall be sworn to a faithful execution thereof.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 15 May, 1820, c. 102, ss. 1, 2, v. 3, p. 582.

Salaries of district attorneys.

SEC. 770. The district attorney for the southern district of New York is entitled to receive quarterly, for all his services, a salary at the rate of six thousand dollars a year. For extra services the district attorney for the district of California is entitled to receive a salary at the rate of five hundred dollars a year, and the district attorneys for all other districts at the rate of two hundred dollars a year.

N. Y., (S. D.,) 6 Aug., 1861, c. 55, s. 1, v. 12, p. 317. Cal., 28 Sept., 1850, c. 86, s. 8, v. 9, p. 522. Districts in 1841, 3 Mar., 1841, c. 35, s. 1, v. 5, p. 427. Ark., (W. D.,) 3 Mar., 1851, c. 24, s. 4, v. 9, p. 595. Fla., (N. D.,) 3 Mar., 1845, c. 75, s. 7, v. 5, p. 788. Fla., (S. D.,) 23 Feb., 1847, c. 20, s. 5, v. 9, p. 131. Iowa, 3 Mar., 1845, c. 76, s. 4, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. Mich., (W. D.,) 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (E. D.,) 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. Ohio, (S. D.,) 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 Mar., 1859, c. 85, s. 3, v. 11, p. 437. Nev., 20 July, 1868, c. 176, s. 1, v. 15, p. 109. Texas, (E. D.,) 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1. Texas, (W. D.,) 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Duties of district attorneys.

SEC. 771. It shall be the duty of every district attorney to prosecute, in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States are concerned, and, unless otherwise instructed by the Secretary of the Treasury, to appear in behalf of the defendants in all suits or proceedings pending in his district against collectors, or other officers of the revenue, for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 3 Mar., 1863, c. 76, s. 13, v. 12, p. 741.

Levy Court *v.* Ringgold, 5 Pet., 451; U. S. *v.* Corrie, 23 Law Rep., 145; U. S. *v.* McAvoy, 4 Blatch., 418; U. S. *v.* Stowell, 2 Curt. C. C., 153; The Anna, Blatch. Pr. Cas., 337; The Peterhoff, Blatch. Pr. Cas., 463; U. S. *v.* Ingersoll, Crabbe, 135.

Statement of suits for fines, penalties, and forfeitures.

SEC. 772. Every district attorney shall, on instituting any suit for the recovery of any fine, penalty, or forfeiture, immediately transmit to the Solicitor of the Treasury a statememt thereof.

29 May, 1830, c. 153, s. 4, v. 4, p. 415.

Returns of district attorneys to Solicitor of the Treasury.

SEC. 773. Every district attorney shall, immediately after the end of every term of the circuit and district courts for his district, forward to the Solicitor of the Treasury, except in the cases provided for in the next section, a full and particular statement, accompanied by the certificate of the clerks of said courts, respectively, of all causes pending in said courts, and of all causes decided therein during such term, in which the United States are party. He shall also, on the first day of October in each year, make a return to said Solicitor of the number of suits and proceedings commenced, pending, and determined within his district during the fiscal year next preceding the date of such return, showing the date when such proceeding or suit in each case was commenced. If the determination thereof has been delayed or continued beyond the usual or reasonable period, the reasons must be set forth, and a state-

29 May, 1830, c. 153, s. 3, v. 4, p. 414. 3 Mar., 1863, c. 76, s. 13, v. 12, p. 741. 2 Mar., 1867, c. 169, s. 3, v. 14, pp. 471, 472.

ment must be made of the measures taken by the district attorney to press such procedings or suits to a close.

Returns of district attorneys to Commissioner of Internal Revenue.

2 Mar., 1867, c. 169, s. 3, v. 14, pp. 471, 472.

SEC. 774. When any suit or proceeding arising under the internal-revenue laws, to which the United States are party, or any suit or proceeding against a collector or other officer of the internal revenue, wherein a district attorney appears, is commenced, the attorney for the district in which it is brought shall immediately report to the Commissioner of Internal Revenue the full particulars relating to the same; and he shall, immediately after the end of each term of the court in which such suit or proceeding is pending, forward to the said Commissioner a full and particular statement of its condition.

Reports by district attorney to Department of Justice.

2 July, 1836, c. 170, s. 16, v. 5, p. 83. 8 June, 1872, c. 335, s. 309, v. 17, p. 324.

SEC. 775. Each district attorney shall, immediately after the end of every term in which any suit for moneys due on account of the Post-Office Department has been pending in his district, forward to the Department of Justice a statement of any judgment or order made, or step taken in the same, during such term, accompanied by a certificate of the clerk, showing the parties to and amount of every such judgment, with such other information as the Department of Justice may require. And the said attorney shall direct speedy and effectual execution upon said judgment, and the United States marshal to whom the same is directed shall make returns of the proceedings thereon to the Department of Justice, at such times as it may direct.

Marshals.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87. 22 *June*, 1874, c. 397, *r.* 18, *p.* 193. Ala., 21 April, 1820, c. 47, s. 7, v. 3, p. 565; 5 May, 1820, c. 87, s. 1, v. 4, p. 399; 6 Feb., 1839, c. 20, s. 7, v. 5, p. 316. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 Mar., 1851, c. 24, s. 4, v. 9, p. 595. Ga., 11 Aug., 1848, c. 151, s. 7, v. 9, p. 281. Fla., 3 Mar., 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Ill., 3 Mar., 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 9, v. 10, p. 607. Ind., 3 Mar., 1817, c. 100, s. 5, v. 3, p. 391. Iowa, 3 Mar., 1845, c. 76, s. 5, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 6, v. 5, p. 248. Mo., 16 Mar., 1822, c. 12, s. 5, v. 3, p. 653; 3 Mar., 1857, c. 100, ss. 8, 9, v. 11, p. 198. Nebr., 25 Mar., 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. Y., 3 Mar., 1815, *c.* 95, v. 3, p. 235; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126. Ohio, 19 Feb., 1802, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 Mar., 1859, c. 85, s. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 108, s. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 18 June, 1838, c. 118, s. 10, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Vt., 2 Mar., 1791, c. 12, s. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172. 22 *June*, 1874, *c.* 401, *s.* 3, *r.* 18, *p.* 195. 22 *June*, 1874, *c.* 390, *s.* 19, *v.* 18, *p.* 184.

SEC. 776. A marshal shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina. The marshal of the southern district of Alabama shall perform the duties of marshal of the middle district of said State, and shall keep an office at Montgomery, in said middle district. The marshal of the southern district of Georgia shall perform the duties of marshal of the northern district of said State. The marshal of the eastern district of South Carolina shall perform the duties of marshal of the western district of said State.

Georgia, (N. D.,) marshal's office in.

18 Aug., 1848, c. 151, s. 7, v. 9, p. 281.

SEC. 777. The marshal of the southern district of Georgia shall keep an office at Marietta, in the northern district, and his charges for mileage, in the execution of the duties of his office, within the northern district, shall be computed from Marietta.

Iowa, marshal.

3 Mar., 1849, c. 124, s. 5, v. 9, p. 412. 3 Mar., 1859, c. 85, ss. 5, 8, v. 11, pp. 437, 438. 30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

SEC. 778. The marshal of the district of Iowa shall perform the duties of marshal for all of the divisions of said district, and shall keep an office at each of the places in the four divisions of said district where the circuit and district courts thereof are required to be held; and his charges for mileage, in the execution of the duties of his office, within said district, shall be computed from the city of Iowa.

Marshal's term.

SEC. 779. Marshals shall be appointed for a term of four years.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87. 20 *June*, 1874, *c.* 328, *r.* 18, *p.* 109.

Deputy marshals.

SEC. 780. Every marshal may appoint one or more deputies, who shall be removable from office by the judge of the district court, or by the circuit court for the district, at the pleasure of either.

24 Sept., 1789, c. 20, s. 27, v. 1. p. 87.
23 *June*, 1874, *c.* 469, *v.* 18, *p.* 253.

Marshal's salaries for extra services.

SEC. 781. Marshal are entitled to receive salaries, as a compensation for extra services, as follows: The marshal of the district of California, at the rate of five hundred dollars a year; the marshal of the districts of North Carolina, at the rate of four hundred dollars a year; the marshals of all other districts, except the southern and eastern districts of New York, the eastern district of Pennsylvania, the southern district of Illinois, the western district of Missouri, the northern and southern districts of Georgia, and the districts of Massachusetts, Maryland, and Nevada, at the rate of two hundred dollars a year.

Cal., 28 Sept., 1850, c. 86, s. 9, v. 9, p. 522; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. N. C. and N. J., 25 Feb., 1808, c. 22, s. 1, v. 2, pp. 468, 469. Me., N. H., Vt., and Ky., 28 Feb., 1799, c. 19, s. 1, v. 1, p. 625. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 24 Feb., 1807, c. 17, s. 4, v. 2, p. 421; 18 June, 1838, c. 118, s. 1, v. 5, p. 249; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. R. I., 2 Mar., 1831, c. 91, s. 1, v. 4, p. 482. Conn., 6 Jan., 1829, c. 5, s. 1, v. 4, p. 330. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (N. D.,) and Pa., (W. D.,) 15 May, 1820, c. 111, s. 4, v. 3, p. 598. Del., 24 Feb., 1835, c. 23, s. 1, v. 4, p. 753. Va., 21 Jan., 1829, c. 9, s. 1, v. 4, p. 331. W. Va., 4 Feb., 1819, c. 12, s. 4, v. 3, p. 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Ohio, 19 Feb., 1803, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1805, c. 73, s. 8, v. 10, p. 606. La., 8 April, 1812, c. 50, s. 4, v. 2, p. 703; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 7, v. 5, p. 248. Ind., 3 Mar., 1817, c. 100, s. 5, v. 3, p. 391. Ill., (N. D.,) 3 Mar., 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 8, v. 10, p. 607. Ala., 5 May, 1830, c. 87, s. 2, v. 4, p. 399. Mo., (E. D.,) 16 Mar., 1822, c. 12, s. 5, v. 3, p. 653; 3 Mar., 1857, c. 100, s. 8, v. 11, p. 198. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 662. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 Mar., 1851, c. 24, s. 4, v. 9, p. 595. Fla., 3 Mar., 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 2; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 58. Iowa, 3 Mar., 1845, c. 76, s. 5, v. 5, p. 789. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Oreg., 3 Mar., 1859, c. 85, s. 3, v. 11, p. 437. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128.

Oath of marshals and deputy marshals.

SEC. 782. Every marshal and deputy marshal shall, before he enters upon the duties of his appointment, take, before the district judge of the district, an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the marshal of the district of ——, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of ——, during my continuance in said office, and take only my lawful fees. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath: *Provided*, That when any person who is appointed deputy marshal resides and is more than twenty miles from the place where the district judge resides and is, the said oath of office may be taken by him before any judge or justice of any State court within the same district, or before any justice of the peace having authority therein, or before any notary public duly appointed in such State, or before any commissioner of a circuit court for such district, and shall, when certified by such officer to the said district judge, be as effectual as if taken before such district judge.

24 Sept., 1789, c. 20, ss. 7, 27, v. 1, pp. 76, 87.
28 Feb., 1799 c. 19, s. 2, v. 1, p. 625.
16 Sept., 1850, c. 52, ss. 1, 2, v. 9, p. 458.

Marshal's bond.

SEC. 783. Every marshal, before he enters on the duties of his office, shall give bond before the district judge of the district, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of twenty thousand dollars, for the faithful performance of said duties by himself and his deputies. Said bond shall be filed and recorded in the office of the clerk of the district court or circuit court sitting within the district, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.
10 April, 1806, c. 21, s. 1, v. 2, p. 372.
22 *Feb.* 1875, *c* 95, *s.* 2, *v.* 18, *p.* 333.

U. S. *v.* Kirkpatrick, 9 Wh., 720; U. S. *v.* Van Zandt, 11 Wh., 184; Dox *v.* Postmaster-General, 1 Pet., 325; Gwyn *v.* Breedlove, 2 How., 29; Gwyn *v.* Barton, 6 How., 7; Adler *v.* Newcomb, 2 Dill., 45.

Suits on marshal's bond; costs.

SEC. 784. In case of a breach of the condition of a marshal's bond, any person thereby injured may institute in his own name and for his

10 April, 1806, c. 21, s. 2, v. 2, p. 373.

sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form. If such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same.

U. S. *v.* Giles, 9, Cr., 212; U. S. *v.* Morris, 10 Wh., 246; Williams *v.* U. S. 1 How., 290; Gwyn *v.* Breedlove, 2 How., 29; Gwyn *v.* Buchanan, 4 How., 1; Gwyn *v.* Barton, 6 How., 7; Rogers *v.* The Marshall, 1 Wall., 644.

Marshal's bond to remain after judgment as further security.

SEC. 785. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by breach of the condition of the same, until the whole penalty has been recovered; and the proceedings shall always be as directed in the preceding section.

10 April, 1806, c. 21, s. 3, v. 2, p. 374.

Limitation of suit on marshal's bonds.

SEC. 786. No suit on a marshal's bond shall be maintained unless it is commenced within six years after the right of action accrues, saving, nevertheless, the rights of infants, married women, and insane persons, so that they sue within three years after their disabilities are removed.

10 April, 1806, c. 21, s. 4, v. 2, p. 374.

Montgomery *v.* Hernandez, 12 Wh., 133.

Duties of marshal.

SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute, throughout the district, all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty. [See § 4299.]

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

U. S. *v.* Giles, 9 Cr., 212.

Schwabacker *v.* Reily, 2 Dill., 127.

Marshals shall have, in each State, the same powers as sheriffs in executing the laws of the United States.

SEC. 788. The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

28 Feb., 1795, c. 36, s. 9, v. 1, p. 425. 29 July, 1861, c. 25, s. 7, v. 12, p. 282.

In case of death of the marshals, deputies to continue.

SEC. 789. In case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another marshal is appointed, as provided in this chapter, and duly qualified. The defaults or misfeasances in office of such deputies in the mean time shall be adjudged a breach of the condition of the bond given by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputies, during such interval, as he would be entitled to if the marshal had continued in life and in the exercise of his said office until his successor was appointed and duly qualified.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87.

Marshals and deputy marshals, when removed, or office expires, may execute process in their hands.

SEC. 790. Every marshal or his deputy, when removed from office, or when the term for which the marshal is appointed expires, shall have power, notwithstanding, to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held responsible for the delivery to his successor of all prisoners who may be in his custody at the time of his removal, or when the term for which he is appointed expires; and for that purpose he may retain such prisoners in his custody until his successor is appointed and duly qualified.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87. 7 May, 1800, c. 45, s. 3, v. 2, p. 61.

Doolittle's Lessee *v.* Bryan, 14 How., 563.

Marshal's returns to the Solicitor of the Treasury.

SEC. 791. Every marshal shall, within thirty days before the commencement of each term of the circuit and district courts in his district, make returns to the Solicitor of the Treasury of the proceedings had upon all writs of execution, or other process which have been placed in his hands, for the collection of moneys adjudged and decreed to the United States in the said courts, respectively.

15 May, 1820, c. 107, s. 8, v. 3, p. 596. 29 May, 1830, c. 153, s. 2, v. 4, p. 414.

Returns of marshals to Auditor of Post-Office Department.

SEC. 792. Every marshal to whom any execution upon a judgment in any suit for moneys due on account of the Post-Office Department has been directed, shall make returns to the Sixth Auditor, at such times as

he may direct, of the proceedings which have taken place upon the said process of execution.

2 July, 1836, c. 270, s. 16, v. 5, p. 83.
22 *June*, 1874, c. 390, *s.* 19, *v.* 18, *p.* 184.

Vacancies in office of district attorney and marshal, how filled temporarily.

SEC. 793. In case of a vacancy in the office of the district attorney or marshal within any circuit, the circuit justice of such circuit may fill the same, and the person appointed by him shall serve until an appointment is made by the President, and the appointee is duly qualified, and no longer. The appointment made by such justice shall be in writing, which shall be filed in the clerk's office of the circuit court, and a copy thereof shall be entered upon the journal of said court. Any marshal so appointed shall give bond, as if appointed by the President, and the bond shall be approved by said justice. It shall then be filed in the clerk's office of said court, and a copy shall be entered on the journal of the court. A certified copy of such entry shall be prima-facie proof of the execution of such bond, and of the contents thereof.

3 Mar., 1863, c. 93, s. 2, v. 12, p. 768.

Oath of clerks.

SEC. 794. The clerk of the Supreme Court, and every clerk and deputy clerk of a circuit or district court, shall, before he enters upon the execution of his office, take an oath or affirmation in the following form: "I, A B, being appointed a clerk of ———, do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.
30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk's bond.

SEC. 795. The clerk of every court shall give bond, in a sum to be fixed and with sureties to be approved by the court which appoints him, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and a new bond may be required whenever the court deems it proper that such bond should be given. A copy of every bond given by a clerk shall be entered on the journal of the court for which he is appointed, and the bond shall be deposited for safe-keeping as the court may direct. A certified copy of such entry shall be prima-facie proof of the execution of such bond and of the contents thereof.

24 Sept., 1879, c. 20, s. 7, v. 1, p. 76.
3 Mar., 1863, c. 93, s. 2, v. 12, p. 768.
22 *Feb.*, 1875, *c.* 95, *ss.* 2, 3, *v.* 18, *p.* 333.

Bond of deputy clerks.

SEC. 796. Any circuit or district court may require any deputy clerk thereof to give bond to the United States for the faithful discharge of his duty as such deputy, in the same penalty, and with surety in the same manner, as is required by law of clerks; and such bond shall be recorded and preserved in like manner. But the taking of such bond shall not affect the legal responsibility of the clerk for the acts of such deputy.

30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk to forward to Solicitor of the Treasury a list of judgments.

SEC. 797. Every clerk of a circuit or district court shall, within thirty days after the adjournment of each term thereof, forward to the Solicitor of the Treasury a list of all judgments and decrees, to which the United States are parties, which have been entered in said court, respectively, during such term, showing the amount adjudged or decreed, in each case, for or against the United States, and the term to which execution thereon will be returnable.

15 May, 1820, c. 107, s. 8, v. 3, p. 596.
29 May, 1830, c. 153, s. 2, v. 4, p. 414
22 *Feb.*, 1875, *c.* 95, *ss.* 5, 6, *v.* 18, *p.* 334.

Account of payments and moneys in court to be stated by the clerk.

SEC. 798. At each regular session of any court of the United States, the clerk shall present to the court an account of all moneys remaining therein, or subject to its order, stating in detail in what causes they are deposited, and in what causes payments have been made; and said account and the vouchers thereof shall be filed in the court.

24 Mar., 1871, c. 2, s. 3, v. 17, p. 2.
22 *Feb.*, 1875, *c.* 95, *s.* 5, *v.* 18, *p.* 334.

Oaths to persons identifying papers in admiralty causes, when administered by clerks.

SEC. 799. The clerks of the district and circuit courts may, in the absence or in case of the disability of the judges, administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

8 May, 1792, c. 36, s. 10, v. 1, p. 278.

CHAPTER FIFTEEN.

JURIES.

Sec.
800. Jurors, qualifications and selection of, according to State laws.
801. Jurors in Pennsylvania.
802. Jurors, how to be apportioned in the district.
803. Writ of venire, how issued and served.
804. Talesmen for petit juries.
805. Special juries in the circuit courts.
806. New York.
807. Vermont, when petit jury to be summoned.
808. Number of grand jurors; completing jury.
809. Foreman of grand jury, appointment and powers of.
810. Grand juries, when summoned.
811. Discharge of grand juries.
812. Jurors not to be summoned oftener than once in two years.
813. Grand juries of district courts may act in cases cognizable in circuit court.
814. Arkansas, western district, at Helena; jurors.
815. Juries in Kentucky and Indiana.
816. North Carolina, juries at special terms.
817. Juries for western district of South Carolina.
818. Vermont, charge to grand jury by the circuit court.
819. Challenges.
820. Additional causes of disqualification and challenge of grand and petit jurors.
821. Additional oath for grand and petit jurors.
822. Grand and petit jurors, in cases under act 20 April, 1871, c. 22.

Jurors, qualifications and selection of, according to State laws.

20 July, 1840, c. 47, v. 5, p. 394.
17 June, 1862, c. 103, s. 1, v. 12, p. 430.
20 April, 1871, c. 22, s. 5, v. 17, p. 15.
3 Mar. 1849, c. 118, v. 9, p. 403.
15 July, 1870, c. 298, s. 3, v. 16, p. 363.
22 Dec., 1870, Res. 2, v. 16, p. 589.

SEC. 800. Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned; and they shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries then practiced in such State court, so far as such mode may be practicable by the courts of the United States or the officers thereof. And for this purpose the said courts may, by rule or order, conform the designation and impaneling of juries, in substance, to the laws and usages relating to jurors in the State courts, from time to time in force in such State. This section shall not apply to juries to serve in the courts of the United States in Pennsylvania. [See § 1671.]

1 *Mar.*, 1875, *c.* 114, *s.* 4, *v.* 18, *p.* 336.—Sibley *v.* Foote, 14 How., 219, 220; U. S. *v.* Shackleford, 18 How., 588; U. S. *v.* Reed, 2 Blatch., 435; U. S. *v.* Douglass, 2 Blatch., 208; U. S. *v.* Woodruff, 4 McLean, 105; U. S. *v.* Tallman, 10 Blatch., 21; U. S. *v.* Collins, 1 Woods, 499.

Jurors in Pennsylvania.

3 Mar., 1849, c. 118, v. 9, p. 403.
20 July, 1840, c. 47, v. 5, p. 394.
13 May, 1800, c. 61, v. 2, p. 82.
15 July, 1870, c. 298, s. 3, v. 16, p. 363.
22 Dec., 1870, Res. No. 2, v. 16, p. 589.

SEC. 801. Jurors to serve in the courts of the United States in Pennsylvania shall be designated by lot or otherwise, in each district respectively, according to the mode of forming juries, to serve in the highest courts of law therein, which was practiced before the passage of the act of July twenty, eighteen hundred and forty, chapter forty-seven, so far as the same shall render such designation practicable by the courts and marshals of the United States. But this provision is subject to the provisions relating to the qualifications and oath of jurors hereinafter contained.

17 June, 1862, c. 103, s. 1, v. 12, p. 430. 20 April, 1871, c. 22, s. 5, v. 17, p. 15.

Jurors, how to be apportioned in the district.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.

SEC. 802. Jurors shall be returned from such parts of the district, from time to time, as the court shall direct, so as to be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burden the citizens of any part of the district with such services.

M. S. *v.* Stowell, 2 Cur. C. C., 153; M. S. *v.* Woodruff, 4 McLean, 105.

Writ of venire, how issued and served.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.

SEC. 803. Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal in person, or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ.

Talesmen for petit juries.

SEC. 804. When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court in which such defect of jurors happens, return jurymen from the by-standers sufficient to complete the panel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person shall be sworn, as provided in the preceding section.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.
3 Mar., 1865, c. 86, s. 1, v. 13, p. 500.
U. S. *v.* Shackleford, 18 How., 588.

Special juries in the circuit courts.

SEC. 805. When special juries are ordered in any circuit court, they shall be returned by the marshal in the same manner and form as is required in such cases by the laws of the several States.

29 April, 1802, c. 31, s. 30, v. 2, p. 167.

New York.

SEC. 806. No jury shall be drawn for service exclusively in the circuit court for the northern district of New York at the adjourned terms thereof required by law to be held at Albany and Utica, but the jury drawn to serve in the district court held at the same times and places with said adjourned terms shall be used for the trial of issues of fact arising in civil causes in said circuit court, and the verdicts of said jury, and all proceedings upon the trial of said issues, shall be of the same effect as if the said jury had been drawn to serve in the said circuit court.

4 July, 1864, c. 245, s. 2, v. 13, p. 385.

Vermont, when petit jury to be summoned.

SEC. 807. The clerk of the district court for Vermont shall not cause a petit jury to be summoned or returned to any session in which there shall appear to be no issue proper for trial by jury, unless by special order of the judge.

29 April, 1802, c. 31, s. 29, v. 2, p. 167.

Number of grand jurors; completing jury.

SEC. 808. Every grand jury empaneled before any district or circuit court shall consist of not less than sixteen nor more than twenty-three persons. If of the persons summoned less than sixteen attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the by-standers, a sufficient number of persons to complete the grand jury. And whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose.

3 Mar., 1865, c. 86, s. 1, v. 13, p. 500.

Foreman of grand jury, appointment and powers of.

SEC. 809. From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury.

3 Mar., 1865, c. 86, s. 1, v. 13, p. 500.

Grand juries, when summoned.

SEC. 810. No grand jury shall be summoned to attend any circuit or district court unless one of the judges of such circuit court, or the judge of such district, in his own discretion, or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. And either of the said courts may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.
20 May, 1826, c. 136, v. 4, p. 188.
8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.
16 Aug., 1856, c. 124, s. 7, v. 11, p. 50.

Discharge of grand juries.

SEC. 811. The circuit and district courts, the district courts of the Territories, and the supreme court of the District of Columbia, may discharge their grand juries whenever they deem a continuance of the sessions of such juries unnecessary.

16 Aug., 1856, c. 124, s. 7, v. 11, p. 50.

Jurors not to be summoned oftener than once in two years.

SEC. 812. No person shall be summoned as a juror in any circuit or district court more than once in two years, and it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term of said court held within two years prior to the time of such challenge.

15 July, 1870, c. 298, s. 2, v. 16, p. 363.

Grand juries of district courts may act in cases cognizable in circuit court.

SEC. 813. The grand jury impaneled and sworn in any district court may take cognizance of all crimes and offenses within the jurisdiction of the circuit court for said district as well as of said district court.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

Arkansas, west district, at Helena; jurors.

SEC. 814. In the western district of Arkansas such number of jurors shall be summoned at every term of the district court thereof, to be held at Helena, as may have been ordered at a previous term, or by the district judge in vacation. And a grand jury may be summoned to attend any such term when ordered by the court or by the judge in vacation. In case of a deficiency of jurors, talesmen may be summoned by order of the court.

3 Mar., 1871, c. 106, s. 2, v. 16, p. 472.

Juries in Kentucky and Indiana.

SEC. 815. In the several districts of Kentucky and Indiana, such number of jurors shall be summoned by the marshal at every term of the circuit and district courts, respectively, as may have been ordered of record at the previous term; and in case there is not a sufficient number of jurors in attendance at any time, the court may order such number to be summoned as, in its judgment, may be necessary to transact the business of the court. And a grand jury may be summoned to attend every term of the circuit or district court by order of the court. The marshal may summon juries and talesmen in case of a deficiency, pursuant to an order of the court made during the term, and they shall serve for such time as the court may direct.

15 May, 1862, c. 71, s. 3, v. 12, p. 386.

30 June, 1870, c. 180, s. 3, v. 16, p. 175.

North Carolina; juries at special terms.

SEC. 816. The circuit and district courts for either of the districts of North Carolina may order a grand or petit jury, or both to attend any special term thereof, by an order to be entered of record thirty days before the day on which such special term is appointed to convene.

4 June, 1872, c. 282, s. 4, v. 17, p. 215.

Juries for western district of South Carolina.

SEC. 817. The grand and petit jurors for the district court sitting in the western district of South Carolina shall be drawn from the inhabitants of said district who are liable, according to the laws of said State, to do jury duty in the courts thereof; and all jurors shall be drawn during the sitting of the court for the next succeeding term.

16 Aug., 1856, c. 119, s. 2, v. 11, p. 43.

21 Feb., 1823, c. 11, s. 1, v. 3, p. 726. 25 May, 1824, c. 145, s. 3, v. 4, p. 35.

Vermont, charge to grand jury by the circuit court.

SEC. 818. In the district of Vermont, it shall be the duty of the circuit court, at its regular sessions, to give in charge to the grand juries all crimes, offenses, and misdemeanors which are cognizable as well in the district court thereof as in the said circuit court.

29 April, 1802, c. 31, s. 29, v. 2, p. 167.

Challenges.

SEC. 819. When the offense charged is treason or a capital offense, the defendant shall be entitled to twenty and the United States to five peremptory challenges. On the trial of any other felony, the defendant shall be entitled to ten and the United States to three peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to individual jurors for cause or favor, shall be tried by the court without the aid of triers. [See §§ 1031, 4303.]

8 June, 1872, c. 333, s. 2, v. 17, p. 282.

U. S. v. Marchant and Colson, 12 Wh., 480.

Additional causes of disqualification and challenge of grand and petit jurors.

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section eight hundred and twelve, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or

17 June, 1862, c. 103, s. 1, v. 12, p. 430.

U. S. v. Hammond, 2 Woods, 197.

to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

Additional oath for grand and petit jurors.

17 June, 1862, c. 103, s. 2, v. 12, p. 430.

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

Grand and petit jurors, in cases under act 20 April, 1871, c. 22.

20 April, 1871, c. 22, s. 5, v. 17, p. 15.

SEC. 822. No person shall be a grand or petit juror in any court of the United States, upon any inquiry, hearing, or trial of any suit, proceeding, or prosecution based upon or arising under the provisions of Title "CIVIL RIGHTS" and of Title "CRIMES," for enforcing the provisions of the fourteenth amendment to the Constitution, who is, in the judgment of the court, in complicity with any combination or conspiracy in said Titles set forth; and every grand and petit juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath, in open court, that he has never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy.

CHAPTER SIXTEEN.

FEES.

Sec.
823. Fees to be taxed.
824. Attorneys, solicitors, and proctors.
825. Fees in revenue cases and in suits on official bonds.
826. Fees on bonds, when not allowed.
827. Fees of district attorney for defense of revenue officers.
828. Clerks' fees.
Clerks' books to be open to inspection.
829. Marshals' fees.
830. What fees to be paid to marshals.
831. Attendance on rule-days and when circuit and district courts sit at same time.
832. Marshal of the Supreme Court of the United States.
833. Semi-annual returns of fees by district attorneys, marshals, and clerks.
834. What to be included in the semi-annual returns of district attorneys and marshals.

Sec.
835. Compensation of district attorney.
836. Sum to be paid to district attorney of southern district of New York for office-expenses.
837. District attorney and marshal in Oregon and Nevada.
838. Prosecution of frauds on the revenue.
839. Compensation retained by a clerk.
840. Clerks in California, Oregon, and Nevada.
841. Compensation of marshal.
842. Additional compensation in prize causes.
843. Allowances for each year made from the fees thereof.
844. Payment of surplus fees into the Treasury.
845. Auditing of accounts of district attorney, &c., in Department of Justice.
846. Accounts of district attorneys, &c., to be certified to by district judge.

Sec.
847. Commissioners' fees.
848. Witnesses' fees.
849. No officer of court to have witness fees.
850. Expenses of clerks, &c., of United States sent away as witnesses paid.
851. Seamen sent home as witnesses.
852. Fees of grand and petit jurors.
853. Printers' fees.
854. Meaning of folio.
855. Jurors and witnesses, when paid by marshal.
856. Fees of district attorneys, marshal, &c., how paid.
857. Fees, how recovered.

Fees to be taxed.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 161. 3 Mar., 1855, c. 155, s. 12, v. 10, pp. 670, 671.

Ex parte Jaffrey, 1 Lowell, 321; Phillip's Case, 11 C. Cls., 570.

SEC. 823. The following and no other compensation shall be taxed and allowed to attorneys, solicitors, and proctors in the courts of the United States, to district attorneys, clerks of the circuit and district courts, marshals, commissioners, witnesses, jurors, and printers in the several States and Territories, except in cases otherwise expressly provided by law. But nothing herein shall be construed to prohibit attorneys, solicitors, and proctors from charging to and receiving from their clients, other than the Government, such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage in their respective States, or may be agreed upon between the parties.

FEES OF ATTORNEYS, SOLICITORS, AND PROCTORS.

Attorneys, solicitors, and proctors.

26 Feb., 1853, c. 80, s. 1, v. 10, pp. 161, 162. 22 *Feb.*, 1875, *c.* 95, *v.* 18, *p.* 333. 26 *June*, 1876, *c.* 147, *v.* 19, *p.* 62.

Ex parte Robbins, 2 Gallis., 320; The Anna, Blatch. Pr. Cas., 337; U. S. *v.* Ingersoll, Crabbe, 135.

SEC. 824. On a trial before a jury, in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided*, That in cases of admiralty and maritime jurisdiction, where the libelant recovers less than fifty dollars, the docket fee of his proctor shall be but ten dollars.

In cases at law, when judgment is rendered without a jury, ten dollars.

In cases at law, when the cause is discontinued, five dollars.

For scire facias, and other proceedings on recognizances, five dollars.

For each deposition taken and admitted in evidence in a cause, two dollars and fifty cents.

For services rendered in cases removed from a district to a circuit court by writ of error or appeal, five dollars.

For examination by a district attorney, before a judge or commissioner, of persons charged with crime, five dollars a day for the time necessarily employed.

For each day of his necessary attendance in a court of the United States on the business of the United States, when the court is held at the place of his abode, five dollars; and for his attendance when the court is held elsewhere, five dollars for each day of the term.

For traveling from the place of his abode to the place of holding any court of the United States in his district, or to the place of any examination before a judge or commissioner, of a person charged with crime, ten cents a mile for going and ten cents a mile for returning.

When an indictment for crime is tried before a jury and a conviction is had, the district attorney may be allowed, in addition to the attorney's fees herein provided, a counsel fee, in proportion to the importance and difficulty of the cause, not exceeding thirty dollars.

Fees in revenue cases, and in suits on official bonds.

3 Mar., 1863, c. 76, s. 11, v. 12, p. 741.

SEC. 825. There shall be taxed and paid to every district attorney two per centum upon all moneys collected or realized in any suit or proceeding arising under the revenue laws, and conducted by him, in which the United States is a party, which shall be in lieu of all costs and fees in such proceeding.

Fees on bonds, when not allowed.

12 Oct., 1837, c. 3, s. 2, v. 5, p. 204.

SEC. 826. No fee shall accrue to any district attorney on any bond left with him for collection, or in a suit commenced on any bond for the renewal of which provision is made by law, unless the party neglects to apply for such renewal for more than twenty days after the maturity of the bond.

Fees of district attorney for defense of revenue officers.

SEC. 827. When a district attorney appears by direction of the Secretary or Solicitor of the Treasury, on behalf of any officer of the revenue in any suit against such officer, for any act done by him, or for the

recovery of any money received by him and paid into the Treasury in the performance of his official duty, he shall receive such compensation as may be certified to be proper by the court in which the suit is brought, and approved by the Secretary of the Treasury. [See § 4646.]

3 Mar., 1863, c. 76, s. 12, v. 12, p. 741. 16 *June*, 1874, c. 285, *v.* 18, *p.* 72. 22 *Feb.*, 1875, *c.* 95, *s.* 7, *v.* 18, *p.* 334.

CLERKS' FEES.

Clerks' fees.

SEC. 828. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, or a summons or subpœna for a witness, one dollar.

For issuing a writ of summons or subpœna, twenty-five cents.

For filing and entering every declaration, plea, or other paper, ten cents.

For administering an oath or affirmation, except to a juror, ten cents.

For taking an acknowledgment, twenty-five cents.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words.

For a copy of such deposition furnished to a party on request, ten cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, fifteen cents.

For a copy of any entry or record, or of any paper on file, for each folio, ten cents.

For making dockets and indexes, issuing venire, taxing costs, and all other services, on the trial or argument of a cause where issue is joined and testimony given, three dollars.

For making dockets and indexes, taxing costs, and all other services, in a cause where issue is joined, but no testimony is given, two dollars.

For making dockets and indexes, taxing costs, and other services, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue, one dollar.

For making dockets and taxing costs, in cases removed by writ of error or appeal, one dollar.

For affixing the seal of the court to any instrument, when required, twenty cents.

For every search for any particular mortgage, judgment, or other lien, fifteen cents.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate, and certifying the result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of any statute or order of court, one per centum on the amount so received, kept, and paid.

For traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, five cents a mile for going and five cents for returning, and five dollars a day for his attendance on the court while actually in session.

26 Feb., 1853, c. 80, s. 1, v. 10, pp. 163, 167. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72. 22 *Feb.*, 1875, *c.* 95, *v.* 18, *p.* 333. 22 *Feb.*, 1875, *c.* 95, *s.* 7, *v.* 18, *p.* 334. 26 *June*, 1876, *c.* 147, *v.* 19, *p.* 62.

Bottomlee *v.* U. S., 1 Story, 153; Pomeroy *v.* Harter, 1 McLean, 448; *Anon*, Hempst., 450; Erwin *v.* Cummins, Hempst., 703; *Ex parte* Paris, 3 Wood. & Min., 227.

Books in clerks' offices open to inspection.

All books in the offices of the clerks of the circuit and district courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor.

12 Aug., 1848, c. 166, s. 1, v. 9, p. 292.

MARSHALS' FEES.

Marshals' fees.

SEC. 829. For service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons or subpœna for a witness, two dollars for each person on whom service is made.

For the keeping of personal property attached on mesne process, such compensation as the court, on petition setting forth the facts under oath, may allow.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 164. 22 *Feb.*, 1875, *c.* 95, *v.* 18, *p.* 333.

26 *June*, 1876, *c.* 147, *v.* 19, *p.* 62.

For serving venires and summoning every twelve men as grand or petit jurors, four dollars, or thirty-three and one-third cents each. In States where, by the laws thereof, jurors are drawn by lot, by constables, or other officers of corporate places, the marshal shall receive, for each jury, two dollars for the use of the officers employed in drawing and summoning the jurors and returning each venire, and two dollars for his own services in distributing the venires. But the fees for distributing and serving venires, drawing and summoning jurors by township officers, including the mileage chargeable by the marshal for each service, shall not at any court exceed fifty dollars.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, five dollars.

For serving a writ of subpœna on a witness, fifty cents; and no further compensation shall be allowed for any copy, summons, or notice for a witness.

For serving a writ of possession, partition, execution, or any final process, the same mileage as is allowed for the service of any other writ, and for making the service, seizing or levying on property, advertising and disposing of the same by sale, set off, or otherwise according to law receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the States, respectively, in which the service is rendered.

For each bail-bond, fifty cents.

For summoning appraisers, fifty cents each.

For executing a deed prepared by a party or his attorney, one dollar.

For drawing and executing a deed, five dollars.

For copies of writs or papers furnished at the request of any party, ten cents a folio.

For every proclamation in admiralty, thirty cents.

For serving an attachment in rem or a libel in admiralty, two dollars.

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding two dollars and fifty cents a day.

City of Washington, 13 Blatch., 410.

When the debt or claim in admiralty is settled by the parties without a sale of the property, the marshal shall be entitled to a commission of one per centum on the first five hundred dollars of the claim or decree, and one-half of one per centum on the excess of any sum thereof over five hundred dollars: *Provided*, That, when the value of the property is less than the claim, such commission shall be allowed only on the appraised value thereof.

For sale of vessels or other property under process in admiralty, or under the order of a court of admiralty, and for receiving and paying over the money, two and one-half per centum on any sum under five hundred dollars, and one and one-quarter per centum on the excess of any sum over five hundred dollars.

For disbursing money to jurors and witnesses, and for other expenses, two per centum.

For expenses while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the sum actually expended, not to exceed two dollars a day, in addition to his compensation for service and travel.

For every commitment or discharge of a prisoner, fifty cents.

For transporting criminals, ten cents a mile for himself and for each prisoner and necessary guard; except in the case provided for in the next paragraph.

12 May, 1864, *c.* 85, s. 1, v. 13, p. 74.

For transporting criminals convicted of a crime in any district or Territory where there is no penitentiary available for the confinement of convicts of the United States, to a prison in another district or Territory designated by the Attorney-General, the reasonable actual expense of transportation of the criminals, the marshal, and the guards, and the necessary subsistence and hire.

For attending the circuit and district courts, when both are in session, or either of them when only one is in session, and for bringing in and committing prisoners and witnesses during the term, five dollars a day. 26 Feb., 1853, c. 80, s. 1, v. 10, p. 165.

For attending examinations before a commissioner, and bringing in, guarding, and returning prisoners charged with crime, and witnesses, two dollars a day; and for each deputy not exceeding two, necessarily attending, two dollars a day.

For traveling from his residence to the place of holding court, to attend a term thereof, ten cents a mile for going only.

For travel, in going only, to serve any process, warrant, attachment, or other writ, including writs of subpœna in civil or criminal cases, six cents a mile, to be computed from the place where the process is returned to the place of service, or, when more than one person is served therewith, to the place of service which is most remote, adding thereto the extra travel which is necessary to serve it on the others. But when more than two writs of any kind required to be served in behalf of the same party on the same person might be served at the same time, the marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense, it shall be the duty of the clerk to insert the names of as many witnesses in a cause in such subpœna as convenience in serving the same will permit.

In all cases where mileage is allowed to the marshal he may elect to receive the same or his actual traveling expenses, to be proved on his oath, to the satisfaction of the court. [See § 1660.]

What fees to be paid to marshals.

SEC. 830. There shall be paid to the marshal his fees for services rendered for the United States, for summoning jurors and witnesses in behalf of the United States, and in behalf of any prisoner to be tried for a capital offense, for the maintenance of prisoners of the United States confined in jail for any criminal offense; also, for his reasonable actual expense for the transportation of criminals, and of the marshal and guards, to prisons designated by the Attorney-General, and for hire and subsistence in that behalf, as hereinbefore provided; also, his fees for the commitment or discharge of prisoners; his expenses necessarily incurred for fuel, lights, and other contingencies that may accrue in holding the courts within this district, and providing the books necessary to record the proceedings thereof: *Provided*, That he shall not incur, or be allowed, an expense of more than twenty dollars in any one year for furniture, or fifty dollars for rent of a building and making improvements thereon without first submitting a statement and estimates to the Attorney-General and getting his instructions in the premises.

26 Feb., 1853, c. 80, s. 2, v. 10, p. 165.
12 May, 1864, c. 85, ss. 1, 3, v. 13, pp. 74, 75.
22 June, 1870, c. 150, s. 15, v. 16, p. 164.
16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72.
22 *Feb.*, 1875, *c.* 95, *s.* 7, *v.* 18, *p.* 334.
The Antelope, 12 Wh., 546.

Attendance on rule-days, and when circuit and district courts sit at same time.

SEC. 831. No per diem or other allowance shall be made to any district attorney, clerk of a circuit court, clerk of a district court, marshal or deputy marshal, for attendance at rule-days of a circuit or district court; and when the circuit and district courts sit at the same time no greater per diem or other allowance shall be made to any such officer than for an attendance on one court.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 167.

Marshal of the Supreme Court of the United States.

SEC. 832. The marshal of the Supreme Court of the United States shall be entitled to receive for the service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons, or subpœna for a witness, one dollar for each person on whom such service may be made. His fees for all other services shall be the same as are herein allowed to other marshals; but he shall pay into the Treasury of the United States all fees received by him, and render a true account thereof at the close of each term to the Attorney-General.

27 June, 1864, c. 163, ss. 1, 4, v. 13, pp. 195, 196.
2 Mar., 1867, c. 156, s. 2, v. 14, p. 433.
22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Semi-annual returns of fees by district attorneys, marshals, and clerks.

SEC. 833. Every district attorney, clerk of a district court, clerk of a circuit court, and marshal, shall, on the first days of January and July, in each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all the fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk-hire, together with the vouchers for the payment of the same for such last half year. He shall state separately in such

26 Feb., 1853, c. 80, s. 3, v. 10, p. 165.
22 June, 1870, c. 150, s. 15, v. 16, p. 164.

returns the fees and emoluments received or payable under the bankrupt act; and every marshal shall state separately therein the fees and emoluments received or payable for services rendered by himself personally, those received or payable for services rendered by each of his deputies, naming him, and the proportion of such fees and emoluments which, by the terms of his service, each deputy is to receive. Said returns shall be verified by the oath of the officer making them. [See §§ 3085, 4644, 4647.]

What to be included in the semi-annual returns of district attorneys and marshals.

3 Mar., 1863, c. 76, ss. 11, 12, v. 12, p. 741.
27 June, 1864, c. 163, s. 2, v. 13, p. 196.

SEC. 834. The preceding section shall not apply to the fees and compensation allowed to district attorneys by sections eight hundred and twenty-five and eight hundred and twenty-seven. All other fees, charges, and emoluments to which a district attorney or a marshal may be entitled, by reason of the discharge of the duties of his office, as now or hereafter prescribed by law, or in any case in which the United States will be bound by the judgment rendered therein, whether prescribed by statute or allowed by a court, or any judge therof, shall be included in the semi-annual return required of said officers by the preceding section.

Compensation of district attorney.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166.
3 Mar., 1863, c. 76, s. 11, v. 12, p. 741.
27 June, 1864, c. 163, s. 2, v. 13, p. 196.
30 June, 1864, c. 174, s. 19, v. 13, p. 312. 22 June, 1870, c. 150, s. 15, v. 16, p. 164.

SEC. 835. No district attorney shall be allowed by the Attorney-General to retain of the fees and emoluments of his office which he is required to include in his semi-annual return, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury Department, a sum exceeding six thousand dollars a year, or exceeding that rate for any time less than a year.

Sum to be paid to district attorney of southern district of New York for office expenses.

6 Aug., 1861, c. 55, s. 1, v. 12, p. 317.
22 June, 1870, c. 150, s. 15, v. 16, p. 164. 30 June, 1864, c. 174, s. 19, v. 13, p. 312.

SEC. 836. There shall be paid to the district attorney for the southern district of New York, in addition to his salary, at the rate of six thousand dollars a year, such sum as shall be necessary, together with the costs and fees allowed him by law, to pay such amount as may be fixed by the Attorney-General for the proper expenses of his office. But nothing in this or the preceding section shall forbid the allowance of additional compensation for services in prize causes, as provided in Title "PRIZE."

District attorney and marshal in Oregon and Nevada.

27 Feb., 1865, c. 64, s. 6, v. 13, p. 440.

SEC. 837. The district attorneys and marshals for the districts of Oregon and Nevada shall be entitled to receive, for the like services, double the fees hereinbefore provided; but neither of them shall be allowed to retain of such fees any sum exceeding the aggregate compensation of such officer as hereinbefore provided.

Prosecution of frauds on the revenue.

3 Mar., 1873, c. 244, v. 17, p. 581.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 241.

SEC. 838. It shall be [the] duty of every district attorney to whom any collector of customs, or of internal revenue, shall report, according to law, any case in which any fine, penalty, or forfeiture has been incurred in the district of such attorney for the violation of any law of the United States relating to the revenue, to cause the proper proceedings to be commenced and prosecuted without delay, for the fines, penalties, and forfeitures in such case provided, unless, upon inquiry and examination, he shall decide that such proceedings cannot probably be sustained, or that the ends of public justice do not require that such proceedings should be instituted; in which case he shall report the facts in customs cases to the Secretary of the Treasury, and in internal-revenue cases to the Commissioner of Internal Revenue for their direction. And for the expenses incurred and services rendered in all such cases, the district attorney shall receive and be paid from the Treasury such sum as the Secretary of the Treasury shall deem just and reasonable, upon the certificate of the judge before whom such cases are tried or disposed of: *Provided*, That the annual compensation of such district attorney shall not exceed the maximum amount prescribed by law, by reason of such allowance and payment.

Compensation retained by a clerk.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166.
22 June, 1870, c. 150, s. 15, v. 16, p. 174.

SEC. 839. No clerk of a district court, or clerk of a circuit court, shall be allowed by the Attorney-General, except as provided in the next section, and in section eight hundred and forty-two to retain of the fees and emoluments of his office, or, in case both of the said clerkships are held by the same person, of the fees and emoluments of the said offices,

respectively, for his personal compensation, over and above his necessary office expenses, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding three thousand five hundred dollars a year for any such district clerk or for any such circuit clerk, or exceeding that rate for any time less than a year.

U. S. *v.* Bassett, 2 Story, 389.

Clerks in California, Oregon, and Nevada.

SEC. 840. The clerks of the several circuit and district courts in California, Oregon, and Nevada shall be entitled to charge and receive double the fees hereinbefore allowed to clerks, and shall be allowed, respectively, by the Attorney-General, to retain of the fees so received by them, for their personal compensation, over and above the necessary expenses of their offices, including the salaries of deputy clerks, and necessary clerk-hire, to be audited by the proper accounting officers of the Treasury Department, any sum not exceeding seven thousand dollars a year, nor exceeding that rate for any time less than a year: *Provided*, That whenever, in either of the said districts, the same person holds the office of clerk of both the circuit and district courts, he shall be allowed by the Attorney-General to retain for his personal compensation, as aforesaid, only such sum as is herein allowed to be retained by a person holding the office of clerk of only one of the said courts.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163. 19 Feb., 1864, c. 11, s. 6, v. 13, p. 5. 27 Feb., 1865, c. 64, s. 7, v. 13, p. 440. 22 June, 1870, c. 150, s. 15, v. 16, p. 164. 8 June, 1872, c. 336, v. 17, p. 330.

Compensation of marshal.

SEC. 841. No marshal shall be allowed by the Attorney-General, except as provided in the next section, to retain of the fees and emoluments which he is required to include in his semi-annual return, as aforesaid, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury Department, and a proper allowance to his deputies, any sum exceeding six thousand dollars a year, or exceeding that rate for any time less than a year. The allowance to any deputy shall in no case exceed three-fourths of the fees and emoluments received or payable for the services rendered by him, and may be reduced below that rate by the Attorney-General, whenever the returns show such rate to be unreasonable.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166. 2 Mar., 1861, c. 84, s. 1, v. 12, p. 219. 27 June, 1864, c. 163, s. 2, v. 13, p. 196. 22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Additional compensation in prize causes.

SEC. 842. Clerks and marshals may be allowed to retain, for all official services in prize causes, an additional compensation not exceeding in amount one-half of the maximum compensation allowed to them, respectively, by the three preceding sections.

30 June, 1864, c. 174, s. 19, v. 13, p. 312.

Allowances for each year made from the fees thereof.

SEC. 843. The allowances for personal compensation of district attorneys, clerks, and marshals, for each calendar year, shall be made from the fees and emoluments of that year, and not otherwise.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109.

Payment of surplus fees into the Treasury.

SEC. 844. Every district attorney, clerk, and marshal shall, at the time of making his half-yearly return to the Attorney-General, pay into the Treasury, or deposit to the credit of the Treasurer, as he may be directed by the Attorney-General, any surplus of the fees and emoluments of his office, which said return shows to exist over and above the compensation and allowances authorized by law to be retained by him.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166. 22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Auditing of accounts of district attorney, &c., in Department of Justice.

SEC. 845. In every case where the return of a district attorney, clerk, or marshal shows that a surplus may exist, the Attorney-General shall cause such returns to be carefully examined, and the accounts of disbursements to be regularly audited by the proper officer of his Department, and an account to be opened with such officer in proper books to be provided for that purpose.

26 Feb., 1853, c. 80, s. 3, v. 10, pp. 165, 166. 22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Accounts of district attorneys, &c., to be certified to by district judge.

SEC. 846. The accounts of district attorneys, clerks, marshals, and commissioners of circuit courts shall be examined and certified by the district judge of the district for which they are appointed, before they are presented to the accounting officers of the Treasury Department for settlement. They shall then be subject to revision upon their merits by said accounting officers, as in case of other public accounts: *Provided*, That no accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, shall be so re-examined as to charge

16 Aug. 1856, c. 124, ss. 1, 2, v. 11, p. 49. 18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 318.

any marshal for an erroneous taxation of such fees or costs. [That where the ministerial officers of the United States have or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the district or circuit court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary.]

COMMISSIONERS' FEES.

Commissioners' fees.

SEC. 847. For administering an oath, ten cents.

For taking an acknowledgment, twenty-five cents.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 167.

For hearing and deciding on criminal charges, five dollars a day for the time necessarily employed.

For attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, three dollars a day.

For taking and certifying depositions to file, twenty cents for each folio.

For each copy of the same furnished to a party on request, ten cents for each folio.

For issuing any warrant or writ, and for any other service, the same compensation as is allowed to clerks for like services.

For issuing any warrant under the tenth article of the treaty of August nine, one thousand eight hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any crime or offense set forth in said article, two dollars.

For issuing any warrant under the provision of the convention for the surrender of criminals, between the United States and the King of the French, concluded at Washington November nine, one thousand eight hundred and forty-three, two dollars.

For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty, or of said convention, five dollars a day for the time necessarily employed.

1 June, 1872, c. 255, s. 16, v. 17, p. 199.

For the examination and certificate in cases of applications for discharge of poor convicts imprisoned for non-payment of a fine or fine and costs, five dollars a day for the time necessarily employed. [See § 1042.]

WITNESSES' FEES.

Witnesses' fees.

SEC. 848. For each day's attendance in court, or before any officer pursuant to law, one dollar and fifty cents, and five cents a mile for going from his place of residence to the place of trial or hearing, and five cents a mile for returning. When a witness is subpœnaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 167. 1 *May*, 1876, c. 88, *v.* 19, *p.* 41.

Dennis *v.* Eddy, 12 Blatch., 195.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of one dollar a day. [See §§ 879, 881.]

No officer of court to have witness fees.

SEC. 849. No officer of the United States courts, in any State or Territory, or in the District of Columbia, shall be entitled to witness fees for attending before any court or commissioner where he is officiating.

16 Aug. 1856, c. 124, s. 8, v. 11, p. 50. 21 July, 1852, c. 66, s. 1, v. 10, p. 16, (22.)

Expenses of clerks, &c., of United States sent away as witnesses, paid.

SEC. 850. When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage,

or other compensation in addition to his salary, shall in any case be allowed. 26 Feb., 1853, c. 80, s. 3, v. 10, pp. 167, 168.

Seamen sent home as witnesses.

SEC. 851. There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, chargé d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States. 26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

When such seaman or person is transported in an armed vessel of the United States no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

JURORS' FEES.

Fees of grand and petit jurors.

SEC. 852. For actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same, three dollars a day during such attendance. 15 July, 1870. c. 298, s. 1, v. 16, p. 363.

For the distance necessarily traveled from their residence in going to and returning from said court by the shortest practicable route, five cents a mile. Edwards *v.* Bond, 5 McLean, 300.

PRINTERS' FEES.

Printers' fees.

SEC. 853. For publishing any notice, or order, required by law, or the lawful order of any court, Department, Bureau, or other person, in any newspaper, except as mentioned in sections thirty-eight hundred and twenty-three, thirty-eight hundred and twenty-four, and thirty-eight hundred and twenty-five, Title, "PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS," forty cents per folio for the first insertion, and twenty cents per folio for each subsequent insertion. The compensation herein provided shall include the furnishing of lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making such publication. 26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

Meaning of folio.

SEC. 854. The term folio, in this chapter, shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio; but a less number than fifty words shall not be counted, except when the whole statute, notice, or order contains less than fifty words. 26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

FEES: HOW PAID AND RECOVERED.

Jurors and witnesses, when paid by marshal.

SEC. 855. In cases where the United States are parties, the marshal shall, on the order of the court, to be entered on its minutes, pay to the jurors and witnesses all fees to which they appear by such order to be entitled, which sum shall be allowed him at the Treasury in his accounts. 26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

Fees of district attorneys, marshals, &c., how paid.

SEC. 856. The fees of district attorneys, clerks, marshals, and commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury. 26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

Fees, how recovered.

SEC. 857. The fees and compensations of the officers and persons hereinbefore mentioned, except those which are directed to be paid out of the Treasury, shall be recovered in like manner as the fees of the officers of the States respectively for like services are recovered. 8 May, 1792, c. 36, s. 6, v. 1, p. 278.

CHAPTER SEVENTEEN.

EVIDENCE.

Sec.
858. No witness excluded on account of color or interest, provided, &c.
859. Testimony of witnesses before Congress not admissible against them in criminal prosecutions.
860. Pleadings, disclosures, &c., not to be used in criminal proceedings.
861. Mode of proof in common-law actions.
862. Mode of proof in equity and admiralty causes.
863. Depositions *de bene esse*.
864. Mode of taking depositions *de bene esse*.
865. Transmission to the court of depositions *de bene esse*.
866. Depositions under a *dedimus potestatem* and *in perpetuam*, &c.
867. Depositions *in perpetuam*, &c., admissible at discretion of the court.
868. Depositions under a *dedimus potestatem*, how taken.
869. *Subpœna duces tecum* under a *dedimus potestatem*.
870. Witness under a *dedimus potestatem*, when required to attend.
871. Depositions in District of Columbia in suits pending elsewhere.
872. Same subject; when no commission nor notice.
873. Same subject; manner of taking and transmitting the deposition.
874. Same subject; witness-fees.
875. Letters rogatory from United States courts.
876. Subpœnas for witnesses to run into another district.
877. Witnesses, form of subpœna; attendance under.
878. Witnesses in behalf of indigent defendants in criminal cases.
879. Recognizance of witnesses at the hearing of charges in criminal cases.
880. Vermont, recognizance of witnesses, how taken.
881. Recognizance of witnesses required at any time on application of district attorney
882. Copies of Department records and papers.
883. Copies of records, &c., in office of the Solicitor of the Treasury.
884. Instruments and papers of Comptroller of the Currency.
885. Organization certificates of national banks.
886. Transcripts from books, &c., of the Treasury in suits against delinquents.
887. Transcripts from books of the Treasury in indictments for embezzlement of public moneys.
888. Copies of returns in return-office.
889. Copies of post-office records and of Auditor's statement of account.
890. Copies of statements of demands by Post-Office Department.
891. Copies of records, &c., of General Land-Office.
892. Copies of records, &c., of Patent-Office.
893. Copies of foreign letters-patent.
894. Printed copies of specifications and drawings of patents.
895. Extracts from the Journals of Congress.
896. Copies of records, &c., in offices of United States consuls, &c.
897. Certain books and papers in offices of district and circuit courts in Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas.
898. Transcribed records in the clerk's offices of western district of North Carolina.
899. When original records are lost or destroyed.
900. Same subject.
901. Same subject.
902. Records of northern district of Illinois destroyed by fire.
903. Same subject.
904. Same subject.
905. Authentication of legislative acts and proof of judicial proceedings of States, &c.
906. Proof of records, &c., kept in offices not pertaining to courts.
907. Copies of foreign records, &c., relating to land-titles in the United States.
908. Little & Brown's edition of the statutes to be evidence.
909. Burden of proof, when it lies on claimant in seizure cases.
910. Possessory actions for recovery of mining-titles.

No witness excluded on account of color or interest; provided, &c.

2 July, 1864, c. 210, s. 3, v. 13, p. 351.

3 Mar., 1865, c. 113, v. 13, p. 533.

16 July, 1862, c. 189, s. 1, v. 12, p. 588.

SEC. 858. In the courts of the United States no witness shall be excluded in any action on account of color, or in any civil action because he is a party to or interested in the issue tried: *Provided*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other, as to any transaction with, or statement by, the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court. In all other respects, the laws of the State in which the court is held shall be the rules of decision as to the competency of witnesses in the courts of the United States in trials at common law, and in equity and admiralty. [See § 1977.]

U. S. *v.* Murphy, 16 Pet., 203; Smyth *v.* Strader, 4 How., 420; U. S. *v.* Reed, 12 How., 361; Wright *v.* Bales, 2 Bl., 535; Green *v.* U. S., 9 Wall., 655; Lucas *v.* Brooks, 18 Wall., 436; Cornett *v.* Williams, 20 Wall., 226; Packet Company *v.* Clough, 20 Wall., 528; Texas *v.* Chiles, 21 Wall., 488; Railroad Company *v.* Pollard, 22 Wall., 341; Johnson *v.* Owens, 2 Dill., 475; Eslava *v.* Mazange's Administrator, 1 Woods, 623. 22 *June*, 1874, *c.* 390, *s.* 8, *v.* 18, *p.* 180.

Testimony of witnesses before Congress not admissible against them in criminal prosecutions.

SEC. 859. No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege. [See § 103.]

24 Jan., 1862, c. 11, v. 12, p. 333. 24 Jan., 1857, c. 19, s. 2, v. 11, p. 156.

Pleadings, disclosures, &c., not to be used in criminal proceedings.

SEC. 860. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States, in any criminal proceeding, or for the enforcement of any penalty or forfeiture: *Provided*, That this section shall not exempt any party or witness from prosecution and punishment for perjury committed in discovering or testifying as aforesaid.

25 Feb., 1868, c. 13, s. 1, v. 15, p. 37.

U. S. *v.* Hughes, 12 Blatch., 553; U. S. *v.* Three Tons Coal, 6 Biss., 379; U. S. *v.* Distillery, 6 Biss., 483.

Mode of proof in common-law actions.

SEC. 861. The mode of proof in the trial of actions at common law shall be by oral testimony and examination of witnesses in open court, except as hereinafter provided.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88. 20 Feb., 1812, c. 25, s. 3, v. 2, p. 682. 24 Jan., 1827, c. 4, ss. 1, 2, v. 4, pp. 197, 199.

Mode of proof in equity and admiralty causes.

SEC. 862. The mode of proof in causes of equity and of admiralty and maritime jurisdiction shall be according to rules now or hereafter prescribed by the Supreme Court, except as herein specially provided.

23 Aug., 1842, c. 188, s. 6, v. 5, p. 518.—Blease *v.* Garlington, 92 U. S., 1.

Depositions *de bene esse*.

SEC. 863. The testimony of any witness may be taken in any civil cause depending in a district or circuit court by deposition de bene esse, when the witness lives at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of the district in which the case is to be tried, and to a greater distance than one hundred miles from the place of trial, before the time of trial, or when he is ancient and infirm. The deposition may be taken before any judge of any court of the United States, or any commissioner of a circuit court, or any clerk of a district or circuit court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the cause. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition, to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition; and in all cases in rem, the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party, until a claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such circuit or district shall think reasonable and direct. Any person may be compelled to appear and depose as provided by this section, in the same manner as witnesses may be compelled to appear and testify in court.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88. 1 Mar., 1817, c. 30, v. 3, p. 350. 26 Feb., 1853, c. 80, s. 1, v. 10, p. 163. 29 July, 1854, c. 159, s. 2, v. 10, p. 315. 9 May, 1872, c. 146, v. 17, p. 89.

The Samuel, 1 Wh., 16; The Argo, 2 Wh., 287; The London Packet, 2 Wh., 371; Mechanics' Bank *v.* Seaton, 1 Pet., 299; Bell *v.* Morrison, 1 Pet., 355; Patapsco Ins. Co. *v.* Southgate, 5 Pet., 616; Dick *v.* Runnels, 5 How., 7; Harris *v.* Wall., 7 How., 693; Fowler *v.* Merrill, 11 How., 375; Walsh *v.* Rogers, 13 How., 283; Hoyt *v.* Hammekin, 14 How., 350; Nelson *v.* Woodruff, 1 Bl., 156; The Ottawa, 3 Wall., 271; Tappan *v.* Beardsley, 10 Wall., 427; Shutte *v.* Thompson 15 Wall., 151; Tooker *v.* Thompson, 3 McLean, 92; Buckingham *v.* Burgess, 3 McLea. 368; Moore *v.* Nelson, 3 McLean, 384; Vose *v.* Lawrence, 4 McLean, 203; Bell *v.* Nimmon, 4 McLean, 539; Price *v.* Morris, 5 McLean, 4; Goodhue *v.* Bartlett, 5 McLean, 186; Wilkinson *v.* Yale, 6 McLean, 18; Curtis *v.* Central Railway, 6 McLean, 401; Prouty et al. *v.* Draper et al., 2 Story, 199; Carrington *v.* Stimson, 1 Curt., 437; Evans *v.* Hettick, 3 Wash. C. C., 409; Pettibone *v.* Derringer, 4 Wash. C. C., 215; Merrill *v.* Dawson, Hemp., 563; Dade *v.* Young, 1 Cr. C. C., 123; Banks *v.* Miller, 1 Cr. C. C., 543; Wheaton *v.* Love, 1 Cr. C. C., 451; Vasse *v.* Smith, 2 Cr. C. C., 31; Peyton *v.* Veitch, 2 Cr. C. C., 123; Miller *v.* Young, 2 Cr. C. C., 53; Garrett *v.* Woodward, 2 Cr. C. C., 190; Thorpe *v.* Sim-

mons, 2 Cr. C. C., 195; Centre *v.* Keene, 2 Cr. C. C., 198; Woodward *v.* Hall, 2 Cr. C. C., 235; Edmonson *v.* Barrell, 2 Cr. C. C., 228; Van Ness *v.* Heineke, 2 Cr. C. C., 259; Bussard *v.* Catalino, 2 Cr. C. C., 421; Luther *v.* The Merritt Hunt, Newb., 4; Allen *v.* Blunt, 2 W. & M., 122; Whitney *v.* Huntt, 5 Cr. C. C., 120; Paul *v.* Lowry, 2 Cr. C. C., 628; Dinsmore *v.* Maroney, 4 Bl. C. C., 416; *Ex parte* Humphrey, 2 Bl. C. C., 228; Brown *v.* Piatt, 2 Cr. C. C., 253; The Argo, 2 Gallis., 314; Debutts *v.* McCulloch, 1 Cr. C. C., 286; Barrell *v.* Limington, 4 Cr. C. C., 70; *In re* Judson, 3 Bl. C. C., 148; *Ex parte* Peck, 3 Bl. C. C., 113; Rainer *v.* Haynes, Hemp., 689; Cahoon *v.* Ring, 1 Cliff., 592; Banert's Lessee *v.* Day, 3 Wash. C. C., 243; Russel *v.* Ashley, Hemps., 546; Ruggles *v.* Bucknor, 1 Paine C. C., 358; U. S. *v.* 1 Case Hair Pencils, 1 Paine C. C., 400; The Thomas and Henry, 1 Brock., 367.

Mode of taking depositions *de bene esse*.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.
9 May, 1872, c. 146, v. 17, p. 89.

SEC. 864. Every person deposing as provided in the preceding section, shall be cautioned and sworn to testify the whole truth, and carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or by himself in the magistrate's presence, and by no other person, and shall, after it has been reduced to writing, be subscribed by the deponent.

Bell *v.* Morrison, 1 Pet., 351; Patapsco Ins. Co. *v.* Southgate, 5 Pet., 604; Cook *v.* Burnley, 11 Wall., 659; Shutte *v.* Thompson, 15 Wall., 151; Doe dem. Moore *v.* Nelson et al., 3 McLean, 383; Jones *v.* Knowles, 1 Cr. C. C., 523; Marstin *v.* McRae, Hemps., 688; Rainer *v.* Haynes, Hemps, 689; Thorpe & Burton *v.* Simmons, 2 Cr., 195; Centre *v.* Keene, 2 Cr. C. C., 198; Bussard *v.* Catalino, 2 Cr. C. C., 421.

Transmission to the court of depositions *de bene esse*.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.

SEC. 865. Every deposition taken under the two preceding sections shall be retained by the magistrate taking it, until he delivers it with his own hand into the court for which it is taken; or it shall, together with a certificate of the reasons as aforesaid of taking it and of the notice, if any, given to the adverse party, be by him sealed up and directed to such court, and remain under his seal until opened in court. But unless it appears to the satisfaction of the court that the witness is then dead, or gone out of the United States, or to a greater distance than one hundred miles from the place where the court is sitting, or that, by reason of age, sickness, bodily infirmity, or imprisonment, he is unable to travel and appear at court, such deposition shall not be used in the cause.

Beale *v.* Thompson, 8 Cr., 70; Evans *v.* Hettich, 7 Wh., 453; Stein *v.* Bowman, 13 Pet., 209; Harris *v.* Wall., 7 How., 693; Jones *v.* Neale, Mart., (N. C.,) 81; Shankwiker *v.* Reading, 4 McLean, 240; Thorp *v.* Orr, 2 Cr. C. C., 335.

Depositions under a *dedimus potestatem* and *in perpetuam*, &c.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.
9 May, 1872, c. 146, v. 17, p. 89.

SEC. 866. In any case where it is necessary, in order to prevent a failure or delay of justice, any of the courts of the United States may grant a dedimus potestatem to take depositions according to common usage; and any circuit court, upon application to it as a court of equity, may, according to the usages of chancery, direct depositions to be taken in perpetuam rei memoriam, if they relate to any matters that may be cognizable in any court of the United States. And the provisions of sections eight hundred and sixty-three, eight hundred and sixty-four, and eight hundred and sixty-five, shall not apply to any deposition to be taken under the authority of this section.

Guppy *v.* Brown, 4 Dall., 410; Buddecum *v.* Kirk, 3 Cr., 293; Sergeant *v.* Biddle, 4 Wh., 508; Evans *v.* Hettich, 7 Wh., 453; Gilpins *v.* Consequa, Pet. C. C., 85; Nelson *v.* U. S., Pet. C. C., 235; Willings *v.* Consequa, Pet. C. C., 301; Winthrop *v.* Insurance Company, 2 Wash. C. C., 7; Richardson *v.* Golden, 3 Wash. C. C., 109; Bell *v.* Davidson, 3 Wash. C. C., 332; Lonsdale *v.* Brown, 3 Wash. C. C., 404; Dodge *v.* Israel, 4 Wash. C. C., 323; The Schooner Ruby, 5 Mas., 451; Cunningham *v.* Otis, 1 Gall., 160; Leroy *v.* Delaware Ins. Co., 2 Wash. C. C., 223; U. S. *v.* Price's Administrator, 2 Wash. C. C., 356; Bauderau *v.* Montgomery, 4 Wash. C. C., 186; Peters *v.* Prevost, 1 Paine, 65.

Depositions *in perpetuam*, &c., admissible at discretion of the court.

SEC. 867. Any court of the United States may, in its discretion, admit in evidence in any cause before it any deposition taken in perpetuam rei memoriam, which would be so admissible in a court of the State wherein such cause is pending, according to the laws thereof.

20 Feb., 1812, c. 25, s. 3, v. 2, p. 682.—Gould *v.* Gould, 3 Story, 516.

Deposition under a *dedimus potestatem*, how taken.

24 Jan., 1827, c. 4, s. 1, v. 4, p. 197.

SEC. 868. When a commission is issued by any court of the United States for taking the testimony of a witness named therein at any place within any district or Territory, the clerk of any court of the United States for such district or Territory shall, on the application of either party to the suit, or of his agent, issue a subpœna for such witness, commanding him to appear and testify before the commissioner named in the commission, at a time and place stated in the subpœna; and if any

York Co. *v.* Central R. R., 3 Wall., 13.

witness, after being duly served with such subpœna, refuses or neglects to appear, or, after appearing, refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proven to the satisfaction of any judge of the court whose clerk issues such subpœna, such judge may proceed to enforce obedience to the process, or punish the disobedience, as any court of the United States may proceed in case of disobedience to process of subpœna to testify issued by such court.

Subpœna *duces tecum* under a *dedimus potestatem*.

24 Jan., 1827, c. 4, s. 2, v. 4, p. 199.

1 Burr's Trial, 183.

SEC. 869. When either party in such suit applies to any judge of a United States court in such district or Territory for a subpœna commanding the witness, therein to be named, to appear and testify before said commissioner, at the time and place to be stated in the subpœna, and to bring with him and produce to such commissioner any paper or writing or written instrument or book or other document, supposed to be in the possession or power of such witness, and to be described in the subpœna, such judge, on being satisfied by the affidavit of the person applying, or otherwise, that there is reason to believe that such paper, writing, written instrument, book, or other document is in the possession or power of the witness, and that the same, if produced, would be competent and material evidence for the party applying therefor, may order the clerk of said court to issue such subpœna accordingly. And if the witness, after being served with such subpœna, fails to produce to the commissioner, at the time and place stated in the subpœna, any such paper, writing, written instrument, book, or other document, being in his possession or power, and described in the subpœna, and such failure is proved to the satisfaction of said judge, he may proceed to enforce obedience to said process of subpœna, or punish the disobedience in like manner as any court of the United States may proceed in case of disobedience to like process issued by such court. When any such paper, writing, written instrument, book, or other document is produced to such commissioner, he shall, at the cost of the party requiring the same, cause to be made a correct copy thereof, or of so much thereof as shall be required by either of the parties.

Witness under a *dedimus potestatem*, when required to attend.

24 Jan., 1827, c. 4, ss. 1, 2, v. 4, pp. 197, 199.

SEC. 870. No witness shall be required, under the provisions of either of the two preceding sections, to attend at any place out of the county where he resides, nor more than forty miles from the place of his residence, to give his deposition; nor shall any witness be deemed guilty of contempt for disobeying any subpœna directed to him by virtue of either of the said sections, unless his fee for going to, returning from, and one day's attendance at, the place of examination, are paid or tendered to him at the time of the service of the subpœna.

Depositions in District of Columbia in suits pending elsewhere.

3 Mar., 1869, c. 128, s. 1, v. 15, p. 324.

SEC. 871. When a commission to take the testimony of any witness found within the District of Columbia, to be used in a suit depending in any State or territorial or foreign court, is issued from such court, or a notice to the same effect is given according to its rules of practice, and such commission or notice is produced to a justice of the supreme court of said District, and due proof is made to him that the testimony of such witness is material to the party desiring the same, the said justice shall issue a summons to the witness, requiring him to appear before the commissioners named in the commission or notice, to testify in such suit, at a time and at a place within said District therein specified.

Same subject; when no commission nor notice.

3 Mar., 1869, c. 128, s. 2, v. 15, p. 325.

SEC. 872. When it satisfactorily appears by affidavit to any justice of the supreme court of the District of Columbia, or to any commissioner for taking depositions appointed by said court—

First. That any person within said District is a material witness for either party in a suit pending in any State or territorial or foreign court;

Second. That no commission nor notice to take the testimony of such witness has been issued or given; and

Third. That, according to the practice of the court in which the suit is pending, the deposition of a witness taken without the presence and consent of both parties will be received on the trial or hearing thereof, such officer shall issue his summons, requiring the witness to appear before him at a place within the District, at some reasonable time, to be stated therein, to testify in such suit.

Same subject; manner of taking and transmitting the deposition.

3 Mar., 1869, c. 128, s. 3, v. 15, p. 325.

SEC. 873. Testimony obtained under the two preceding sections shall be taken down in writing by the officer before whom the witness appears, and shall be certified and transmitted by him to the court in which the suit is pending, in such manner as the practice of that court may require. If any person refuses or neglects to appear at the time and place mentioned in the summons, or, on his appearance, refuses to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit.

Same subject; witnees-fees.

3 Mar., 1869, c. 128, s. 4, v. 15, p. 325.

SEC. 874. Every witness appearing and testifying under the said provisions relating to the District of Columbia shall be entitled to receive for each day's attendance, from the party at whose instance he is summoned, the fees now provided by law for each day he shall give attendance.

Letters rogatory from United States courts.

3 Mar., 1863, c. 95, s. 4, v. 12, p. 770.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.

Nelson *v.* U. S., Pet. C. C., 235.

SEC. 875. When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. And the testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. [When letters rogatory are addressed from any court of a foreign country to any circuit court of the United States, a commissioner of such circuit court designated by said court to make the examination of the witnesses mentioned in said letters, shall have power to compel the witnesses to appear and depose in the same manner as witnesses may be compelled to appear and testify in courts.] [See §§ 4071-4074.]

Subpœnas for witnesses to run into another district.

2 Mar., 1793, c. 22, s. 6, v. 1, p. 335.—Patapsco Ins. Co. *v.* Southgate, 5 Pet., 616; Russell *v.* Ashley, Hempst., 546.

SEC. 876. Subpœnas for witnesses who are required to attend a court of the United States, in any district, may run into any other district: *Provided*, That in civil causes the witnesses living out of the district in which the court is held do not live at a greater distance than one hundred miles from the place of holding the same.

Witnesses, form of subpœna; attendance under.

6 Feb., 1853, c. 80, s. 3, v. 10, p. 169.

SEC. 877. Witnesses who are required to attend any term of a circuit or district court on the part of the United States, shall be subpœnaed to attend to testify generally on their behalf, and not to depart the court without leave thereof, or of the district attorney; and under such process they shall appear before the grand or petit jury, or both, as they may be required by the court or district attorney.

Witnesses in behalf of indigent defendants in criminal cases.

8 Aug., 1846, c. 98, s. 11, v. 9, p. 74.

SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he cannot safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within one hundred miles of the place of trial; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpœnaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpœnaed in behalf of the United States.

Recognizance of witnesses at the hearing of charges in criminal cases.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.

SEC. 879. Any judge or other officer who may be authorized to arrest and imprison or bail persons charged with any crime or offense against the United States may, at the hearing of any such charge, require of any witness produced against the prisoner, on pain of imprisonment, a recognizance, with or without sureties, in his discretion, for his appearance

to testify in the case. And where the crime or offense is charged to have been committed on the high seas, or elsewhere within the admiralty and maritime jurisdiction of the United States, he may, in his discretion, require a like recognizance, with such sureties as he may deem necessary, of any witness produced in behalf of the accused, whose testimony in his opinion is important, and is in danger of being otherwise lost. [See §§ 848, 1014.]

23 Aug., 1842, c. 188, s. 2, v. 5, p. 517.
8 Aug., 1846, c. 98, s. 7, v. 9, p. 73.

SEC. 880. In the district of Vermont, all recognizances of witnesses, taken by any magistrate in said district, for their appearance to testify in any case cognizable either in the district or circuit court thereof, shall be to the circuit court next thereafter to be held in the said district.

Vermont, recognizance of witnesses, how taken.

29 April, 1802, c. 31, s. 29, v. 2, p. 167.

SEC. 881. Any judge of the United States, on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent and will be necessary on the trial of any criminal proceeding in which the United States are parties or are interested, may compel such person to give recognizance, with or without sureties, at his discretion, to appear to testify therein; and, for that purpose, may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute process in behalf of the United States, to arrest and bring before him such person. If the person so arrested neglects or refuses to give recognizance in the manner required, the judge may issue a warrant of commitment against him, and the officer shall convey him to the prison mentioned therein. And the said person shall remain in confinement until he is removed to the court for the purpose of giving his testimony, or until he gives the recognizance required by said judge. [See § 848.]

Recognizance of witnesses required at any time on application of district attorney.

8 Aug., 1846, c. 98, s. 7, v. 9, p. 73.

SEC. 882. Copies of any books, records, papers, or documents in any of the Executive Departments, authenticated under the seals of such Departments, respectively, shall be admitted in evidence equally with the originals thereof.

Copies of Department records and papers.

15 Sept., 1789, c. 14, s. 5, v. 1, p. 69. 22 Feb., 1849, c. 61, s. 3, v. 9, p. 347. 31 May, 1854, c. 60, s. 2, v. 10, p. 297.

SEC. 883. Copies of any documents, records, books, or papers in the office of the Solicitor of the Treasury, certified by him under the seal of his office, or, when his office is vacant, by the officer acting as Solicitor for the time, shall be evidence equally with the originals.

Copies of records, &c., in office of Solicitor of the Treasury.

22 Feb., 1849, c. 61, s. 2, v. 9, p. 347.

SEC. 884. Every certificate, assignment, and conveyance executed by the Comptroller of the Currency, in pursuance of law, and sealed with his seal of office, shall be received in evidence in all places and courts; and all copies of papers in his office, certified by him and authenticated by the said seal, shall in all cases be evidence equally with the originals. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

Instruments and papers of Comptroller of the Currency.

3 June, 1864, c. 106, s. 2, v. 13, p. 100.

SEC. 885. Copies of the organization certificate of any national banking association, duly certified by the Comptroller of the Currency, and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the existence of the association, and of every matter which could be proved by the production of the original certificate. [See § 5135.]

Organization certificates of national banks.

3 June, 1864, c. 106, s. 6, v. 13, p. 101.

SEC. 886. When suit is brought in any case of delinquency of a revenue officer, or other person accountable for public money, a transcript from the books and proceedings of the Treasury Department, certified by the Register and authenticated under the seal of the Department, or, when the suit involves the accounts of the War or Navy Departments, certified by the Auditors respectively charged with the examination of those accounts, and authenticated under the seal of the Treasury Department, shall be admitted as evidence, and the court trying the cause shall be authorized to grant judgment and award execution accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with, the settlement of any account between the United States and an individual, when certified by the Register, or by such Auditor,

Transcripts from books, &c., of the Treasury, in suits against delinquents.

3 Mar., 1797, c. 20, s. 1, v. 1, p. 512.
3 Mar., 1817, c. 45, s. 11, v. 3, p. 367.

Walton *v.* U. S., 9 Wh., 651; U. S. *v.* Buford, 3 Pet., 12; Smith *v.* U. S., 5

Pet., 292; Cox *v.* U. S., 6 Pet., 172; U. S. *v.* Jones, 8 Pet., 375; Gratiot *v.* U. S., 15 Pet., 336; U. S. *v.* Irving, 1 How., 250; Hoyt *v.* U. S., 10 How., 109; Bruce *v.* U. S., 17 How., 437; U. S. *v.* Edwards, 1 McLean, 467; U. S. *v.* Hilliard et al., 3 McLean, 324; U. S. *v.* Lent, 1 Paine, 417; U. S. *v.* Martin, 2 Paine, 68; U. S. *v.* Van Zandt, 2 Cr. C. C., 328; U. S. *v.* Griffith, 2 Cr. C. C., 336; U. S. *v.* Lee, 2 Cr. C. C., 462; U. S. *v.* Harrill, 1 McAll., 243; U. S. *v.* Mattison, Gilp., 44; U. S. *v.* Corwin, 1 Bond, 149; U. S. *v.* Gaussen, 19 Wall., 198.

as the case may be, to be true copies of the originals on file, and authenticated under the seal of the Department, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit which would be due to the original papers if produced and authenticated in court: *Provided*, That where suit is brought upon a bond or other sealed instrument, and the defendant pleads "non est factum," or makes his motion to the court, verifying such plea or motion by his oath, the court may take the same into consideration, and, if it appears to be necessary for the attainment of justice, may require the production of the original bond, contract, or other paper specified in such affidavit.

Transcripts from books of the Treasury in indictments for embezzlement of public moneys.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

SEC. 887. Upon the trial of any indictment against any person for embezzling public moneys, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury Department, as provided by the preceding section.

2 Mar., 1797, c. 20, s. 1, v. 1, p. 512.—U. S. *v.* Gaussen, 19 Wall., 198.

Copies of returns in returns-office.

2 June, 1862, c. 93, s. 4, v. 12, p. 412.

SEC. 888. A copy of any return of a contract returned and filed in the returns-office of the Department of the Interior, as provided by law, when certified by the clerk of the said office to be full and complete, and when authenticated by the seal of the Department, shall be evidence in any prosecution against any officer for falsely and corruptly swearing to the affidavit required by law to be made by such officer in making his return of any contract, as required by law, to said returns-office. [See § 3744.]

Copies of Post-Office records and of Auditor's statement of accounts.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.
17 May, 1864, c. 87, s. 11, v. 13, p. 78.
27 July, 1868, c. 246, s. 18, v. 15, p. 197.
3 Mar., 1825, c. 64, s. 38, v. 4, p. 113.

SEC. 889. Copies of the quarterly returns of postmasters and of any papers pertaining to the accounts in the office of the Sixth Auditor, and transcripts from the money-order account-books of the Post-Office Department, when certified by the Sixth Auditor under the seal of his office, shall be admitted as evidence in the courts of the United States, in civil suits and criminal prosecutions; and in any civil suit, in case of delinquency of any postmaster or contractor, a statement of the account, certified as aforesaid, shall be admitted in evidence, and the court shall be authorized thereupon to give judgment and award execution, subject to the provisions of law as to proceedings in such civil suits.

—U. S. *v.* Hodge, 13 How., 478; Lawrence *v.* U. S., 2 McLean, 581.

Copies of statements of demands by Post-Office Department.

27 July, 1868, c. 246, s. 19, v. 15, p. 197.

SEC. 890. In all suits for the recovery of balances due from postmasters, a copy, duly certified under the seal of the Sixth Auditor, of the statement of any postmaster, special agent, or other person, employed by the Postmaster-General or the Auditor for that purpose, that he has mailed a letter to such delinquent postmaster at the post-office where the indebtedness accrued, or at his last usual place of abode; that a sufficient time has elapsed for said letter to have reached its destination in the ordinary course of the mail; and that payment of such balance has not been received, within the time designated in his instructions, shall be received as sufficient evidence in the courts of the United States, or other courts, that a demand has been made upon the delinquent postmaster; but when the account of a late postmaster has been once adjusted and settled, and a demand has been made for the balance appearing to be due, and afterward allowances are made or credits entered, it shall not be necessary to make a further demand for the new balance found to be due.

Copies of records, &c., of General Land-Office.

25 April, 1812, c. 68, s. 4, v. 2, p. 717.

SEC. 891. Copies of any records, books, or papers in the General Land-Office, authenticated by the seal and certified by the Commissioner thereof, or, when his office is vacant, by the principal clerk, shall be evidence equally with the originals thereof. And literal exemplifications of any such records shall be held, when so introduced in evidence, to

be of the same validity as if the names of the officers signing and countersigning the same had been fully inserted in such record. [See §§ 2469, 2470.]

4 July, 1836, c. 352, ss. 2, 7, v. 5, pp. 109, 111.

3 Mar., 1843, c. 95, ss. 1, 2, v. 5, pp. 627, 628.—Galt *v.* Galloway, 4 Pet., 331.

Copies of records, &c., of Patent-Office.

SEC. 892. Written or printed copies of any records, books, papers, or drawings belonging to the Patent-Office, and of letters-patent authenticated by the seal and certified by the Commissioner or Acting Commissioner thereof, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor, and paying the fee required by law, shall have certified copies thereof.

8 July, 1870, c. 230, s. 57, v. 16, p. 207.

Brooks et al. *v.* Jenkins et al., 3 McLean, 432; Parker *v.* Haworth, 4 McLean, 370; Pettibone *v.* Derringer, 4 Wash. C. C., 215; Lee *v.* Blandy, 2 Fish., 89, (see 1 Bond, 361;) Woodworth *v.* Hall, Wood. & Min., 260; Emerson *v.* Hogg, 2 Blatch., 12.

Copies of foreign letters-patent.

SEC. 893. Copies of the specifications and drawings of foreign letters-patent, certified as provided in the preceding section, shall be prima-facie evidence of the fact of the granting of such letters-patent, and of the date and contents thereof.

8 July, 1870, c. 230, s. 57, v. 16, p. 207.

Printed copies of specifications and drawings of patents.

SEC. 894. The printed copies of specifications and drawings of patents, which the Commissioner of Patents is authorized to print for gratuitous distribution, and to deposit in the capitols of the States and Territories, and in the clerk's offices of the district courts, shall, when certified by him and authenticated by the seal of his office, be received in all courts as evidence of all matters therein contained.

11 Jan., 1871, Res. 5, v. 16, p. 590.

Extracts from the Journals of Congress.

SEC. 895. Extracts from the Journals of the Senate, or of the House of Representatives, and of the Executive Journal of the Senate when the injunction of secrecy is removed, certified by the Secretary of the Senate or by the Clerk of the House of Representatives, shall be admitted as evidence in the courts of the United States, and shall have the same force and effect as the originals would have if produced and authenticated in court.

8 Aug., 1846, c. 107, s. 1, v. 9, p. 80.

Copies of records, &c., in offices of United States consuls, &c.

SEC. 896. Copies of all official documents and papers in the office of any consul, vice-consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, certified under the hand and seal of such officer, shall be admitted in evidence in the courts of the United States. [See § 1707.]

8 Jan., 1869, c. 7, v. 15, p. 266.

Certain books and papers in offices of district and circuit courts in Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas.

SEC. 897. The transcripts into new books, made by the clerks of the district courts in the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas, in pursuance of the act of June twenty-seven, eighteen hundred and sixty-four, chapter one hundred and sixty-five, from the records and journals transferred by them respectively, under the said act, to the clerks of the circuit courts in said districts, when certified by the clerks respectively making the same to be full and true copies from the original books, shall have the same force and effect as records as the originals. And the certificates of the clerks of said circuit courts, respectively, of transcripts of any of the books or papers so transferred to them, shall be received in evidence with the like effect as if made by the clerk of the court in which the proceedings were had.

27 June, 1864, c. 165, ss. 2, 4, v. 13, p. 199.

Transcribed records in the clerks' offices of western district of North Carolina.

SEC. 898. The transcripts into new books made by the clerks of the circuit and district courts for the western district of North Carolina, in pursuance of the act of June four, eighteen hundred and seventy-two, chapter two hundred and eighty-two, when certified by the clerks respectively making the same to be full and true copies from the original books, shall have the same force and effect as records as the originals. And the certificates of the clerks of said circuit and district courts respectively, of transcripts of any of the said transcribed records, shall also be received in evidence with the like effect as if made by the proper clerk from the originals from which such records were transcribed.

4 June, 1872, c. 282, s. 10, v. 17, p. 217.

When original records are lost or destroyed.

SEC. 899. When the record of any judgment, decree, or other proceeding of any court of the United States is lost or destroyed, any party or person interested therein may, on application to such court, and on showing to its satisfaction that the same was lost or destroyed without his fault, obtain from it an order authorizing such defect to be supplied by a duly certified copy of the original record, where the same can be obtained;

3 Mar., 1871, c. 111, s. 1, v. 16, p. 474.

and such certified copy shall thereafter have, in all respects, the same effect as the original record would have had.

Same subject.

3 Mar., 1871, c. 111, s. 2, v. 16, p. 475.

SEC. 900. When any such record is lost or destroyed, and the defect cannot be supplied as provided in the preceding section, any party or person interested therein may make a written application to the court to which the record belonged, verified by affidavit, showing such loss or destruction; that the same occurred without his fault or neglect; that certified copies of such record cannot be obtained by him; and showing also the substance of the record so lost or destroyed, and that the loss or destruction thereof, unless supplied, will or may result in damage to him. The court shall cause said application to be entered of record, and a copy of if shall be served personally upon every person interested therein, together with written notice that on a day therein stated, which shall not be less than sixty days after such service, said application will be heard; and if, upon such hearing, the court is satisfied that the statements contained in the application are true, it shall make and cause to be entered of record an order reciting the substance and effect of said lost or destroyed record. Said order shall have the same effect, so far as concerns the party or person making such application and the persons served as above provided, but subject to intervening rights, which the original record would have had, if the same had not been lost or destroyed.

Same subject.

3 Mar., 1871, c. 111, s. 3, v. 16, p. 475.

SEC. 901. When any cause has been removed to the Supreme Court, and the original record thereof is afterward lost, a duly certified copy of the record remaining in said court may be filed in the court from which the cause was removed, on motion of any party or person claiming to be interested therein; and the copy so filed shall have the same effect as the original record would have had if the same had not been lost or destroyed.

Records of northern district of Illinois destroyed by fire.

18 Mar., 1872, c. 56, s. 1, v. 17, p. 40.

SEC. 902. In the proceedings to restore the records of the circuit and district courts of the northern district of Illinois, destroyed by fire on the ninth of October, eighteen hundred and seventy-one, under the three preceding sections, the notice required may be served upon any non-resident of said district anywhere within the jurisdiction of the United States, or in any foreign country, the proof of the service of such notice, if made in a foreign country, to be certified by a minister or consul of the United States in such country, under his official seal.

Same subject.

18 Mar., 1872, c. 56, s. 2, v. 17, p. 41.

SEC. 903. A certified copy of the official return of the district attorney, clerk of the circuit or district court, or the marshal of the northern district of Illinois, made in pursuance of law, and on file in the Department of Justice, relating to any cause in either of said courts to which the United States was a party, the record of which was destroyed in said fire, may be filed in the court to which it appertains, and shall have the same force and effect as if it were an original return made to said court; and in any case in which the names of the parties, and the date and amount of the judgment or decree shall appear from such returns, it shall be lawful for the court in which they are filed to issue the necessary process to enforce such degree of judgment in the same manner as if the original record was before said court.

Same subject.

18 Mar., 1872, c. 56, s. 3, v. 17, p. 41.

SEC. 904. It shall be the duty of the district attorney for the northern district of Illinois to take such steps as may be necessary to restore the records and files of the circuit and district courts of said district which were destroyed by fire on the ninth of October, eighteen hundred and seventy-one, and in which the United States is interested, so far as the judges of said courts, respectively, shall deem it essential to the interests of the United States that said records and files be restored; and the judges of said courts, respectively, are authorized to direct such steps to be taken as, in their opinion, shall be deemed advisable to restore the judgment dockets and indices of said courts, and for that purpose may direct the performance, by the clerks of said courts, and by the United States attorney for said district, of any duty incident thereto; and said clerks and said district attorney shall be allowed such compensation and disbursements for services rendered under this section (in cases where

no compensation is now provided by law for such services) as may be allowed by the Attorney-General, and certified to be just and reasonable by the judge of the court in which said services are rendered, and the amount so allowed shall be paid out of the judiciary fund: *Provided, however*, That the sum allowed the clerks of said courts shall not exceed the sum of twelve thousand dollars, and the entire compensation of the United States attorney for such services shall not exceed the sum of six thousand dollars.

Authentication of legislative acts and proof of judicial proceedings of States, &c.

26 May, 1790, c. 11, v. 1, p. 122.
27 Mar., 1804, c. 56, s. 2, v. 2, p. 299.

SEC. 905. The acts of the legislature of any State or Territory, or of any country subject to the jurisdiction of the United States, shall be authenticated by having the seals of such State, Territory, or country affixed thereto. The records and judicial proceedings of the courts of any State or Territory, or of any such country, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, that the said attestation is in due form. And the said records and judicial proceedings, so authenticated, shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from which they are taken.

Ferguson *v.* Harwood, 7 Cr., 408; Mills *v.* Duryee, 7 Cr., 481; U. S. *v.* Amedy, 11 Wh., 392; Buckner *v.* Finley, 2 Pet., 592; Owings *v.* Hull, 9 Pet., 627; Urtetiqui *v.* D'Arbel, 9 Pet., 700; McElmoyle *v.* Cohen, 13 Pet., 312; Stacey *v.* Thrasher, 6 How., 44; Bank of Alabama *v.* Dalton, 9 How., 522; D'Arcy *v.* Ketchum, 11 How., 165; Railroad *v.* Howard, 13 How., 307; Booth *v.* Clark, 17 How., 322; Mason v. Lawrason, 1 Cr. C. C., 190; Buford *v.* Hickman, Hemp., 232; Craig *v.* Brown, Pet. C. C., 354; Stewart *v.* Gray, Hemp., 94; Gardner *v.* Lindo, 1 Cr. C. C., 78; Trigg *v.* Conway, Hemp., 538; Turner *v.* Waddington, 3 Wash. C. C., 126; Catlin *v.* Underhill, 4 McLean, 199; Morgan *v.* Curtenius, 4 McLean, 366; Hale *v.* Brotherton, 3 Cr. C. C., 594; Mewster *v.* Spalding, 6 McLean, 24; Parrot *v.* Habersham, 1 Cr. C. C., 14; Talcott *v.* Delaware Ins. Co., 2 Wash. C. C., 449; James *v.* Stookey, 1 Wash. C. C., 330; Bennett *v.* Bennett, District Court, Oregon, 1867.

Proofs of records, &c., kept in offices not pertaining to courts.

27 Mar., 1804, c. 56, ss. 1, 2, v. 2, pp. 298, 299.
21 Feb., 1871, c. 62, v. 16, p. 419.

SEC. 906. All records and exemplifications of books, which may be kept in any public office of any State or Territory, or of any country subject to the jurisdiction of the United States, not appertaining to a court, shall be proved or admitted in any court or office in any other State or Territory, or in any such country, by the attestation of the keeper of the said records or books, and the seal of his office annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county, parish, or district in which such office may be kept, or of the governor, or secretary of state, the chancellor or keeper of the great seal, of the State, or Territory, or country, that the said attestation is in due form, and by the proper officers. If the said certificate is given by the presiding justice of a court, it shall be further authenticated by the clerk or prothonotary of the said court, who shall certify, under his hand and the seal of his office, that the said presiding justice is duly commissioned and qualified; or, if given by such governor, secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or country aforesaid in which it is made. And the said records and exemplifications, so authenticated, shall have such faith and credit given to them in every court and office within the United States as they have by law or usage in the courts or offices of the State, Territory, or country, as aforesaid, from which they are taken.

Copies of foreign records, &c., relating to land-titles in the United States.

22 Feb., 1849, c. 61, s. 1, v. 9, p. 346.
2 Mar., 1849, c. 82, v. 9, p. 350.

SEC. 907. It shall be lawful for any keeper or person having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of one of the Departments, the Solicitor of the Treasury, or the Commissioner of the General Land-Office, to authenticate copies thereof under his hand and seal, and to certify them to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents, respectively; and when such copies are certified by an American minister or consul, under his hand and seal of office, to be true copies of the originals, they shall be sealed

up by him and returned to the Solicitor of the Treasury, who shall file them in his office, and cause them to be recorded in a book to be kept for that purpose. A copy of any such law, judgment, order, decree, journal, correspondence, or other public document, so filed, or of the same so recorded in said book, may be read in evidence in any court, where the title to land claimed by or under the United States may come into question, equally with the originals.

Little & Brown's edition of the Statutes to be evidence.

8 Aug., 1846, c. 100, s. 2, v. 9, p. 76.

SEC. 908. The edition of the laws and treaties of the United States, published by Little & Brown, shall be competent evidence of the several public and private acts of Congress, and of the several treaties therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.

Burden of proof, when it lies on claimant in seizure cases.

2 Mar., 1799, c. 22, ss. 70, 71, v. 1, p. 678.—Locke *v.* U. S., 7 Cr., 339; The Luminary, 8 Wh., 407; Clifton *v.* U. S., 4 How., 242; Buckley *v.* U. S., 4 How., 251; Cliquot's Champagne, 3 Wall., 143; The John Griffin, 15 Wall., 29; U. S. *v.* An Open Boat, 5 Mas., 232.

SEC. 909. In suits or informations brought, where any seizure is made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

Possessory actions for recovery of mining-titles.

27 Feb., 1865, c. 64, s. 9, v. 13, p. 441.

SEC. 910. No possessory action between persons, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines lie is in the United States; but each case shall be adjudged by the law of possession.

CHAPTER EIGHTEEN.

PROCEDURE.

Sec.
911. Sealing and testing of writs.
912. Teste of process, day of.
913. Mesne process and proceedings in equity and admiralty.
914. Practice and proceedings in other than equity and admiralty cases.
915. Attachments.
916. Executions in common-law causes.
917. Power of the Supreme Court to regulate the practice of circuit and district courts.
918. Practice in the several courts to be regulated by their own rules.
919. Suits for duties, imposts, taxes, penalties, or forfeitures.
920. Consolidation of revenue seizures.
921. Orders to save costs, and consolidation of causes of a like nature.
922. When the marshal or his deputy is a party in a cause.
923. Seizures for forfeiture, in certain cases.
924. Attachment in postal suits.
925. Application for warrant; by whom and how made.
926. Issuing warrant; duty of clerk and marshal.
927. Ownership of attached property; trial; other remedies.
928. Proceeds of attached property to be invested.
929. Publication of attachment.
930. Persons having property of defendants to account for it; sales void; personal notice.

Sec.
931. Discharge of attachment bond.
932. Accrued rights not to be abridged.
933. Attachments dissolved in conformity with State laws.
934. Property taken under revenue laws irrepleviable.
935. Garnishees in suits by the United States on notes, &c.
936. Issue tendered when garnishee denies indebtedness.
937. Garnishee failing to appear.
938. Bailing of property seized under customs laws.
939. Sale after condemnation.
940. In cases of seizure, bailing of property in vacation
941. Delivery bond in admiralty proceedings.
942. Special bail required in suits for duties and penalties.
943. When defendant giving bail in one district is committed in another.
944. Defendant held until judgment in the first suit.
945. Bail and affidavits may be taken by commissioners of circuit courts.
946. Calling of bail in Kentucky.
947. When clerks may take bail *de bene esse*.
948. Amendment of process.
949. Priority of cases in which a State is a party.
950. Notice of case for trial.
951. Suits of United States against individuals, what credits allowed.

Sec.
952. In suits under postal laws, what credits allowed.
953. Bill of exceptions.
954. Defects of form; amendments.
955. Death of parties.
956. When one of several plaintiffs or defendants dies.
957. Delinquents for public money; judgment at return term, unless, &c.
958. Suits under postal laws; judgment at return term, unless, &c.
959. Suits on debentures; judgment at return term, unless, &c.
960. Suits on bonds for recovery of duties; judgment at return term, unless, &c.
961. Judgment for sum due in equity on bonds, &c.
962. Judgment for duties, &c., to state that it is to be collected in coin.
963. Interest on bonds for duties.
964. Interest on balances due Post-Office Department.
965. Interest on debentures.
966. Interest on judgments.
967. When judgments of United States courts cease to be liens.
968. When plaintiff or petitioner recovers in a circuit court less than certain amounts, he recovers no costs.
969. Costs in internal-revenue suits upon information.
970. Claimant not entitled to costs when reasonable cause of seizure.
971. Double costs when plaintiff is nonsuited in action against officer making seizure, &c.
972. Copyright suits, full costs allowed.
973. Costs not recoverable in certain suits for infringement of patent, unless disclaimer entered, &c.
974. When costs of prosecution to be paid by defendant.
975. When costs are recovered by defendant in a prosecution.
976. Fees of clerk, marshal, &c.; when payable by informer, when by United States.
977. Costs, when several actions are brought against parties who might be joined in one.
978. Allowance of costs in libels against vessel and cargo.
979. Claimant's costs to be paid before possession, when, &c.
980. When district attorney is entitled to but one bill of costs for several prosecutions.
981. Taxation of fees of witness before a commissioner.
982. Attorney liable for costs vexatiously increased by him.
983. Bill of costs, how taxed.
984. Bill of costs to be sworn to before taxed or allowed.
985. Executions to run in all the districts of a State.
986. Executions in favor of United States to run in every State and Territory.
987. Executions stayed on conditions.
988. When judgment debtor entitled to a continuance of one term.
989. Execution not to issue against officers of revenue in cases of probable cause, &c.
990. Imprisonment for debt.
991. Discharge from arrest or imprisonment on mesne or final process.
992. Privileges of jail-limits.
993. Goods taken on a *fieri facias*, how appraised.
994. Death of marshal after levy or after sale.
995. Moneys paid into court, where and how deposited.
996. How moneys deposited to be withdrawn.

PROCEDURE ON ERROR AND APPEAL.

997. Removal of causes by writ of error.
998. Citation.
999. Citation; Supreme Court.
1000. Bond in error and on appeal.
1001. No bond required of United States, &c.
1002. Writs of error to district courts acting as circuit courts.
1003. Writs of error to State courts, manner of issue.
1004. Writs of error returnable to the Supreme Court, how issued.
1005. Amendment of writ of error.
1006. Amendment in prize appeals.
1007. Supersedeas.
1008. Writs of error and appeals to Supreme Court, time for taking.
1009. Appeals in prize causes, within what time.
1010. Damages and costs on affirmance in error.
1011. Reversal on error limited.
1012. Appeals from circuit courts to Supreme Court.
1013. Where both parties appeal to the Supreme Court, one record sufficient.

CRIMINAL PROCEDURE.

1014. Offenders against the United States, how arrested and removed for trial.
1015. Bail shall be admitted in cases not capital; by whom.
1016. Bail may be admitted in capital cases; by whom.
1017. Bail in criminal cases removed by writ of error from State courts.
1018. Surrender of criminals by their bail.
1019. New bail to be given in certain cases.
1020. When penalty of recognizances may be remitted.
1021. Indictments and presentments to be by at least twelve grand jurors.
1022. Offenses against the elective franchise, how prosecuted.
1023. Matters set forth in prosecutions for perjury before a naval court-martial.
1024. Charges which may be joined in one indictment shall be so joined.
1025. Indictments, defects of form.
1026. Judgment on demurrer to an indictment.
1027. When several indictments against the same person, one writ sufficient.
1028. Copy of writ to be jailer's authority; original returned.
1029. Writ for removal of a prisoner from one district to another.
1030. No writ necessary to bring into court a person in custody.

Sec.
1031. When peremptory challenges exceed the number allowed by law.
1032. Prisoner standing mute, &c.
1033. Copy of indictment and list of jurors and witnesses to be delivered to prisoner in capital cases.
1034. Persons indicted for capital crimes entitled to counsel and to compel witnesses.
1035. Verdict of less offense than charged.
1036. Verdict against part of several joint defendants.
1037. Indictments remitted by circuit and district courts to each other.
1038. Remission from district to circuit court of difficult cases.
1039. All capital cases remitted from district to circuit courts.
1040. When a capital case is carried to the Supreme Court, execution postponed.
1041. Judgments for fines, how collected.
1042. Poor convicts sentenced and imprisoned for fines.

Sealing and testing of writs.

8 May, 1792, c. 36, s. 1, v. 1, p. 275.

SEC. 911. All writs and processes issuing from the courts of the United States shall be under the seal of the court from which they issue, and shall be signed by the clerk thereof. Those issuing from the Supreme Court or a circuit court shall bear teste of the Chief Justice of the United States, or, when that office is vacant, of the associate justice next in precedence, and those issuing from a district court shall bear teste of the judge, or, when that office is vacant, of the clerk thereof. The seals of said courts shall be provided at the expense of the United States.

Teste of process, day of.

SEC. 912. All process issued from the courts of the United States shall bear teste from the day of such issue.

1 June, 1872, c. 255, s. 4, v. 17, p. 197.—Atherton et al. *v.* Fowler et al., 91 U. S., 143.

Mesne process, and proceedings in equity and admiralty.

29 Sept., 1789, c. 21, s. 2, v. 1, p. 93.
8 May, 1792, c. 36, s. 2, v. 1, p. 276.
19 May, 1828, c. 68, s. 1, v. 4, p. 278.
1 Aug., 1842, c. 109, v. 5, p. 499.

SEC. 913. The forms of mesne process and the forms and modes of proceeding in suits of equity and of admiralty and maritime jurisdiction in the circuit and district courts shall be according to the principles, rules, and usages which belong to courts of equity and of admiralty, respectively, except when it is otherwise provided by statute or by rules of court made in pursuance thereof; but the same shall be subject to alteration and addition by the said courts, respectively, and to regulation by the Supreme Court, by rules prescribed, from time to time, to any circuit or district court, not inconsistent with the laws of the United States.

Grayson *v.* Virginia, 3 Dall., 320; Wayman *v.* Southard, 10 Wh., 1; Bank of United States *v.* Halstead, 10 Wh., 51; Munro *v.* Almeida, 10 Wh., 488; Boyle *v.* Zacharie, 6 Pet., 658; Duncan's Heirs *v.* U. S., 7 Pet., 435; Beers *v.* Haughton, 9 Pet., 359, 360; Harrison *v.* Nixon, 9 Pet., 507; Story *v.* Livingston, 13 Pet., 359; Gaines *v.* Relf, 15 Pet., 9; Pennsylvania *v.* Wheeling Bridge Co., 13 How., 564; McKinlay *v.* Morrish, 21 How., 347; Louisiana Ins. Co. *v.* Nickerson, 2 Lowell, 310.

Practice and proceedings in other than equity and admiralty causes.

1 June, 1872, c. 255, s. 5, v. 17, p. 197.

SEC. 914. The practice, pleadings, and forms and modes of proceeding in civil causes, other than equity and admiralty causes, in the circuit and district courts, shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of court to the contrary notwithstanding.

Elmore *v.* Grymes, 1 Pet., 469; U. S. *v.* Robeson, 9 Pet., 319; Wilcox *v.* Hunt, 13 Pet., 378; Minor *v.* Tillotson, 2 How., 392; Gwyn *v.* Barton, 6 How., 7; Townsend *v.* Jemison, 7 How., 706; U. S. *v.* Coxe, 7 How., 833; Sears *v.* Eastburn, 10 How., 187; Fenn *v.* Holme, 21 How., 481; Hooper *v.* Scheimer, 23 How., 249; Sheirburn *v.* Cordova, 24 How., 423; U. S. *v.* Council of Keokuk, 6 Wall., 514; Martin *v.* Criscuola, 10 Blatch., 211; Lewis *v.* Gould, 13 Blatch., 216; Bills *v.* New Orleans, &c., R. R. Co., 13 Blatch., 227; Judson *v.* Macon County, 2 Dill., 213; Weed Sewing Machine Co. *v.* Wicks, 3 Dill., 261; Perkins *v.* City of Watertown, 5 Biss., 320; Jewett *v.* Hone, 1 Woods, 530; Hall *v.* Mining Company, 1 Woods, 544; Ethridge *v.* Jackson, 2 Saw., 508; Blease *v.* Garlington, 92 U. S., 1.

Attachments.

1 June, 1872, c. 255, s. 6, v. 17, p. 197.

Chittenden's Case, 2 Woods, 437.

SEC. 915. In common-law causes in the circuit and district courts the plaintiff shall be entitled to similar remedies, by attachment or other process, against the property of the defendant, which are now provided by the laws of the State in which such court is held for the courts thereof; and such circuit or district courts may, from time to time, by general rules, adopt such State laws as may be in force in the States where they are held in relation to attachments and other process: *Provided*, That similar preliminary affidavits or proofs, and similar security, as required

by such State laws, shall be first furnished by the party seeking such attachment or other remedy.

Executions in common-law causes.

SEC. 916. The party recovering a judgment in any common-law cause in any circuit or district court, shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are now provided in like causes by the laws of the State in which such court is held, or by any such laws hereafter enacted which may be adopted by general rules of such circuit or district court; and such courts may, from time to time, by general rules, adopt such State laws as may hereafter be in force in such State in relation to remedies upon judgments, as aforesaid, by execution or otherwise.

1 June, 1872, c. 255, s. 6, v. 17, p. 197.

Wayman *v.* Southard, 10 Wh., 1; Bank U. S. *v.* Halstead, 10 Wh., 51; Boyle *v.* Zacharie et al., 6 Pet., 648; Ross *v.* Duval, 13 Pet., 45; U. S. *v.* Knight, 14 Pet., 301; Ames *v.* Smith, 16 Pet., 303; Massingill *v.* Downs, 7 How., 760.

Power of the Supreme Court to regulate the practice of circuit and district courts.

SEC. 917. The Supreme Court shall have power to prescribe, from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice, to be used, in suits in equity or admiralty, by the circuit and district courts.

23 Aug., 1842, c. 188, s. 6, v. 5, p. 518.

Wayman *v.* Southard, 10 Wh., 43; Poultney *v.* The City of Lafayette, 12 Pet., 472; The Steamer St. Lawrence, 1 Bl., 522; Noonan *v.* Lee, 2 Bl., 509.

Practice in the several courts to be regulated by their own rules.

SEC. 918. The several circuit and district courts may, from time to time, and in any manner not inconsistent with any law of the United States, or with any rule prescribed by the Supreme Court under the preceding section, make rules and orders directing the returning of writs and processes, the filing of pleadings, the taking of rules, the entering and making up of judgments by default, and other matters in vacation, and otherwise regulate their own practice as may be necessary or convenient for the advancement of justice and the prevention of delays in proceedings.

2 Mar., 1793, c. 22, s. 7, v. 1, p. 335. 23 Aug., 1842, c. 188, s. 6, v. 5, p. 518.

Wayman *v.* Southard, 10 Wh., 43; Mills *v.* Bank United States, 11 Wh., 431; The Steamer St. Lawrence, 1 Bl., 522; Louisiana Ins. Co. *v.* Nickerson, 2 Lowell, 310.

Suits for duties, imposts, taxes, penalties, or forfeitures.

SEC. 919. All suits for the recovery of any duties, imposts, or taxes, or for the enforcement of any penalty or forfeiture provided by any act respecting imports or tonnage, or the registering and recording or enrolling and licensing of vessels, or the internal revenue, or direct taxes, and all suits arising under the postal laws, shall be brought in the name of the United States.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176. 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298. 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 2 Mar., 1799, c. 22, s. 89, v. 1, pp. 695, 696. 13 July, 1866, c. 184, s. 9, v. 14, pp. 111, 145. 8 June, 1872, c. 335, s. 303, v. 17, p. 323.

Consolidation of revenue seizures.

SEC. 920. Whenever two or more things belonging to the same person are seized for an alleged violation of the revenue laws, the whole must be included in one suit; and if separate actions are prosecuted in such cases, the court shall consolidate them.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162. 22 *June*, 1874, *c.* 391, *ss.* 21, 22, *v.* 18, *p.* 190.

Orders to save costs, and consolidation of causes of a like nature.

SEC. 921. When causes of a like nature or relative to the same question are pending before a court of the United States, or of any Territory, the court may make such orders and rules concerning proceedings therein as may be conformable to the usages of courts for avoiding unnecessary costs or delay in the administration of justice, and may consolidate said causes when it appears reasonable to do so.

22 July, 1813, c. 14, s. 3, v. 3, p. 21. 2 Sellon's Prac., 229.

When the marshal or his deputy is a party in a cause.

SEC. 922. When the marshal or his deputy is a party in any cause, the writs and precepts therein shall be directed to such disinterested person as the court or any justice or judge thereof may appoint, and the person so appointed may execute and return them.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87.

Seizure for forfeiture in certain cases.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176. 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298. 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 2 Mar., 1799, c. 22, ss. 70, 89, v. 1, pp. 678, 695, 696.

SEC. 923. When any vessel, goods, wares, or merchandise are seized by any officer of the customs, and prosecuted for forfeiture by virtue of any law respecting the revenue, or the registering and recording, or the enrolling and licensing of vessels, the court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct. And if no person appears and claims such vessel, goods, wares, or merchandise, and gives bond to defend the prosecution thereof and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law.

Attachment in postal suits.

23 Feb., 1865, c. 47, s. 1, v. 13, pp. 432, 433.

SEC. 924. In all cases where debts are due from defaulting or delinquent postmasters, contractors, or other officers, agents, or employés of the Post-Office Department, a warrant of attachment may issue against all real and personal property and legal and equitable rights belonging to such officer, agent, or employé, and his sureties, or either of them, in the following cases:

First. When such officer, agent, or employé, and his sureties, or either of them, is a non-resident of the district where such officer, agent, or employé was appointed, or has departed from such district for the purpose of permanently residing out of the same, or of defrauding the United States, or of avoiding the service of civil process.

Second. When such officer, agent, or employé, and his sureties, or either of them, has conveyed away, or is about to convey away his property, or any part thereof, or has removed or is about to remove the same or any part thereof from the district wherein it is situate, with intent to defraud the United States.

And when any such property has been removed, certified copies of the warrant may be sent to the marshal of the district into which the same has been removed, under which certified copies he may seize said property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. And alias warrants may be issued in such cases upon due application, and the validity of the warrant first issued shall continue until the return day thereof.

Application for warrant; by whom and how made.

23 Feb., 1865, c. 47, s. 2, v. 13, p. 433.

SEC. 925. Application for such warrant of attachment may be made by any district or assistant district attorney, or any other person authorized by the Postmaster-General, before the judge, or, in his absence, before the clerk of any court of the United States having original jurisdiction of the cause of action. And such application shall be made upon an affidavit of the applicant, or of some other credible person, stating the existence of either of the grounds of attachment enumerated in the preceding section, and upon production of legal evidence of the debt.

Issuing warrant; duty of clerk and marshal.

23 Feb., 1865, c. 47, s. 2, v. 13, p. 433.

Schroubucker *v.* Reily, 2 Dill., 127.

SEC. 926. Upon any such application and upon due order of any judge of the court, or, in his absence, without such order, the clerk shall issue a warrant for the attachment of all the property of any kind belonging to the person specified in the affidavit, which warrant shall be executed with all possible dispatch by the marshal, who shall take the property attached, if personal, into his custody, and hold the same subject to all interlocutory or final orders of the court.

Ownership of attached property; trial; other remedies.

23 Feb., 1865, c. 47, s. 3, v. 13, p. 433.

SEC. 927. At any time within twenty days before the return day of such warrant, the party whose property is attached may, on giving notice to the district attorney of his intention, file a plea in abatement, traversing the allegations of the affidavit, or denying the ownership of the property attached to be in the defendants or either of them; in which case the court may, upon application of either party, order an immediate trial by jury of the issues raised by the affidavit and plea; but the parties may, by consent, waive a trial by jury, in which case the court shall decide the issues raised. And any party claiming ownership of the property attached and a specific return thereof, shall be

confined to the remedy herein afforded, but his right to an action of trespass, or other action for damages, shall not be impaired hereby.

Proceeds of attached property to be invested.

SEC. 928. When the property attached is sold on any interlocutory order of the court or is producing any revenue, the money arising from such sale or revenue shall be invested in securities of the United States, under the order of the court, and all accretions shall be held subject to the orders of the same.

23 Feb., 1865, c. 47, s. 4, v. 13, p. 433.

Publication of attachment.

SEC. 929. Immediately upon the execution of any such warrant of attachment, the marshal shall cause due publication thereof to be made, in the case of absconding debtors for two months and of non-residents for four months. The publication shall be made in some newspaper published in the district where the property is situate, and the details thereof shall be regulated by the order under which the warrant is issued.

23 Feb., 1865, c. 47, s. 5, v. 13, p. 434.

Persons having property of defendants to account for it; sales void; personal notice.

SEC. 930. After the first publication of such notice of attachment as required by law, every person indebted to, or having possession of any property belonging to, the said defendants, or either of them, and having knowledge of such notice, shall account and answer for the amount of such debt and the value of such property; and any disposal or attempt to dispose of any such property, to the injury of the United States, shall be illegal and void. And when the person indebted to, or having possession of the property of, such defendants, or either of them, is known to the district attorney or marshal, such officer shall see that personal notice of the attachment is served upon such person, but the want of such notice shall not invalidate the attachment.

23 Feb., 1865, c. 47, s. 6, v. 13, p. 434.

Discharge of attachment; bond.

SEC. 931. Upon application of the party whose property has been attached, the court, or any judge thereof, may discharge the warrant of attachment as to the property of the applicant, provided such applicant shall execute to the United States a good and sufficient penal bond, in double the value of the property attached, to be approved by a judge of the court, and with condition for the return of said property, or to answer any judgment which may be rendered by the court in the premises.

23 Feb., 1865, c. 47, s. 7, v. 13, p. 434.

Accrued rights not to be abridged.

SEC. 932. Nothing contained in the preceding eight sections shall be construed to limit or abridge, in any manner, such rights of the United States as have accrued or been allowed in any district under the former practice of, or the adoption of State laws by, the United States courts.

23 Feb., 1865, c. 47, s. 9, v, 13, p. 434.

Attachments dissolved in conformity with State laws.

SEC. 933. An attachment of property, upon process instituted in any court of the United States, to satisfy such judgment as may be recovered by the plaintiff therein, except in the cases mentioned in the preceding nine sections, shall be dissolved when any contingency occurs by which, according to the laws of the State where said court is held, such attachment would be dissolved upon like process instituted in the courts of said State: *Provided*, That nothing herein contained shall interfere with any priority of the United States in the payment of debts.

14 Mar., 1848, c. 18, s. 1, v. 9, p. 213.
23 Feb., 1865, c. 47, ss. 1, 9, v. 13, pp. 432, 434.

Property taken under revenue laws irrepleviable.

SEC. 934. All property taken or detained by any officer or other person, under authority of any revenue law of the United States, shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof.

2 Mar., 1833, c. 57, s. 2, v. 4, p. 632.
13 July, 1866, c. 184, s. 67, v. 14, p. 172.

Garnishees in suits by the United States, on notes, &c.

SEC. 935. In any suit by the United States against a corporation for the recovery of money upon a bill, note, or other security, the debtors of the corporation may be summoned as garnishees; and it shall be the duty of any person so summoned to appear in open court and to depose, in writing, to the amount which he was indebted to the said corporation at the time of the service of the summons and at the time of making such deposition; and judgment may be entered in favor of the United States for the sum admitted by such garnishee to be due to the said corporation, in the same manner as if it had been due to the United States: *Provided*, That no judgment shall be entered against any garnishee until after judgment has been rendered against the corporation defendant to the said action, nor until the sum in which the garnishee stands indebted is actually due.

20 April, 1818, c. 83, s. 8, v. 3, p. 443.

Issue tendered when garnishee denies indebtedness.

20 April, 1818, c. 83, s. 9, v. 3, p. 443.

SEC. 936. When any person summoned as garnishee deposes in open court that he is not, and was not at the time of the service of the summons, indebted to such corporation, an issue may be tendered by the United States upon such demand, and if, upon the trial of that issue, a verdict is rendered against the garnishee, judgment shall be entered in favor of the United States, pursuant to such verdict, with costs of suit.

Garnishee failing to appear.

20 April, 1818, c. 83, s. 10, v. 3, p. 444.

SEC. 937. If any person summoned as garnishee, as aforesaid, fails to appear at the term of the court to which he is summoned, he shall be subject to attachment for contempt of the court.

Bailing of property seized under customs laws.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176. 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298. 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 9 June, 1794, c. 64, s. 1, v. 1, p. 395. 2 Mar., 1799, c. 22, s. 89, v. 1, pp. 695, 696.

SEC. 938. Upon the prayer of any claimant to the court, that any vessel, goods, wares, or merchandise, seized and prosecuted under any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, or any part thereof, should be delivered to him, the court shall appoint three proper persons to appraise such property, who shall be sworn in open court, or before a commissioner appointed by the district court to administer oaths to appraisers, for the faithful discharge of their duty; and the appraisement shall be made at the expense of the party on whose prayer it is granted. If, on the return of the appraisement, the claimant, with one or more sureties, to be approved by the court, shall execute a bond to the United States for the payment of a sum equal to the sum at which the property prayed to be delivered is appraised, and produce a certificate from the collector of the district where the trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage-duty on the vessel so claimed, have been paid or secured in like manner as if the same had been legally entered, the court shall, by rule, order such vessel, goods, wares, or merchandise to be delivered to such claimant; and the said bond shall be lodged with the proper officer of the court. If judgment passes in favor of the claimant, the court shall cause the said bond to be canceled; but if judgment passes against the claimant, as to the whole or any part of such vessel, goods, wares, or merchandise, and the claimant does not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such vessel, goods, wares, or merchandise so condemned, with the costs, judgment shall be granted upon the bond, on motion in open court, without further delay. [See § 870.]

Sale after condemnation.

4 Aug., 1790., c. 35, s. 68, v. 1, p. 177. 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298. 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 2 Mar., 1799, c. 22, s. 90, v. 1, p. 696.

SEC. 939. All vessels, goods, wares, or merchandise which shall be condemned by virtue of any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, and for which bonds shall not have been given by the claimant, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days' notice (except in cases of perishable merchandise) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding five dollars shall be paid. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale by the person selling the same to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed.

In cases of seizure, bailing of property in vacation.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176. 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.

SEC. 940. In any cause of admiralty and maritime jurisdiction, or other case of seizure, depending in any court of the United States, any judge of the said court, in vacation, shall have the same authority to order any vessel, or cargo, or other property to be delivered to the claimants, upon bail or bond, or to be sold when necessary, as the said court has in term time, and to appoint appraisers, and exercise every other incidental power necessary to the complete execution of the authority herein granted; and the recognizance of bail or bond, under such order, may be executed

before the clerk upon the party's producing the certificate of the collector of the district, of the sufficiency of the security offered; and the same proceedings shall be had in case of said order of delivery or of sale, as are had in like cases when ordered in term time: *Provided*, That upon every such application, either for an order of delivery or of sale, the collector and the attorney of the district shall have reasonable notice in cases of the United States, and the party or council in all other cases.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 2 Mar., 1799, c. 22, s. 89, v. 1, pp. 695, 696. 5 April, 1832, c. 66, v. 4, p. 503.

Delivery bond in admiralty proceedings.

SEC. 941. When a warrant of arrest or other process in rem is issued in any cause of admiralty jurisdiction, except the cases of seizure for forfeiture under any law of the United States, the marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the claimant of the property a bond or stipulation in double the amount claimed by the libelant, with sufficient surety, to be approved by the judge of the court where the cause is pending, or, in his absence, by the collector of the port, conditioned to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court, and judgment thereon, against both the principal and sureties, may be recovered at the time of rendering the decree in the original cause.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176. 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298. 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 2 Mar., 1799, c. 22, s. 89, v. 1, pp. 695, 696. 3 Mar., 1847, c. 55, v. 9, p. 181.

Special bail required in suits for duties and penalties.

SEC. 942. In all suits or prosecutions for the recovery of duties or pecuniary penalties prescribed by the laws of the United States, commenced in any State where, by the laws thereof, imprisonment for debt shall not have been abolished, the person against whom process is issued shall be held to special bail, subject to the rules which prevail in civil suits in which special bail is required.

2 Mar., 1799, c. 22, s. 65, v. 1, p. 676.—Conkl., 348, 349.

28 Feb., 1839, c. 35, v. 5, p. 321. 14 Jan., 1841, c. 2, v. 5, p. 410.

When defendant giving bail in one district is committed in another.

SEC. 943. When a defendant who has procured bail to respond to the judgment in a suit in any court of the United States in any district is afterward arrested in any other district and is committed to a jail, the use of which had been ceded to the United States for the custody of prisoners, the judge of the court wherein the suit in which the defendant has so procured bail is depending, shall, at the request of the bail, order that such defendant be held in said jail, in the custody of the marshal of the district in which it is. The said marshal, upon the delivery of such order, duly authenticated, shall receive such person into his custody, and thereupon be chargeable for an escape, and shall forthwith make a certificate, under his hand and seal, of such commitment, and transmit the same to the court from which the order issued, and, if required, shall make and deliver to such bail or to his attorney a duplicate thereof. Upon the return of said certificate, the court which made the said order, or any judge thereof, may direct that an exoneretur be entered upon the bail-piece, where special bail shall have been found, or otherwise discharge such bail.

2 Mar., 1799, c. 32, s. 1, v. 1, p. 727.

Defendant held until judgment in the first suit.

SEC. 944. When a defendant is committed by virtue of the order provided in the preceding section, he shall, unless sooner discharged by law, be holden in jail until final judgment is rendered in the suit in which he procured bail as aforesaid, and sixty days thereafter, if such judgment is rendered against him, in order that he may be charged in execution, which may, in such cases, be directed to and served by the marshal in whose custody he is.

2 Mar., 1799, c. 32, s. 3, v. 1, p. 727.

Bail and affidavits may be taken by commissioners of circuit courts.

SEC. 945. Bail and affidavits, when required or allowed in any civil cause in any circuit or district court, may be taken by a commissioner of the circuit court for the district; and such acknowledgments of bail and affidavits shall have the same effect as if taken before any judge of such courts.

20 Feb., 1812, c. 25, s. 1, v. 2, p. 679. 1 Mar., 1817, c. 30, v. 3, p. 350.

Calling of bail, in Kentucky.

SEC. 946. When a bail-bond is given for the appearance of any person to answer in the district or circuit court for the district of Kentucky, the clerk of such court shall call the party at the time he is bound to appear. If the party fails, the clerk shall enter such failure on his minutes, and on said entry judgment may afterward be made of record by the court; but if the party appears, the clerk shall take another

15 May, 1862, c. 71, s. 10, v. 12, p. 387.

bond, with sureties similar to the first, for further appearance at the next succeeding term of the court, and if the party fails to give such other bond and surety, he shall stand committed by order of the clerk until he complies.

When clerks may take bail *de bene esse*.

8 May, 1792, c. 36, s. 10, v. 1, p. 278.

SEC. 947. Recognizances of special bail may be taken de bene esse by the clerks of the circuit and district courts, in the absence or in case of the disability of the judges, in any action depending in either of the said courts, where special bail is demandable.

Amendment of process.

1 June, 1872, c. 255, s. 3, v. 17, p. 197.

SEC. 948. Any circuit or district court may at any time, in its discretion, and upon such terms as it may deem just, allow an amendment of any process returnable to or before it, where the defect has not prejudiced, and the amendment will not injure the party against whom such process issues.

Priority of cases in which a State is a party.

30 June, 1870, c. 181, v. 16, p. 176.

Hoge et al. *v.* Richmond, &c., R. R. Co., 93 U. S., 1.

SEC. 949. When a State is a party, or the execution of the revenue laws of a State is enjoined or stayed, in any suit in a court of the United States, such State or the party claiming under the revenue laws of a State, the execution whereof is enjoined or stayed, shall be entitled, on showing sufficient reason, to have the cause heard at any time after it is docketed, in preference to any civil cause pending in such court between private parties.

Notice of case for trial.

28 Feb., 1871, c. 99, s. 17, v. 16, p. 439.

SEC. 950. In all civil actions in the courts of the United States either party may notice the same for trial.

Suits of United States against individuals, what credits allowed.

3 Mar., 1797, c. 20, s. 3, v. 1, p. 514.

U. S. *v.* Giles, 9 Cr., 236; Thelusson *v.* Smith, 2 Wh., 396; U. S. *v.* Wilkins, 6 Wh., 143; Walton *v.* U. S., 9 Wh., 650; Cox *v.* U. S., 6 Pet., 202; U. S. *v.* Refley, 7 Pet., 25; U. S. *v.* Fillebrown, 7 Pet., 48; U. S. *v.* Robeson, 9 Pet., 319; U. S. *v.* Hawkins, 10 Pet., 125; U. S. *v.* Laub, 12 Pet., 1; U. S. *v.* Bank of Metropolis, 15 Pet., 377; Gratiot *v.* U. S., 4 How., 112; U. S. *v.* Buchanan, 8 How., 105; DeGroot *v.* U. S., 5 Wall., 431; U. S. *v.* Eckford, 6 Wall., 484; U. S. *v.* Gilmore, 7 Wall., 491; Halliburton *v.* U. S., 13 Wall., 63.

SEC. 951. In suits brought by the United States against individuals, no claim for a credit shall be admitted, upon trial, except such as appear to have been presented to the accounting officers of the Treasury, for their examination, and to have been by them disallowed, in whole or in part, unless it is proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit at the Treasury by absence from the United States or by some unavoidable accident.

In suits under postal laws, what credits allowed.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.

U. S. *v.* Roberts, 9 How., 501; U. S. *v.* Hodge, 13 How., 478; Ware *v.* U. S., 4 Wall., 617.

SEC. 952. No claim for a credit shall be allowed upon the trial of any suit for delinquency against a postmaster, contractor, or other officer, agent, or employé of the Post-Office Department, unless the same has been presented to the Sixth Auditor and by him disallowed, in whole or in part, or unless it is proved to the satisfaction of the court that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting to the said Auditor a claim for such credit by some unavoidable accident.

Bill of exceptions.

1 June, 1872, c. 255, s. 4, v. 17, p. 197.

SEC. 953. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof, if more than one judge sat on the trial of the cause, without any seal of court or judge being annexed thereto.

Defects of form; amendments.

24 Sept., 1789, c. 20, s. 32, v. 1, p. 91.

Brig Caroline *v.* U. S., 7 Cr., 496; The Marianna Flora, 11 Wh., 1; Bank of Kentucky *v.* Wistar, 3 Pet., 431; Jackson *v.* Ashton,

SEC. 954. No summons, writ, declaration, return, process, judgment, or other proceedings in civil causes, in any court of the United States, shall be abated, arrested, quashed, or reversed for any defect or want of form; but such court shall proceed and give judgment according as the right of the cause and matter in law shall appear to it, without regarding any such defect, or want of form, except those which, in cases of demurrer, the party demurring specially sets down, together with his demurrer, as the cause thereof; and such court shall amend every such defect and want of form, other than those which the party demurring so expresses; and may at any time permit either of the parties to amend

any defect in the process or pleadings, upon such conditions as it shall, in its discretion and by its rules, prescribe.

10 Pet., 480; Woodward *v.* Brown, 13 Pet., 1; Houseman *v.* Schooner North Carolina, 15 Pet., 40; Matheson's Administrator *v.* Grant's Administrator, 2 How., 263; Garland *v.* Davis, 4 How., 131; Stockton *v.* Bishop, 4 How., 155; Kennedy *v.* Georgia Bank, 8 How., 586; Conrad *v.* Griffey, 11 How., 480; Parks *v.* Turner, 12 How., 39; Hudgins *v.* Kemp, 18 How., 530; Insurance Company *v.* Mordecai, 21 How., 195; Porter *v.* Foley, 21 How., 393; Railroad Company *v.* Lindsay, 4 Wall., 650; McVeigh *v.* U. S., 8 Wall., 640.

Death of parties.

24 Sept., 1789, c. 20, s. 31, v. 1, p. 90.

SEC. 955. When either of the parties, whether plaintiff, or petitioner, or defendant, in any suit in any court of the United States, dies before final judgment, the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly; and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending, twenty days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid, shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

Wilson *v.* Codman's Executor, 3 Cr., 193; McCoul *v.* Lukamp's Administrator, 2 Wh., 111; Green *v.* Watkins, 6 Wh., 260; Macker's Heirs *v.* Thomas, 7 Wh., 530; Clay *v.* Smith, 3 Pet., 411; McNutt *v.* Bland, 2 How., 28; Barribeau *v.* Brant, 17 How., 43; Griswold *v.* Hill, 1 Paine, 483; Hatch *v.* Eustace, 1 Gallis., 160; The James A. Wright, 10 Blatch., 160.

When one of several plaintiffs or defendants dies.

24 Sept., 1789, c. 20, s. 31, v. 1, p. 90.

SEC. 956. If there are two or more plaintiffs or defendants, in a suit where the cause of action survives to the surviving plaintiff or against the surviving defendant, and one or more of them dies, the writ or action shall not be thereby abated; but, such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff against the surviving defendant.

Delinquents for public money; judgment at return term, unless, &c.

3 Mar., 1797, c. 20, s. 3, v. 1, p. 514.

SEC. 957. When suit is brought by the United States against any revenue officer or other person accountable for public money, who neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court, (the United States attorney being present,) makes and subscribes an oath that he is equitably entitled to credits which had been, previous to the commencement of the suit, submitted to the accounting officers of the Treasury, and rejected; specifying in the affidavit each particular claim so rejected, and that he cannot then safely come to trial. If the court, when such oath is made, subscribed, and filed, is thereupon satisfied, a continuance until the next succeeding term may be granted. Such continuance may also be granted when the suit is brought upon a bond or other sealed instrument, and the defendant pleads non est factum, or makes a motion to the court, verifying such plea or motion by his oath, and the court thereupon requires the production of the original bond, contract, or other paper certified in the affidavit. And no continuance shall be granted except as herein provided.

Suits under postal laws; judgment at return term, unless, &c.

3 Mar., 1825, c. 64, s. 38, v. 4, p. 113.
2 July, 1836, c. 270, s. 15, v. 5, p. 82.

SEC. 958. In suits arising under the postal laws the court shall proceed to trial, and render judgment at the return term; but whenever service of process is not made at least twenty days before the return day of such term, the defendant is entitled to one continuance, if, on his statement, the court deems it expedient; and if he makes affidavit that he has a claim against the Post-Office Department, which has been submitted to and disallowed by the Sixth Auditor, specifying such claim in his affidavit, and that he could not be prepared for trial at such term for want of evidence, the court, if satisfied thereof, may grant a continuance until the next term.

Suits on debentures; judgment at, return term unless, &c.

SEC. 959. In all suits for the recovery of money upon debentures issued by the collectors of customs, under any act for the collection of duties, it shall be the duty of the court to grant judgment at the return term,

2 Mar., 1799, c. 22, s. 80, v. 1, pp. 688, 689.

Ex parte U. S., 8 Pet., 700.

unless the defendant, in open court, exhibits some plea, on oath, by which the court is satisfied that a continuance is necessary to the attainment of justice; in which case, and not otherwise, a continuance until the next term may be granted.

Suits on bonds for recovery of duties; judgment at return term, unless, &c.

2 Mar., 1799, c. 22, s. 65, v. 1, p. 676.

Ex parte U. S., 8 Pet., 700.

SEC. 960. When suit is brought on any bond for the recovery of duties due to the United States, it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court, (the United States attorney being present,) makes oath that an error has been committed in the liquidation of the duties demanded upon such bond, specifying the errors alleged to have been committed, and that the same have been notified in writing to the collector of the district before the said return term; whereupon a continuance may be granted until the next term, and no longer, if the court is satisfied that such continuance is necessary for the attainment of justice.

Judgment for sum due in equity on bonds, &c.

24 Sept., 1789, c. 20, s. 26, v. 1, p. 87.

Farrar *v.* U. S., 5 Pet., 373.

SEC. 961. In all suits brought to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach, or non-performance appears by the default or confession of the defendant, or upon demurrer, the court shall render judgment for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, it shall, if either of the parties request it, be assessed by a jury.

Judgment for duties, &c., to state that it is to be collected in coin.

3 Mar., 1865, c. 80, s. 12, v. 13, p. 494.

SEC. 962. In all suits by the United States for the recovery of duties upon imports, or of penalties for the non-payment thereof, the judgment shall recite that it is rendered for duties, and such judgment, with interest thereon, and costs, shall be payable in the coin by law receivable for duties; and the execution issued thereon shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. [See § 3014.]

Interest on bonds for duties.

2 Mar., 1799, c. 22, s. 65, v. 1, p. 676.

SEC. 963. Upon all bonds, on which suits are brought for the recovery of duties, interest shall be allowed, at the rate of six per centum a year, from the time when said bonds became due.

Interest on balances due Post-Office Department.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.

SEC. 964. In all suits for balances due to the Post-Office Department, interest thereon shall be recovered, from the time of the default, at the rate of six per centum a year.

Interest on debentures.

2 Mar., 1799, c. 22, s. 80, v. 1, pp. 687, 689.

SEC. 965. In suits upon debentures, issued by the collectors of the customs under any act for the collection of duties, interest shall be allowed, at the rate of six per centum per annum, from the time when such debenture became due and payable.

Interest on judgments.

23 Aug., 1842, c. 118, s. 8, v. 5, p. 518.

Perkins *v.* Fourniquet, 14 How., 328; National Bank *v.* Mechanics' National Bank, 94 U. S., 437.

SEC. 966. Interest shall be allowed on all judgments in civil causes, recovered in a circuit or district court, and may be levied by the marshal under process of execution issued thereon, in all cases where, by the law of the State in which such court is held, interest may be levied under process of execution on judgments recovered in the courts of such State; and it shall be calculated from the date of the judgment, at such rate as is allowed by law on judgments recovered in the courts of such State.

When judgments of United States courts cease to be liens.

4 July, 1840, c. 43, s. 4, v. 5, p. 393.—Massingill *v.* Downs, 7 How., 760; Myers *v.* Tyson, 13 Blatch., 242.

SEC. 967. Judgments and decrees rendered in a circuit or district court, within any State, shall cease to be liens on real estate or chattels real, in the same manner and at like periods as judgments and decrees of the courts of such State cease, by law, to be liens thereon.

When plaintiff or petitioner recovers in a circuit court less than certain amounts, he recovers no costs.

SEC. 968. When, in a circuit court, a plaintiff in an action at law originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, exclusive of costs, in a case which cannot be brought there unless the amount in dispute, exclusive of costs, exceeds said sum or value; or a

libelant, upon his own appeal, recovers less than the sum or value of three hundred dollars, exclusive of costs, he shall not be allowed, but, at the discretion of the court, may be adjudged to pay, costs.

24 Sept., 1789, c. 20, s. 20, v. 1, p. 83.
3 Mar., 1803, c. 40, s. 2, v. 2, p. 244.

Leeds *v.* Cameron, 3 Sum., 488; Kneass *v.* Schuylkill Bank, 4 Wash. C. C., 106; Cattle *v.* Payne, 3 Day, 289; Ellis *v.* Jarvis, 3 Mas., 457; Field *v.* Schell, 4 Blatch., 435.

Costs in internal-revenue suits upon information.

SEC. 969. When a suit for the recovery of any penalty or forfeiture accruing under any law providing internal revenue is brought upon information received from any person other than a collector, deputy collector, or inspector of internal revenue, the United States shall not be subject to any costs of suit.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Claimant not entitled to costs when reasonable cause of seizure.

SEC. 970. When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the court shall cause a proper certificate thereof to be entered, and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent.

2 Mar., 1799, c. 22, s. 89, v. 1, pp. 695, 696.
24 Feb., 1807, c. 19, s. 1, v. 2, p. 422.

Gelston *v.* Hoyt, 3 Wh., 246, (314;) The Apollon, 9 Wh., 362; U. S. *v.* Riddle, 5 Cr., 311; Locke *v.* U. S., 7 Cr., 339; Otis *v.* Watkins, 9 Cr., 339; Averill *v.* Smith, 17 Wall., 82, (93;) Shattuck *v.* Maley, 1 Wash. C. C., 249; Friendship and Cargo, 1 Gallis., 111; The Friendship, 2 Gallis., 112; U. S. *v.* Gay, 2 Gallis., 360; The Ship Recorder, 2 Blatch., 120; La Jeune Eugenie, 2 Mas., 436.

Double costs, when plaintiff is nonsuited in action against officer making seizure, &c.

SEC. 971. If, in any suit against an officer or other person executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant shall recover double costs.

2 Mar., 1799, c. 22, s. 71, v. 1, p. 678.

Copyright suits, full costs allowed.

SEC. 972. In all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon.

8 July, 1870, c. 230, s. 108, v. 16, p. 215.

Costs not recoverable in certain suits for infringement of patent, unless disclaimer entered, &c.

SEC. 973. When judgment or decree is rendered for the plaintiff or complainant, in any suit at law or in equity, for the infringement of a part of a patent, in which it appears that the patentee, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor, no costs shall be recovered, unless the proper disclaimer, as provided by the patent-laws, has been entered at the Patent-Office before the suit was brought.

8 July, 1870, c. 230, s. 60, v. 16, p. 207.

When costs of prosecution to be paid by defendant.

SEC. 974. When judgment is rendered against the defendant in a prosecution for any fine or forfeiture incurred under a statute of the United States, he shall be subject to the payment of costs; and on every conviction for any other offense not capital, the court may, in its discretion, award that the defendant shall pay the costs of the prosecution.

8 May, 1792, c. 36, s. 5, v. 1, p. 277.

When costs are recovered by defendant in a prosecution.

SEC. 975. If any informer or plaintiff on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff is an officer of the United States specially authorized to commence such prosecution, and the court, at the trial in open court, certifies upon the record that there was reasonable cause for commencing the same; in which case no costs shall be adjudged to the defendant.

8 May, 1792, c. 36, s. 5, v. 1, p. 277.

Fees of clerk, marshal, &c.; when payable by informer; when by United States.

SEC. 976. If any informer on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, such informer shall be alone liable to the clerk, marshal, and attorney for the fees of such prosecution, unless he is an officer of the United States whose duty it is to commence such

28 Feb., 1799, c. 19, s. 8, v. 1, p. 626.

prosecution, and the court certifies that there was reasonable cause for commencing the same; in which case the United States shall be responsible for such fees.

Costs, when several actions are brought against parties who might be joined in one.

22 July, 1813, c. 14, s. 1, v. 3, p. 19.

SEC. 977. If several actions or processes are instituted, in a court of the United States or one of the Territories, against persons who might legally be joined in one action or process touching the matter in dispute, the party pursuing the same shall not recover, on all of the judgments therein which may be rendered in his favor, the costs of more than one action or process, unless special cause for said several actions or processes is satisfactorily shown on motion in open court.

Allowance of costs in libels against vessel and cargo.

22 July, 1813, c. 14, s. 2, v. 3, p. 20.

SEC. 978. When proceedings are had before a court of the United States or of the Territories, on several libels against any vessel and cargo, which might legally be joined in one libel, there shall not be allowed thereon more costs than on one libel, unless special cause for libeling the vessel and cargo separately is satisfactorily shown on motion in open court. And in proceedings on several libels or informations against any cargo, or parts of cargo, or merchandise seized as forfeited for the same cause, there shall not be allowed more costs than would be lawful on one libel or information, whatever may be the number of owners or consignees therein concerned. But allowance may be made on one libel or information for the costs incidental to several claims.

Claimant's costs to be paid before possession, when, &c.

22 July, 1813, c. 14, s. 2, v. 3, p. 21.

SEC. 979. When judgment is rendered in favor of the claimant of any vessel or other property seized on behalf of the United States, and libeled or informed against as forfeited under any law thereof, he shall be entitled to possession of the same when his own costs are paid.

When district attorney is entitled to but one bill of costs for several prosecutions.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

SEC. 980. When a district attorney prosecutes two or more indictments, suits, or proceedings which should be joined, he shall be paid but one bill of costs for all of them.

Taxation of fees of witness before a commissioner.

16 Aug., 1856, c. 124, s. 3, v. 11, p. 49.

SEC. 981. In no case shall the fees of more than four witnesses be taxed against the United States, in the examination of any criminal case before a commissioner of a circuit court, unless their materiality and importance are first approved and certified to by the district attorney for the district in which the examination is had; and such taxation shall be subject to revision, as in other cases.

Attorney liable for costs vexatiously increased by him.

22 July, 1813, c. 14, s. 3, v. 3, p. 21.
26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

SEC. 982. If any attorney, proctor, or other person admitted to conduct causes in any court of the United States, or of any Territory, appears to have multiplied the proceedings in any cause before such court, so as to increase costs unreasonably and vexatiously, he shall be required, by order of the court, to satisfy any excess of costs so increased.

Bill of costs, how taxed.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

The Liverpool Packet, 2 Spr., 37; Lyell v. Miller, 6 McLean, 422.

SEC. 983. The bill of fees of the clerk, marshal, and attorney, and the amount paid printers and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trials in cases where by law costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party. Such taxed bills shall be filed with the papers in the cause.

Bill of costs to be sworn to before taxed or allowed.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 169.
23 *June*, 1874, c. 469, *s.* 7, *v.* 18, *p.* 256.

SEC. 984. Before any bill of costs shall be taxed by any judge or other officer, or allowed by any officer of the Treasury, in favor of clerks, marshals, commissioners, or district attorneys, the party claiming such bill shall prove by his own oath, or that of some other person having a knowledge of the facts, to be attached to such bill, and filed therewith, that the services charged therein have been actually and necessarily performed, as therein stated.

Executions to run in all the districts of a State.

SEC. 985. All writs of execution upon judgments or decrees obtained in a circuit or district court, in any State which is divided into two or more districts, may run and be executed in any part of such State; but

shall be issued from, and made returnable to, the court wherein the judgment was obtained.

20 May, 1826, c. 124, v. 4, p. 184.

Lyman Ventilating Company *v.* Southard, 12 Blatch., 405.

Executions in favor of United States to run in every State and Territory.

SEC. 986. All writs of execution upon judgments obtained for the use of the United States, in any court thereof, in one State, may run and be executed in any other State, or in any Territory, but shall be issued from, and made returnable to, the court wherein the judgment was obtained.

3 Mar., 1797, c. 20, s. 6, v. 1, p. 515.

Execution stayed on conditions.

SEC. 987. When a circuit court enters judgment in a civil action, either upon a verdict or on a finding of the court upon the facts, in cases where such finding is allowed, execution may, on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as it may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court a petition for a new trial. If such petition is filed within said term of forty-two days, with a certificate thereon from any judge of such court that he allows it to be filed, which certificate he may make or refuse at his discretion, execution shall, of course, be further stayed to the next session of said court. If a new trial be granted, the former judgment shall be thereby rendered void.

24 Sept., 1789, c. 20, s. 18, v. 1, p. 83.
3 Mar., 1865, c. 86, s. 4, v. 13, p. 501.

Cooper, ex., *v.* Omohundro, 19 Wall., 65.

When judgment-debtor entitled to a continuance of one term.

SEC. 988. In any State where judgments are liens upon the property of the defendant, and where, by the laws of such State, defendants are entitled, in the courts thereof, to a stay of execution for one term or more, defendants in actions in the courts of the United States, held therein, shall be entitled to a stay of execution for one term.

19 May, 1828, c. 68, s. 2, v. 4, p. 281.

Execution not to issue against officers of revenue in cases of probable cause, &c.

SEC. 989. When a recovery is had in any suit or proceeding against a collector or other officer of the revenue for any act done by him, or for the recovery of any money exacted by or paid to him and by him paid into the Treasury, in the performance of his official duty, and the court certifies that there was probable cause for the act done by the collector or other officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector or other officer, but the amount so recovered shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury.

3 Mar., 1863, c. 76, s. 12, v. 12, p. 741.

Andrae *v.* Redfield, 12 Blatch., 407.

Imprisonment for debt.

SEC. 990. No person shall be imprisoned for debt in any State, on process issuing from a court of the United States, where, by the laws of such State, imprisonment for debt has been or shall be abolished. And all modifications, conditions, and restrictions upon imprisonment for debt, provided by the laws of any State, shall be applicable to the process issuing from the courts of the United States to be executed therein; and the same course of proceedings shall be adopted therein as may be adopted in the courts of such State.

28 Feb., 1839, c. 35, v. 5, p. 321.
14 Jan., 1841, c. 2, v. 5, p. 410.
2 Mar., 1867, c. 180, v. 14, p. 543.

Randolph *v.* Donaldson, 9 Cr., 76; Marshall *v.* Bazin, 7 N. Y. Leg. Obs., 342; Hodge *v.* Bemis, 12 Law Rep., 470, S. C., 2 Am. L. J., 337; Gardner *v.* Isaacson, 1 Ab., 141; Gaines *v.* Travis, 1 Ab., 422; United States *v.* Tetlow, 2 Low., 159.

Discharge from arrest or imprisonment on mesne or final process.

SEC. 991. When any person is arrested or imprisoned in any State, on mesne process or execution issued from any court of the United States, in any civil action, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he were so arrested and imprisoned on like process from the courts of such State. The same oath may be taken, and the same notice thereof shall be required, as may be provided by the laws of such State, and the same course of proceedings shall be adopted as may be adopted in the courts thereof. But all such proceedings shall be had before one of the commissioners of the circuit court for the district where the defendant is so held.

6 Jan., 1800, c. 4, s. 2, v. 2, p. 5.
7 Jan., 1824, c. 3, v. 4, p. 1.
22 April, 1824, c. 39, ss. 1, 2, v. 4, pp. 19, 20.
2 Mar., 1867, c. 180, v. 14, p. 543.—King *v.* Riddle, 7 Cr., 168; Duncan *v.* Durst, 1 How., 301; McNutt *v.* Bland, 2 How., 9; Snead *v.* McCoull, 12 How., 407.

Privileges of jail limits.

SEC. 992. Persons imprisoned on process issuing from any court of the United States in civil actions, as well at the suit of the United States as

6 Jan., 1800, c. 4, s. 1, v. 2, p. 4.
19 May, 1828, c. 68, s. 1, v. 4, p. 278.
1 Aug., 1842, c. 109, v. 5, p. 499.

at the suit of any person, shall be entitled to the same privileges of the yards of the respective jails as persons confined in like cases on process from the courts of the respective States are entitled to, and under the like regulations and restrictions.

Ex parte Wilson, 6 Cr., 52; U. S. *v.* Knight, 14 Pet., 314.

Goods taken on a *fieri facias*, how appraised.

2 Mar., 1793, c. 22, s. 8, v. 1, p. 335.

Bronson *v.* Kinzie, 1 How., 323.

SEC. 993. When it is required by the laws of any State that goods taken in execution on a writ of fieri facias shall be appraised, before the sale thereof, the appraisers appointed under the authority of the State may appraise goods taken in execution on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court of such State. And the marshal, in whose custody such goods may be, shall summon the appraisers, in the same manner as the sheriff is, by the laws of such State, required to summon them; and if the appraisers, being duly summoned, fail to attend and perform the duties required of them, the marshal may proceed to sell such goods without an appraisement. When such appraisers attend they shall be entitled to the like fees as in cases of appraisements under the laws of the State.

Death of marshal after levy or after sale.

7 May, 1800, c. 45, s. 3, v. 2, p. 61.

Doolittle *v.* Bryan, 14 How., 563.

SEC. 994. When a marshal dies, or is removed from office, or the term of his commission expires, after he has taken in execution, under process from a court of the United States, any lands, tenements, or hereditaments, and before sale or other final disposition thereof, the like process shall issue to the succeeding marshal, and the same proceeding shall be had as if such marshal had not died or been removed, or the term of his commission had not expired. And when a marshal dies or is removed from office, or the term of his commission expires, after he has sold any lands, tenements, or hereditaments, under process from a court of the United States, and before a deed for the same is executed by him to the purchaser, such court may, on application by the purchaser, or by the plaintiff at whose suit the sale was made, setting forth the case and the reason why the title was not perfected by said marshal, order the marshal for the time being to perfect the title and execute a deed to the purchaser, upon his paying the purchase-money and costs remaining unpaid.

Moneys paid into court, where and how deposited.

24 Mar., 1871, c. 2, s. 1, v. 17, p. 1.

SEC. 995. All moneys paid into any court of the United States, or received by the officers thereof, in any cause pending or adjudicated in such court, shall be forthwith deposited with the Treasurer, an assistant treasurer, or a designated depositary of the United States, in the name and to the credit of such court: *Provided*, That nothing herein shall be construed to prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court.

How moneys deposited to be withdrawn.

24 Mar., 1871, c. 2, s. 2, v. 17, p. 1.

SEC. 996. No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said courts respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn.

PROCEDURE ON ERROR AND APPEAL.

Removal of causes by writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

SEC. 997. There shall be annexed to and returned with any writ of error for the removal of a cause, at the day and place therein mentioned, an authenticated transcript of the record, an assignment of errors, and a prayer for reversal, with a citation to the adverse party.

The writ: Wood *v.* Lyde, 4 Cr. 180; U. S. *v.* Hodge, 3 How., 534; U. S. *v.* Villabolos, 6 How., 81; U. S. *v.* Curry, 6 How., 112; Brooks *v.* Norris, 11 How., 204; Steamer Virginia *v.* West, 19 How., 182; Insurance Company *v.* Mordecai, 21 How., 200; Overton *v.* Cheek, 22 How., 46; Castro *v.* U. S., 3 Wall., 46; Mussina *v.* Cavazos, 6 Wall., 355; Bartemeyer *v.* Iowa, 14 Wall., 26; Storm *v.* U. S., 94 U. S., 76; Hurst *v.* Hollingsworth, 94 U. S., 111; Dayton *v.* Lash, 94 U. S., 112.

Transcript: Owens *v.* Hanney, 9 Cr., 180; Williams *v.* Norris, 12 Wh., 117; Stockton, *v.* Bishop, 4 How., 155; Innerarity *v.* Byrne, 5 How., 295; Villabolos *v.* U. S., 6 How., 81; Steamer Virginia *v.* West, 19 How., 182; U. S. *v.* Gomez, 1 Wall., 690; Sparrow *v.* Strong, 3 Wall., 103; Stearns *v.* U. S., 4 Wall., 1; Edmonson *v.* Bloomshire, 7 Wall., 306;

Blitz *v.* Brown, 7 Wall., 693; Avendano *v.* Gay, 8 Wall., 376; The Lucy, 8 Wall., 307; Hoe *v.* Wilson, 9 Wall., 501; U. S. *v.* Vigil, 10 Wall., 423.

Citation: Lloyd *v.* Alexander, 1 Cr., 365; Yeaton *v.* Lenox, 7 Pet., 220; U. S. *v.* Hodge, 3 How., 534; McDonogh *v.* Millandon, 3 How., 693; Sheppard *v.* Wilson, 5 How., 210; Innerarity *v.* Byrne, 5 How., 295; Villabolos *v.* U. S., 6 How., 81; U. S. *v.* Curry, 6 How., 106; Peale *v.* Phipps, 8 How., 256; Buckingham *v.* McLean, 13 How., 150; Davenport *v.* Fletcher, 16 How., 142; Poydras de la Lande *v.* Treasurer of Louisiana, 17 How., 1; Carrol *v.* Dorsey, 20 How., 207; Bacon *v.* Hart, 1 Bl., 38; U. S. *v.* Gomez, 1 Wall., 690; Castro *v.* U. S., 3 Wall., 46; Sparrow *v.* Strong, 3 Wall., 103; McClane *v.* Boon, 6 Wall., 244; Alviso *v.* U. S., 6 Wall., 457; City of Washington *v.* Jennison, 6 Wall., 495; Pierce *v.* Cox, 9 Wall., 787; Bigler *v.* Waller, 12 Wall., 142; Bartemeyer *v.* Iowa, 14 Wall., 26.

Citation.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

SEC. 998. When the writ is issued by a circuit court to a district court, the citation shall be signed by the judge of such district court, or by the circuit judge of such circuit court, or by a justice of the Supreme Court, and the adverse party shall have at least twenty days' notice.

Citation, Supreme Court.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5. Feb., 1867, c. 28, s. 2, v. 14, p. 386.

SEC. 999. When the writ is issued by the Supreme Court to a circuit court, the citation shall be signed by a judge of such circuit court, or by a justice of the Supreme Court, and the adverse party shall have at least thirty days' notice; and when it is issued by the Supreme Court to a State court, the citation shall be signed by the Chief Justice, or judge, or chancellor of such court, rendering the judgment or passing the decree complained of, or by a justice of the Supreme Court of the United States, and the adverse party shall have at least thirty days' notice.

U. S. *v.* Hodge, 3 How., 534; Sheppard *v.* Wilson, 5 How., 210; Villabolos *v.* U. S., 6 How., 81; Davidson *v.* Lanier, 4 Wall., 453; Palmer *v.* Downer, 7 Wall., 541; Bartemeyer *v.* Iowa, 14 Wall., 26.

Bond in error and on appeal.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
12 Dec., 1794, c. 3, v. 1, p. 404.
21 Feb., 1863, c. 50, v. 12, p. 657.
27 July, 1868, c. 255, s. 1, v. 15, p. 226.

SEC. 1000. Every justice or judge signing a citation on any writ of error, shall, except in cases brought up by the United States or by direction of any Department of the Government, take good and sufficient security that the plaintiff in error or the appellant shall prosecute his writ or appeal to effect, and, if he fail to make his plea good, shall answer all damages and costs, where the writ is a supersedeas and stays execution, or all costs only where it is not a supersedeas as aforesaid.

—Brockett *v.* Brockett, 2 How., 238; Davenport *v.* Fletcher, 16 How., 142; Hudgins *v.* Kemp, 18 How., 530; Roberts *v.* Cooper, 19 How., 373; Anson *v.* Blue Ridge R. R., 23 How., 1; Orchard *v.* Hughes, 1 Wall., 76; Brobst *v.* Brobst, 2 Wall., 96; Davidson *v.* Lanier, 4 Wall., 447; *Ex parte* The Milwaukee R. R., 5 Wall., 188; Seymour *v.* Freer, 5 Wall., 822; Rubber Company *v.* Goodyear, 6 Wall., 153; Silver *v.* Ladd, 6 Wall., 440; Edmonson *v.* Bloomshire, 7 Wall., 306; French *v.* Shoemaker, 12 Wall., 86; Bigler *v.* Waller, 12 Wall., 142; Telegraph Company *v.* Eyser, 19 Wall., 419; Board of Commissioners *v.* Gorman, 19 Wall., 661; Kitchen *v.* Randolph, 93 U. S., 86.

No bond required of United States, &c.

21 Feb., 1863, c. 50, v. 12, p. 657.
27 July, 1868, c. 255, s. 1, v. 15, p. 226.

SEC. 1001. Whenever a writ of error, appeal, or other process in law, admiralty, or equity, issues from or is brought up to the Supreme Court, or a circuit court, either by the United States or by direction of any Department of the Government, no bond, obligation, or security shall be required from the United States, or from any party acting under the direction aforesaid, either to prosecute said suit, or to answer in damages or costs. In case of an adverse decision, such costs as by law are taxable against the United States, or against the party acting by direction as aforesaid, shall be paid out of the contingent fund of the Department under whose directions the proceedings were instituted.

Writs of error to district courts acting as circuit courts.

SEC. 1002. Writs of error shall be prosecuted from the final judgments of district courts acting as circuit courts to the Supreme Court in the same manner as from the final judgments of circuit courts.

24 Sept., 1789, c. 20, s. 10, v. 1, p. 77. 22 *June*, 1874, *c.* 401, *s.* 7, *v.* 18, *p.* 196. Ala., 4 Aug., 1842, c. 123, s. 1, v. 5, p. 504; 8 Aug., 1846, c. 104, s. 1, v. 9, p. 78. Ark., 3 Mar., 1851, c. 24, s. 3, v. 9, p. 595. Ga., 11 Aug., 1848, c. 151, s. 9, v. 9, p. 281. Miss., 16 Feb., 1839, c. 27, s. 3, v. 5, p. 317. W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 28 Mar., 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 120, s. 1, v. 13, p. 124.

Writs of error to State courts, manner of issue.

SEC. 1003. Writs of error from the Supreme Court to a State court in cases authorized by law, shall be issued in the same manner, and under the same regulations, and shall have the same effect as if the judgment

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85–6. 5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

or decree complained of had been rendered or passed in a court of the United States.

—Gelston *v.* Hoyt, 3 Wh., 246; Buell *v.* Van Ness, 8 Wh., 312; McGuire *v.* The Commonwealth, 3 Wall., 382; Aldrich *v.* Ætna Company, 8 Wall., 495; Gleason *v.* Florida, 9 Wall., 779; Bartemeyer *v.* Iowa, 14 Wall., 26.

Writs of error returnable to the Supreme Court, how issued.

8 May, 1792, c. 36, s. 9, v. 1, p. 278.

SEC. 1004. Writs of error returnable to the Supreme Court may be issued as well by the clerks of the circuit courts, under the seals thereof, as by the clerk of the Supreme Court. When so issued they shall be, as nearly as each case may admit, agreeable to the form of a writ of error transmitted to the clerks of the several circuit courts by the clerk of the Supreme Court, in pursuance of section nine of the act of May eight, seventeen hundred and ninety-two, chapter thirty-six.

Buell *v.* Van Ness, 8 Wh., 312; Sheppard *v.* Wilson, 5 How., 210; Mussina *v.* Cavazos, 6 Wall., 355.

Amendment of writ of error.

1 June, 1872, c. 255, s. 3, v. 17, p. 196.

SEC. 1005. The Supreme Court may, at any time, in its discretion and upon such terms as it may deem just, allow an amendment of a writ of error, when there is a mistake in the teste of the writ, or a seal to the writ is wanting, or when the writ is made returnable on a day other than the day of the commencement of the term next ensuing the issue of the writ, or when the statement of the title of the action or parties thereto in the writ is defective, if the defect can be remedied by reference to the accompanying record, and in all other particulars of form: *Provided*, The defect has not prejudiced, and the amendment will not injure, the defendant in error.

Carroll *v.* Dorsey, 20 How., 206; Mussina *v.* Cavazos, 6 Wall., 355; Hampton *v.* Rouse, 15 Wall., 684; Atherton et al. *v.* Fowler et al., U. S., 143.

Amendments in prize appeals.

3 Mar., 1873, c. 230, s. 2, v. 17, p. 556.

SEC. 1006. The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize causes. [See § 4636.]

Supersedeas.

24 Sept., 1789, c. 20, s. 23, v. 1, p. 85. 1 June, 1872, c. 255, s. 11, v. 17, p. 198. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

SEC. 1007. In any case where a writ of error may be a supersedeas, the defendant may obtain such supersedeas by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment, he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterward with the permission of a justice or judge of the appellate court. And in such cases where a writ of error may be a supersedeas, executions shall not issue until the expiration of [*the said term of sixty*] [ten] days.

Hogan *v.* Ross, 11 How., 294; Stafford *v.* Union Bank, 16 How., 135; Adams *v.* Law, 16 How., 144; Green *v.* Van Buskirk, 3 Wall., 448; City of Washington *v.* Dennison, 6 Wall., 495; Railroad *v.* Harris, 7 Wall., 574; Telegraph Co. *v.* Eyser, 19 Wall., 419; Board of Commissioners *v.* Gorman, 19 Wall., 661; Doyle *v.* Wisconsin, 94 U. S., 50; Goddard *v.* Ordway, 94 U. S., 672.

Writs of error and appeals to Supreme Court, time for taking.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

SEC. 1008. No judgment, decree, or order of a circuit or district court, in any civil action, at law or in equity, shall be reviewed in the Supreme Court, on writ of error or appeal, unless the writ of error is brought, or the appeal is taken, within two years after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, insane person, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within two years after the judgment, decree, or order, exclusive of the term of such disability. [See § 635.]

Thomas *v.* Brockenbrough, 10 Wh., 146; Brooks *v.* Norris, 11 How., 204; Hanger *v.* Abbott, 6 Wall., 532; The Protector, 9 Wall., 687.

Appeals in prize causes, within what time.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

SEC. 1009. Appeals in prize causes shall be made within thirty days after the rendering of the decree appealed from, unless the court previously extends the time, for cause shown in the particular case: *Provided*, That the Supreme Court may, if in its judgment the purposes of justice require it, allow an appeal in any prize cause, if it appears that any notice of appeal, or of intention to appeal, was filed with the clerk

of the district court within thirty days next after the rendition of the final decree therein. [See §§ 695, 4636.]

3 Mar., 1873, c. 230, s. 2, v. 17, p. 556.

The Neustra Señora de Reglas, 16 Wall., 29.

SEC. 1010. Where, upon a writ of error, judgment is affirmed in the Supreme Court or a circuit court, the court shall adjudge to the respondents in error just damages for his delay, and single or double costs, at its discretion.

Damages and costs on affirmance in error.

24 Sept., 1789, c. 20, ss. 23, 25, v. 1, p. 85. 2 Mar., 1803, c. 40, s. 2, v. 2, p. 244. 5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.—Rules 23, 24, 30, Supreme Court. Winchester *v.* Jackson, 3 Cr., 514; Himley *v.* Rose, 5 Cr., 313; McIver *v.* Wattles, 9 Wh., 650; Boyce's Executors *v.* Grundy, 9 Pet., 275; Kilbourne *v.* Savings Institution, 22 How., 503; Hennessy *v.* Sheldon, 12 Wall., 440. West Wisconsin Railway Co. *v.* Folley, 94 U. S., 100.

SEC. 1011. There shall be no reversal in the Supreme Court or in a circuit court upon a writ of error, for error in ruling [*and*] [any] plea in abatement, other than a plea to the jurisdiction of the court, or for any error in fact.

Reversal on error limited.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84. 2 Mar., 1803, c. 40, s. 2, v. 2, p. 244. 18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 318.—Stafford *v.* Union Bank, 16 How., 135.

SEC. 1012. Appeals from the circuit courts and district courts acting as circuit courts, and from district courts in prize causes, shall be subject to the same rules, regulations, and restrictions as are or may be prescribed in law in cases of writs of error.

Appeals from circuit courts to Supreme Court.

3 Mar., 1803, c. 40, s. 2, v. 2, p. 244. 30 June, 1864, c. 174, s. 13, v. 13, p. 310.—Yeaton *v.* Lenox, 7 Pet., 220; Villabolos *v.* U. S., 6 How., 81; U. S. *v.* Curry, 6 How., 106; Stafford *v.* Union Bank, 16 How., 139; Steamer Virginia *v.* West, 19 How., 182; U. S. *v.* Gomez, 3 Wall., 763; The Protector, 11 Wall., 82.

SEC. 1013. Where appeal is duly taken by both parties from the judgment or decree of a circuit or district court to the Supreme Court, a transcript of the record filed in the Supreme Court by either appellant may be used on both appeals, and both shall be heard thereon in the same manner as if records had been filed by the appellants in both cases.

Where both parties appeal to the Supreme Court, one record sufficient.

6 Aug., 1861, c. 61, s. 1, v. 12, p. 319.

CRIMINAL PROCEDURE.

SEC. 1014. For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case. And where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned, seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had. [See § 879.]

Offenders against the United States, how arrested and removed for trial.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91. 2 Mar., 1793, c. 22, s. 4, v. 1, p. 334. 22 Aug., 1842, c. 188, s. 1, v. 5, p. 516.

SEC. 1015. Bail shall be admitted upon all arrests in criminal cases where the offense is not punishable by death; and in such cases it may be taken by any of the persons authorized by the preceding section to arrest and imprison offenders.

Bail shall be admitted in cases not capital; by whom.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91. 2 Mar., 1793, c. 22, s. 4, v. 1, p. 334. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 1016. Bail may be admitted upon all arrests in criminal cases where the punishment may be death; but in such cases it shall be taken only by the Supreme Court or a circuit court, or by a justice of the Supreme Court, a circuit judge, or a judge of a district court, who shall exercise their discretion therein, having regard to the nature and circumstance of the offense, and of the evidence, and to the usages of law.

Bail may be admitted in capital cases; by whom.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91. 2 Mar., 1793, c. 22, s. 4, v. 1, p. 334. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Bail in criminal cases removed by writ of error from State courts.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85.
13 July, 1866, c. 184, s. 69, v. 14, p. 172.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

SEC. 1017. When a writ of error is issued for the revision of the judgment of a State court, in any criminal proceeding where is drawn in question the validity of a statute of, or an authority exercised under, the United States, or where any title, right, privilege, or immunity is claimed under the Constitution, or any statute of, or commission held or authority exercised under, the United States, the defendant, if charged with an offense that is bailable by the laws of such State, shall not be released from custody until a final judgment upon such writ, or until a bond, with sufficient sureties, in a reasonable sum, as ordered and approved by the State court, is given; and if the offense is not so bailable, until a final judgment upon the writ of error. [See § 709.]

Surrender of criminals by their bail.

8 Aug., 1846, c. 98, s. 4, v. 9, p. 73.

SEC. 1018. Any party charged with a criminal offense and admitted to bail, may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy, before any judge or other officer having power to commit for such offense; and at the request of such bail, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and indorse on the recognizance, or certified copy thereof, the discharge and exoneratur of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law.

New bail to be given in certain cases.

8 Aug., 1846, c. 98, s. 6, v. 9, p. 73.

SEC. 1019. When proof is made to any judge of the United States, or other magistrate having authority to commit on criminal charges as aforesaid, that a person previously admitted to bail on any such charge is about to abscond, and that his bail is insufficient, the judge or magistrate shall require such person to give better security, or, for default thereof, cause him to be committed to prison; and an order for his arrest may be indorsed on the former commitment, or a new warrant therefor may be issued, by such judge or magistrate, setting forth the cause thereof.

When penalty of recognizances may be remitted.

28 Feb., 1839, c. 36, s. 6, v. 5, p. 322.

SEC. 1020. When any recognizance in a criminal cause, taken for, or in, or returnable to, any court of the United States, is forfeited by a breach of the condition thereof, such court may, in its discretion, remit the whole or a part of the penalty, whenever it appears to the court that there has been no willful default of the party, and that a trial can, notwithstanding, be had in the cause, and that public justice does not otherwise require the same penalty to be enforced.

Indictments and presentments to be by at least twelve grand jurors.

3 Mar., 1865, c. 86, s. 1, v. 13, p. 500.

SEC. 1021. No indictment shall be found, nor shall any presentment be made, without the concurrence of at least twelve grand jurors.

Offenses against the elective franchise, how prosecuted.

31 May, 1870, c. 114, s. 8, v. 16, p. 142.

SEC. 1022. All crimes and offenses committed against the provisions of chapter seven, Title "CRIMES," which are not infamous, may be prosecuted either by indictment or by information filed by a district attorney.

Matters set forth in prosecutions for perjury before a naval court-martial.

17 July, 1862, c. 204, s. 1, art. 13, v. 12, p. 604.

SEC. 1023. In prosecutions for perjury committed on examination before a naval general court-martial, or for the subornation thereof, it shall be sufficient to set forth the offense charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought before, or intended to be brought before, said court.

Charges which may be joined in one indictment shall be so joined.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.
U. S. *v.* Jacoby, 12 Blatch., 491.

SEC. 1024. When there are several charges against any person for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses, which may be properly joined, instead of having several indictments the whole may be joined in one indictment in separate counts; and if two or more indictments are found in such cases, the court may order them to be consolidated.

Indictments, defects of form.

1 June, 1872, c. 255, s. 8, v. 17, p. 198.

SEC. 1025. No indictment found and presented by a grand jury in any district or circuit or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant.

Judgment on demurrer to an indictment.

SEC. 1026. In every case in any court of the United States, where a demurrer is interposed to an indictment, or to any count or counts thereof, or to any information, and the demurrer is overruled, the judgment shall be respondeat ouster; and thereupon a trial may be ordered at the same term, or a continuance may be ordered, as justice may require.

23 May, 1872, c. 202, v. 17, p. 158.

When several indictments against the same person, one writ sufficient.

SEC. 1027. When two or more charges are made, or two or more indictments are found against any person, only one writ or warrant shall be necessary to commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offenses, or to refer to them only in very general terms.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

Copy of writ to be jailer's authority; original returned.

SEC. 1028. Whenever a prisoner is committed to a sheriff or jailer by virtue of a writ, warrant, or mittimus, a copy thereof shall be delivered to such sheriff or jailer, as his authority to hold the prisoner, and the original writ, warrant, or mittimus shall be returned to the proper court or officer, with the officer's return thereon.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

Writ for removal of a prisoner from one district to another.

SEC. 1029. Only one writ or warrant is necessary to remove a prisoner from one district to another. One copy thereof may be delivered to the sheriff or jailer from whose custody the prisoner is taken, and another to the sheriff or jailer to whose custody he is committed, and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he is removed.

26 Feb., 1853, c. 80, s. 1, v. 10, pp. 162, 163.

No writ necessary to bring into court a person in custody.

SEC. 1030. No writ is necessary to bring into court any prisoner or person in custody, or for remanding him from the court into custody; but the same shall be done on the order of the court or district attorney, for which no fees shall be charged by the clerk or marshal.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 169. 23 *June*, 1874, *c.* 469, *s.* 7, *v.* 18, *p.* 256.

When peremptory challenges exceed the number allowed by law.

SEC. 1031. If, in the trial of a capital offense, the party indicted peremptorily challenges jurors above the number allowed him by law, such excess of challenges shall be disallowed by the court, and the cause shall proceed for trial in the same manner as if they had not been made. [See § 819.]

3 Mar., 1835, c. 40, s. 4, v. 4, p. 777.
3 Mar., 1865, c. 86, s. 2, v. 13, p. 500.

Prisoner standing mute, &c.

SEC. 1032. When any person indicted for any offense against the United States, whether capital or otherwise, upon his arraignment stands mute, or refuses to plead or answer thereto, it shall be the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party pleads not guilty, or such plea is entered as aforesaid, the cause shall be deemed at issue, and shall, without further form or ceremony, be tried by a jury.

30 April, 1790, c. 9, s. 30, v. 1, p. 119.
3 Mar., 1825, c. 65, s. 14, v. 4, p. 118.
3 Mar., 1835, c. 40, s. 4, v. 4, p. 777.

Copy of indictment and list of jurors and witnesses to be delivered to prisoner in capital cases.

SEC. 1033. When any person is indicted of treason, a copy of the indictment and a list of the jury, and of the witnesses to be produced on the trial for proving the indictment, stating the place of abode of each juror and witness, shall be delivered to him at least three entire days before he is tried for the same. When any person is indicted of any other capital offense, such copy of the indictment and list of the jurors and witnesses shall be delivered to him at least two entire days before the trial.

30 April, 1790, c. 9, s. 29, v. 1, p. 118.
U. S. *v.* Southmayd, 6 Biss., 321.

Persons indicted for capital crimes entitled to counsel and to compel witnesses.

SEC. 1034. Every person who is indicted of treason or other capital crime, shall be allowed to make his full defense by counsel learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, and they shall have free access to him at all seasonable hours. He shall be allowed, in his defense, to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution.

30 April, 1790, c. 9, s. 29, v. 1, p. 118.

Verdict of less offense than charged.

SEC. 1035. In all criminal causes the defendant may be found guilty of any offense the commission of which is necessarily included in that with which he is charged in the indictment, or may be found guilty of

1 June, 1872, c. 255, s. 9, v. 17, p. 198.

an attempt to commit the offense so charged: *Provided*, That such attempt be itself a separate offense.

Verdict against part of several joint defendants.

1 June, 1872, c. 255, s. 10, v. 17, p. 198.

SEC. 1036. On an indictment against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly; and the cause as to the other defendants may be tried by another jury.

Indictments remitted by circuit and district courts to each other.

8 Aug., 1846, c. 98, s. 2, v. 9, p. 72.

U. S. *v.* Murphy, 3 Wall., 649; U. S. *v.* Morris, 1 Curt. C. C., 23.

SEC. 1037. Whenever the district attorney deems it necessary, any circuit court may, by order entered on its minutes, remit any indictment pending therein to the next session of the district court of the same district, where the offense charged in the indictment is cognizable by the said district court. And in like manner any district court may remit to the next session of the circuit court of the same district any indictment pending in the said district court. And such remission shall carry with it all recognizances, processes, and proceedings pending in the case in the court from which the remission is made; and the court to which such remission is made shall, after the order of remission is filed therein, act in the case as if the indictment, and all other proceedings in the same, had been originated in said court.

Remission from district to circuit court of difficult cases.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

SEC. 1038. Any district court may, by order entered on its minutes, remit any indictment pending therein to the next session of the circuit court for the same district, when, in the opinion of such district court, difficult and important questions of law are involved in the case; and thereupon the proceedings in such case shall be the same in the circuit court as if such indictment had been originally found and presented therein.

All capital cases remitted from district to circuit courts.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

SEC. 1039. Every indictment of a capital offense, presented to a district court, together with the recognizances taken therein, shall, by order entered on its minutes, be remitted to the next session of the circuit court for the same district; and, on the filing of such order and indictment with the clerk of such circuit court, that court shall proceed thereon, in the same manner as if said indictment had been originally found and presented therein.

When a capital case is carried to the Supreme Court execution postponed.

3 Mar., 1869, c. 142, v. 15, p. 338.

SEC. 1040. Whenever a judgment of death is rendered in any court of the United States, and the case is carried to the Supreme Court in pursuance of law, the court rendering such judgment shall, by its order, postpone the execution thereof from time to time and from term to term, until the mandate of the Supreme Court in the case is received and entered upon the records of such lower court. In case of affirmance by the Supreme Court, the court rendering the original judgment shall appoint a day for the execution thereof; and in case of reversal, such further proceedings shall be had in the lower court as the Supreme Court may direct.

Judgments for fines, how collected.

1 June, 1872, c. 225, s. 12, v. 17, p. 198.

SEC. 1041. In all criminal or penal causes in which judgment or sentence has been or shall be rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, the said judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced: *Provided*, That where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of execution on the judgment shall not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid.

Poor convicts sentenced and imprisoned for fines.

1 June, 1872, c. 255, s. 14, v. 17, p. 198.

SEC. 1042. When a poor convict, sentenced by any court of the United States to pay a fine, or fine and cost, whether with or without imprisonment, has been confined in prison thirty days, solely for the non-payment of such fine, or fine and cost, he may make application in writing to any commissioner of the United States court in the district where he is imprisoned, setting forth his inability to pay such fine, or fine and cost, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter; and if on examination it shall appear to him that such convict is unable to pay such fine, or fine and

cost, and that he has not any property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil precept for debt by the laws of (State where oath is administered); and that I have no property in any way conveyed or concealed, or in any way disposed of, for may future use or benefit. So help me God." And thereupon such convict shall be discharged, the commissioner giving to the jailer or keeper of the jail a certificate setting forth the facts. [See §§ 847, 5296.]

CHAPTER NINETEEN.

LIMITATIONS.

Sec.
1043. Capital offenses.
1044. Offenses not capital.
1045. Fleeing from justice.
1046. Crimes under the revenue laws.
1047. Penalties and forfeitures under laws of the United States.
1048. Parties beyond reach of process during the rebellion.

Capital offenses.

SEC. 1043. No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

30 April, 1790, c. 9, s. 32, v. 1, p. 119.

U. S. v. Brown, 2 Cow., 267.

Offenses not capital.

SEC. 1044. [*No person shall be prosecuted, tried, or punished for any offense not capital, except as provided in section one thousand and forty-six, unless the indictment is found or the information is instituted within two years next after such offense is committed.*] [No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section one thousand and forty-six, unless the indictment is found, or the information is instituted within three years next after such offense shall have been committed. But this act shall not have effect to authorize the prosecution, trial or punishment for any offense, barred by the provisions of existing laws.]

30 April, 1790, c. 9, s. 32, v. 1, p. 119. 13 *Apr.*, 1876, *c.* 56, *v.* 19, *pp.* 32, 33.

Adams, *qui tam*, *v.* Woods, 2 Cr., 336; U. S. *v.* Cook, 17 Wall., 168; Johnson *v.* U. S., 3 McLean, 89; U. S. *v.* Slocum, 1 Cr. C. C., 485; U. S. *v.* Watkins, 3 Cr. C. C., 442; U. S. *v.* White, 5 Cr. C. C. 38; U. S. *v.* White, 5 Cr. C. C., 73, 116.

Fleeing from justice.

SEC. 1045. Nothing in the two preceding sections shall extend to any person fleeing from justice.

30 April, 1790, c. 9, s. 32, v. 1, p. 119.—U. S. *v.* O'Brian, 3 Dill., 381.

Crimes under the revenue laws.

SEC. 1046. No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave-trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime.

26 Mar., 1804, c. 40, s. 3, v. 2, p. 290. 20 April, 1818, c. 91, s. 9, v. 3, p. 452.—U. S. *v.* Cook, 17 Wall., 168; U. S. *v.* Norton, 91 U. S., 566.

Penalties and forfeitures under laws of United States.

SEC. 1047. No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, shall be maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued: *Provided*, That the person of the offender, or the property liable for such penalty or forfeiture, shall, within the same period, be found within the United States; so that the proper process therefor may be instituted and served against such person or property.

2 Mar., 1799, c. 22, s. 89, v. 1, p. 695. 26 Mar., 1804, c. 40, s. 3, v. 2, p. 290. 20 April, 1818, c. 91, s. 9, v. 3, p. 452. 28 Feb., 1839, c. 36, s. 4, v. p. 322. 3 Mar., 1863, c. 76, s. 14, v. 12, p. 741. 25 July, 1868, c. 236, s. 1, v. 15, p. 183.—Stimpson *v.* Pond, 2 Curt. C. C., 502; U. S. *v.* Norton, 91 U. S., 566. 22 *June*, 1874, *c.* 391, *ss.* 21, 22, *v.* 18, *p.* 190.

Parties beyond reach of process during the rebellion.

SEC. 1048. In all cases where, during the late rebellion, any person could not, by reason of resistance to the execution of the laws of the United States, or of the interruption of the ordinary course of judicial proceedings, be served with process for the commencement of any action,

11 June, 1864, c. 118, v. 13, p. 123. U. S. *v.* Wiley, 11 Wall., 508.

civil or criminal, which had accrued against him, the time during which such person was beyond the reach of legal process shall not be taken as any part of the time limited by law for the commencement of such action.

Graydon et al. *v.* Sweet, 1 Woods, 418; U. S. *v.* Muhlenbrink, 1 Woods, 569; Lockhart *v.* Horn, 1 Woods, 628.

CHAPTER TWENTY.

THE COURT OF CLAIMS.

ORGANIZATION AND SESSIONS.

Sec.
1049. Judges.
1050. Seal.
1051. Court-rooms, &c., how provided.
1052. Sessions, quorum.
1053. Officers of the court.
1054. Salaries of clerks, bailiff, and messenger.
1055. Clerk's bond.
1056. Contingent fund.
1057. Reports to Congress, copies for Departments, &c.
1058. Members of Congress not to practice in the court.

Judges.

24 Feb., 1855, c. 122, s. 1, v. 10, p. 612. 3 Mar., 1863, c. 92, s. 1, v. 12, p. 765. 8 May, 1872, c. 140, s. 13, v. 17, p. 85.

SEC. 1049. The Court of Claims, established by the act of February twenty-four, eighteen hundred and fifty-five, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office, and shall be entitled to receive an annual salary of four thousand five hundred dollars, payable quarterly from the Treasury.

Seal.

3 Mar., 1863, c. 92, s. 4, v. 12, p. 766.

SEC. 1050. The Court of Claims shall have a seal, with such device as it may order.

Court-rooms, &c., how provided.

24 Feb., 1855, c. 122, s. 10, v. 10, p. 614.

SEC. 1051. It shall be the duty of the Speaker of the House of Representatives to appropriate such rooms in the Capitol, at Washington, for the use of the Court of Claims, as may be necessary for their accommodation, unless it appears to him that such rooms cannot be so appropriated without interfering with the business of Congress. In that case, the court shall procure, at the city of Washington, such rooms as may be necessary for the transaction of their business.

Sessions, quorum.

24 Feb., 1855, c. 122, s. 10, v. 10, p. 614. 6 Aug., 1856, c. 81, s. 1, v. 11, p. 30. 3 Mar., 1863, c. 92, s. 13, v. 12, p. 768. 17 Mar., 1866, c. 19, s. 2, v. 14, p. 9. 23 *June*, 1874, *c.* 468, *v.* 18, *p.* 252.

SEC. 1052. The Court of Claims shall hold one annual session, at the city of Washington, beginning on the first Monday in December, and continuing as long as may be necessary for the prompt disposition of the business of the court. And any two of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business.

Officers of the court.

24 Feb., 1855, c. 122, s. 11, v. 10, p. 614. 3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

SEC. 1053. The said court shall appoint a chief clerk, an assistant clerk, if deemed necessary, a bailiff, and a messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, if in session, or, if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause.

Salaries of clerks, bailiff, and messenger.

24 Feb., 1855, c. 122, s. 11, v. 10, p. 614. 3 Mar., 1863, c. 92, s. 4, v. 12, p. 765. 7 June, 1870, *c.* 124, v. 16, p. 148. 12 July, 1870, c. 251, s. 3, v. 16, p. 250. 8 May, 1872, c. 140, s. 1, v. 17, p. 82.

SEC. 1054. The salary of the chief clerk shall be three thousand dollars a year, of the assistant clerk two thousand dollars a year, of the bailiff fifteen hundred dollars a year, and of the messenger eight hundred and forty dollars a year, payable quarterly from the Treasury.

SEC. 1055. The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury. Clerk's bond.

6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

SEC. 1056. The said clerk shall have authority, when he has given bond as provided in the preceding section, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the proper accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled. Contingent fund.

6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

SEC. 1057. On the first day of every December session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. And at the end of every term of the court he shall transmit a copy of its decisions to the heads of Departments; to the Solicitor, the Comptrollers, and the Auditors of the Treasury; to the Commissioners of the General Land-Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States. Reports to Congress, copies for Departments, &c.

17 Mar., 1866, c. 19, s. 3, v. 14, p. 9.
25 June, 1868, c. 71, s. 9, v. 15, p. 77.

SEC. 1058. Members of either House of Congress shall not practice in the Court of Claims. Members of Congress not to practice in the court.

3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

CHAPTER TWENTY-ONE.

THE COURT OF CLAIMS.

JURISDICTION, POWERS, AND PROCEDURE.

Sec.
1059. Jurisdiction.
1060. Private claims in Congress, when transmitted to Court of Claims.
1061. Judgment for set-off or counter-claim, how enforced.
1062. Decree on account of paymasters, &c.
1063. Claims referred by Departments.
1064. Procedure in cases transmitted by Departments.
1065. Judgments in cases transmitted by Departments, how paid.
1066. Claims growing out of treaties not cognizable therein.
1067. Claims pending in other courts not to be prosecuted in Court of Claims.
1068. Aliens.
1069. Limitation.
1070. Rules of practice; contempts.
1071. Oaths and acknowledgments.
1072. Petition.
1073. Petition dismissed if issue found against claimant as to allegiance, &c.
1074. Burden of proof and evidence as to loyalty.

Sec.
1075. Commissioner to take testimony.
1076. Power to call upon Departments for information.
1077. When testimony not to be taken.
1078. Witnesses not excluded on account of color.
1079. Parties and persons interested excluded as witnesses.
1080. Examination of claimant.
1081. Testimony taken where deponent resides.
1082. Witnesses, how compelled to attend before commissioners.
1083. Cross-examination.
1084. Witnesses, how sworn.
1085. Fees of commissioner, by whom paid.
1086. Claims forfeited for fraud.
1087. New trial on motion of claimant.
1088. New trial on motion of United States.
1089. Payment of judgments.
1090. Interest.
1091. Interest on claims.
1092. Payment of judgment a full discharge, &c.
1093. Final judgments a bar.

SEC. 1059. The Court of Claims shall have jurisdiction to hear and determine the following matters: Jurisdiction.

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress. Claims founded on statutes or contracts, or referred by Congress.

24 Feb., 1855, c. 122, s. 1, v. 10. p. 612; 22 *June*, 1874, *c.* 393, *s.* 2, *v.* 18, *p.* 192; 3 *Mar.*, 1875, *c.* 149, *v.* 18, *p.* 481.—Nichols *v.* U. S., 7 Wall., 129; Dorsheimer *v.* U. S., 7 Wall., 166; Bonner *v.* U. S., 9 Wall., 156; Vigo's Case, 21 Wall., 648.

Set-offs and counter-claims of United States.

3 Mar., 1863, c. 92, s. 3, v. 12, p. 765.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court.

Clyde *v.* U. S., 13 Wall., 38; U. S. *v.* Russell, 13 Wall., 623; U. S. *v.* Bostwick, 94 U. S., 53; Fichera's Case, 9 C. Cls., 254; Macauley's Case, 11 C. Cls., 693; Clark's Case, 11 C. Cls., 698; Roman et al. *v.* U. S., 11 C. Cls., 761; Campbell's Case, 13 C. Cls., 470.

Disbursing officers.

9 May, 1866, c. 75, s. 1, v. 14, p. 44.

U. S. *v.* Clark, 94 U. S., 73.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of th United States, or of his administrators or executors, for relief from responsibility on account of capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Claims for captured and abandoned property.

12 Mar., 1863, c. 120, s. 3, v. 12, p. 820.

2 July, 1864, c. 225, ss. 2, 3, v. 13, pp. 375, 376.

27 July, 1868, c. 276, s. 3, v. 15, p. 243.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

U. S. *v.* Anderson, 9 Wall., 56; Pugh *v.* U. S., 13 Wall., 633; U. S. *v.* Kimball, 13 Wall., 636; U. S. *v.* Crussell, 14 Wall., 1; Slawson *v.* U. S., 16 Wall., 310; Havcraft *v.* U. S., 22 Wall., 81; U. S. *v.* O'Grady, 22 Wall., 641; U. S. *v.* Villalonga, 23 Wall., 35; Spencer *v.* U. S., 91 U. S., 577; Lamar, ex., *v.* Browne et al., 92 U. S., 187.

Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, eighteen hundred and sixty-three, chapter one hundred and twenty, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," or by the act of July two, eighteen hundred and sixty-four, chapter two hundred and twenty-five, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property in virtue or under color of said acts from suit at common law, or any other mode of redress whatever, before any court other than said Court of Claims: [*Provided also*, That the jurisdiction of the Court of Claims shall not extend to any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the Army or Navy engaged in the suppression of the rebellion.]

Private claims in Congress, when transmitted to Court of Claims.

3 Mar., 1863, c. 92, s. 2, v. 12, p. 765.

SEC. 1060. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.

Judgments for set-off or counter-claim, how enforced.

3 Mar., 1863, c. 92, s. 3, v. 12, p. 765.

Allen *v.* U. S., 17 Wall., 207.

SEC. 1061. Upon the trial of any cause in which any set-off, counter-claim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government, it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district or circuit court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such courts are enforced.

Decree on accounts of paymasters, &c.

9 May, 1866, c. 75, s. 2, v. 14, p. 44.

Hall's Case, 9 C. Cls., 270; Holman's Case, 11 C. Cls., 642.

SEC. 1062. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed, as a credit in the settlement of his accounts.

Claims referred by Departments.

SEC. 1063. Whenever any claim is made against any Executive Department, involving disputed facts or controverted questions of law, where the amount in controversy exceeds three thousand dollars, or where the

decision will affect a class of cases, or furnish a precedent for the future action of any Executive Department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, the head of such Department may cause such claim, with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant; and the Secretary of the Treasury may, upon the certificate of any Auditor or Comptroller of the Treasury, direct any account, matter, or claim, of the character, amount, or class described in this section, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court, for trial and adjudication: *Provided*, That no case shall be referred by any head of a Department unless it belongs to one of the several classes of cases which, by reason of the subject-matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant.

25 June, 1868, c. 71, s. 7, v. 15, p. 76. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 75.

Bright's Case, 8 C. Cls., 326; Winnisimmett Co., 13 C. Cls., 319; Campbell's Case, 13 C. Cls., 470.

SEC. 1064. All cases transmitted by the head of any Department, or upon the certificate of any Auditor or Comptroller, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.

Procedure in cases transmitted by Departments.

25 June, 1868, c. 71, s. 7, v. 15, p. 76.—Clyde *v.* U. S., 13 Wall., 38.

SEC. 1065. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

Judgments in cases transmitted by Departments, how paid.

25 June, 1868, c. 71, s. 7, v. 15, p. 76.—3 *Mar.*, 1875, *c.* 149, *v.* 18, *p.* 481.

SEC. 1066. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December one, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

Claims growing out of treaties not cognizable therein.

3 Mar., 1863, c. 92, s. 9, v. 12, p. 767.—*Ex parte* Atocha, 17 Wall., 439.

SEC. 1067. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, mediately or immediately, under the authority of the United States.

Claims pending in other courts not to be prosecuted in Court of Claims.

25 June, 1868, c. 71, s. 8, v. 15, p. 77.

SEC. 1068. Aliens, who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts, shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject-matter and character, might take jurisdiction.

Aliens.

27 July, 1868, c. 276, s. 2, v. 15, p. 243.

U. S. *v.* O'Keefe, 11 Wall., 178; Carlisle *v.* U. S., 16 Wall., 147; Hill *v.* U. S., 8 C. Cls., 470; Fichera's Case, 9 C. Cls., 254.

SEC. 1069. Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues: *Provided*, That the claims of married women first accrued during marriage, of persons under the age of twenty-one years first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three

Limitation.

3 Mar., 1863, c. 92, s. 10, v. 12, p. 767.

Fulenweider's Case, 9 C. Cls., 403; Clark's Case, 11 C. Cls., 698.

years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Rules of practice; contempts.

24 Feb., 1855, c. 122, s. 3, r. 10, p. 613.
3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

SEC. 1070. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Oaths and acknowledgments.

3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

SEC. 1071. The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same.

Petition.

24 Feb., 1855, c. 122, s. 1, v. 10, p. 612.
3 Mar., 1863, c. 92, s. 12, v. 12, p. 767.
U.S. v. Insurance Companies, 22 Wall., 99.

SEC. 1072. The claimant shall, in all cases, fully set forth in his petition the claim, the action thereon in Congress, or by any of the Departments, if such action has been had; what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim, or of any part thereof or interest therein, has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States, after allowing all just credits and off-sets; that the claimant, and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. And the said petition shall be verified by the affidavit of the claimant, his agent, or attorney.

Petition dismissed, if issue found against claimant as to allegiance, &c.

3 Mar., 1863, c. 92, s. 12, v. 12, p. 767.

SEC. 1073. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.

Burden of proof and evidence as to loyalty.

25 June, 1868, c. 71, s. 3, v. 15, p. 75.

SEC. 1074. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States, and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima-facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

Commissioners to take testimony.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.
3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

SEC. 1075. The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims which come before it; to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States.

Power to call upon Departments for information.

24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.

SEC. 1076. The said court shall have power to call upon any of the Departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any Department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

When testimony not to be taken.

24 Feb., 1855, c. 122, s. 4, v. 10, p. 613.

SEC. 1077. When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not be the duty of the court to authorize the taking of any testimony therein.

SEC. 1078. No witness shall be excluded in any suit in the Court of Claims on account of color.

Witnesses not excluded on account of color.

2 July, 1864, c. 210, s. 3, v. 13, p. 351. 2 Mar., 1867, c. 166, s. 2, v. 14, p. 457. 25 June, 1868, c. 71, s. 4, v. 15, p. 75.—Cornett *v.* Williams, 20 Wall., 226; Wood's Case, 10 C. Cls., 395.

SEC. 1079. No claimant, nor any person from or through whom any such claimant derives his alleged title, claim, or right against the United States, nor any person interested in any such title, claim, or right, shall be a competent witness in the Court of Claims in supporting the same, and no testimony given by such claimant or person shall be used except as provided in the next section.

Parties and persons interested excluded as witnesses.

3 Mar., 1863, c. 92, s. 8, v. 12, p. 766. 25 June, 1868, c. 71, s. 4, v. 15, p. 75; Lawrence *v.* U. S., 8 C. Cls., 252; Wood's Case, 10 C. Cls., 395.

SEC. 1080. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court, and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made, and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Examination of claimant.

3 Mar., 1863, c. 92, s. 8, v. 12, p. 766. 25 June, 1868, c. 71, s. 4, v. 15, p. 75.

Macauley's Case, 11 C. Cls., 575.

SEC. 1081. The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done.

Testimony taken where deponent resides.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1082. The Court of Claims may issue subpœnas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein, and such subpœnas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish.

Witnesses, how compelled to attend before commissioners.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1083. In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

Cross-examination.

24 Feb., 1855, c. 122, s. 5, v. 10, p. 613.

SEC. 1084. The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination.

Witnesses, how sworn.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1085. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when it is taken at the instance of the Government, such fees, together with all postage incurred by the Assistant Attorney-General, shall be paid out of the contingent fund provided for the Court of Claims, or other appropriation made by Congress for that purpose.

Fees of commissioner, by whom paid.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1086. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim, or of any part of any claim against the United States, shall ipso facto forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same.

Claims forfeited for fraud.

3 Mar., 1863, c. 92, s. 11, v. 12, p. 767.

New trial on motion of claimant.

24 Feb., 1855, c. 122, s. 9, v. 10, p. 614.

SEC. 1087. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

New trial on motion of United States.

25 June, 1868, c. 71, s. 2, v. 15, p. 75.

SEC. 1088. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

Ex parte Russell, 13 Wall., 664; *Ex parte*, in matter of U. S., 16 Wall., 699; U. S. *v.* Young, 94 U. S., 258; Douglas's Case, 11 C. Cls., 655.

Payment of judgments.

3 Mar., 1863, c. 92, s. 7, v. 12, p. 766.

3 *Mar.*, 1875, *c.* 149, *v.* 18, *p.* 481.

SEC. 1089. In all cases of final judgments by the Court of Claims, or, on appeal, by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

Interest.

3 Mar., 1863, c. 92, s. 7, v. 12, p. 766.

SEC. 1090. In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of five per centum shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid, but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.

Interest on claims.

3 Mar., 1863, c. 92, s. 7, v. 12, p. 706.

SEC. 1091. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

Payment of judgment a full discharge, &c.

3 Mar., 1863, c. 92, s. 7, v. 12, p. 766.

SEC. 1092. The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law, as hereinbefore provided, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

Final judgments a bar.

3 Mar., 1863, c. 92, s. 7, v. 12, p. 766.

SEC. 1093. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.

TITLE XIV.

THE ARMY.

CHAPTER ONE.

ORGANIZATION.

Sec.
1094. Composition of the Army.
1095. Title of General.
1096. Staff.
1097. Lieutenant-General's aids and secretary.
1098. Aids of major and brigadier generals.
1099. Artillery regiment.
1100. Artillery battery.
1101. Light battery.
1102. Cavalry regiment.
1103. Troop.
1104. Colored cavalry regiments.
1105. Dismounted.
1106. Infantry regiment.
1107. Infantry company.
1108. Colored infantry regiments.
1109. Post ordnance-sergeants, number and duty.
1110. How selected.
1111. Bands.
1112. Indian scouts.
1113. Trading establishments.
1114. Brigades and divisions.
1115. Number of enlisted men.
1116. General qualifications.
1117. Enlistment of minors.
1118. Persons not to be enlisted.
1119. Term of enlistment.
1120. Premium for bringing.
1121. Chaplains, number of.
1122. Rank, &c., of chaplains.
1123. Qualifications of.
1124. Duties as school-teachers.
1125. Duties as clergymen.
1126. Monthly reports.
1127. Facilities to.
1128. Corps of adjutants-general, organization.
1129. Vacancy to be filled from the line.
1130. When to be inspectors.
1131. Corps of inspectors-general, organization.
1132. Quartermaster's Corps, organization.
1133. Duties.
1134. Commissary's duty.
1135. Supplies to naval and marine detachments.
1136. Permanent barracks.
1137. Forage and wagon masters.
1138. Officers not to trade.
1139. System of accountability.
1140. Subsistence Corps, organization.
1141. Duties.
1142. Post commissary-sergeants.
1143. Rations to naval detachments.
1144. Credit sales.
1145. Sales of rations.
1146. The ration.
1147. Coffee and sugar commuted.
1148. Sugar and coffee in kind.
1149. Sales of tobacco.
1150. Officers not to trade.
1151. Corps of Engineers, organization.
1152. Regulation of supplies.
1153. Disbursements.
1154. Engineer battalion.
1155. Engineer company.
1156. Engineer officers.
1157. Duties of engineer soldiers.
1158. Engineers, limits of duty.
1159. Ordnance Corps, organization.
1160. Appointment in.
1161. Store-keeper.
1162. Enlisted men.
1163. Detail of artificers
1164. Supplies.
1165. Depots.
1166. Orders for supplies.
1167. Semi-annual reports.
1168. Medical Department, organization.
1169. Right of command.
1170. Volunteer service of assistant surgeons.
1171. Purveyors to be assignable as surgeons.
1172. Examinations.
1173. Duties of chief medical purveyor.
1174. Supervision of cooking.
1175. Sick-diet in hospitals.
1176. Trusses, to whom furnished.
1177. Application for.
1178. Trusses, purchase of.
1179. Post hospital-stewards.
1180. Hospital-stewards.
1181. Classes of hospital-stewards.
1182. Paymaster's Department, organization.
1183. Right of command.
1184. Additional paymasters.
1185. Additional paymasters' service to be temporary.
1186. Duties of Paymaster-General.
1187. Duties of deputy paymasters-general.
1188. Duties of paymasters.
1189. Periods of payment.
1190. Paymasters' clerks.
1191. Bonds of disbursing officers, by whom to be given.
1192. Renewing bonds of paymasters.
1193. Chiefs of corps and Departments, how selected.
1194. Appointments and promotions in staff corps and Departments.
1195. Signal-service, rank of chief.
1196. Details for signal duty.
1197. Signal-detail to be mounted.
1198. Bureau of Military Justice, organization.
1199. Duties of Judge-Advocate-General.

Sec.
1200. Judge-advocates.
1201. Duties of judge-advocates.
1202. Witnesses compelled to attend.
1203. Reporter.
1204. Promotions, general rule.
1205. In case of transfers from the line.
1206. In Engineer Corps.
1207. After fourteen years' service.
1208. In Ordnance Corps.
1209. Brevets.
1210. Date of brevet commission.
1211. Assignment to duty according to brevet rank.
1212. Uniform and title.
1213. Cadets to be attached by brevet rank.
1214. Non-commissioned officers to be attached by brevet rank.
1215. Number of attachments by brevet rank.
1216. Certificates of merit for privates.

GENERAL PROVISIONS OF ORGANIZATION.

1217. Commissions now held not vacated.
1218. Persons who served in the rebellion ineligible.
1219. Time of actual service considered in fixing rank.
1220. Returns of ordnance, damages.
1221. Returns of clothing and camp equipage.
1222. Accepting or holding civil office.
1223. Accepting or holding diplomatic or consular office.
1224. Civil employment prohibited.
1225. Officers and arms for colleges.
1226. Privileges on account of volunteer service.
1227. Army corps badges.
1228. Restoration of dismissed officers.
1229. Officers dropped for desertion.
1230. Officers dismissed by President may demand trial.
1231. Post and garrison schools.
1232. Enlisted men not to be used as servants.
1233. Company-cooks.
1234. Superintendence of cooking.
1235. Labor-detail.
1236. Details to special service from forces in the field.
1237. Exemption from arrest.
1238. Female nurses.
1239. Matrons.
1240. Laundresses.
1241. Sales of stores.
1242. Arms and accouterments in possession of persons not soldiers.

Composition of the Army.

SEC. 1094. The Army of the United States shall consist of—

3 Mar., 1799, c. 48, s. 9, v. 1, p. 752.
One General.
One Lieutenant-General.
Three major-generals.
Six brigadier-generals.
25 July, 1866, c. 232, s. 1, v. 14, p. 223.
Five regiments of artillery.
28 July, 1866, c. 299, v. 14, p. 332.
Ten regiments of cavalry.
Twenty-five regiments of infantry.
3 Mar., 1869, c. 124, ss. 2, 5, v. 15, p. 318.
An Adjutant-General's Department.
An Inspector-General's Department.
15 July, 1870, c. 294, ss. 6, 7, 8, v. 16, p. 318.
A Quartermaster's Department.
A Subsistence Department.
3 *Mar.*, 1875, *c.* 131, *s.* 9, *v.* 18, *p.* 419.
A Corps of Engineers.
A battalion of engineer soldiers.
3 *Mar.*, 1875, *c.* 142, *v.* 18, *p.* 478.
An Ordnance Department.
The enlisted men of the Ordnance Department.
26 *June*, 1876, *c.* 146, *v.* 19, *p.* 61.
The Medical Department.
The hospital-stewards of the Medical Department.
12 *Aug.*, 1876, *c.* 263, *v.* 19, *p.* 131.
A Pay Department.
A Chief Signal-Officer.
In re Robert Bailey, 2 Saw., 200.
A Bureau of Military Justice.
Eight judge-advocates.
Thirty post-chaplains.
Four regimental chaplains.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.
A [*post*] ordnance-sergeant and a hospital-steward for each military post.
One band, stationed at the Military Academy.
24 *July*, 1876, *c.* 226, *v.* 19, *p.* 97.
A force of Indian scouts not exceeding one thousand.
The officers of the Army on the retired list.
And the professors and corps of cadets of the United States Military Academy.

Provided, That when a vacancy occurs in the office of General or Lieutenant-General such office shall cease, and all enactments creating or regulating such offices shall, respectively, be held to be repealed.

The Army appropriation bill for 1877, passed July 24, 1876, c. 226, v. 19, p. 97, provided payment for only three hundred Indian scouts; but the act of August 12, 1876, c. 263, v. 19, p. 131, repealed the implied limitation, and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes were continued in force.

Title of General.

SEC. 1095. The General shall have the title of General of the Army of the United States.

25 July, 1866, c. 232, s. 1, v. 14, p. 223.

Staff.

SEC. 1096. The General may select from the Army such number of aids, not exceeding six, as he may deem necessary, who shall have, while serving on his staff, the rank of colonel of cavalry.

25 July, 1866, c. 232, s. 2, v. 14, p. 223. 3 April, 1869, c. 9, s. 1, v. 16, p. 6.

Lieutenant-General's aids and secretary.

SEC. 1097. The Lieutenant-General may select from the Army two aids and one military secretary, who [shall] have the rank of lieutenant-colonel of cavalry while serving on his staff.

25 July, 1866, c. 232, s. 2, v. 14, p. 223. 28 July, 1866, c. 299, s. 9, v. 14, p. 333. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 241.

Aids of major and brigadier generals.

SEC. 1098. Each major-general shall have three aids, who may be selected by him from captains or lieutenants of the Army, and each brigadier-general shall have two aids, who may be selected by him from lieutenants of the Army.

29 July, 1861, c. 24, s. 3, v. 12, p. 280. 28 July, 1866, c. 299, s. 9, v. 14, p. 333.

Artillery regiment.

SEC. 1099. Each regiment of artillery shall consist of twelve batteries, one colonel, one lieutenant-colonel, one major for every four batteries, one adjutant, one quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and quartermaster and commissary shall be extra lieutenants, selected from the first or second lieutenants of the regiment.

29 July, 1861, c. 24, ss. 1, 2, v. 12, p. 280. 28 July, 1866, c. 229, s. 2, v. 14, p. 332. 3 Mar., 1869, c. 124, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

Artillery battery.

SEC. 1100. Each battery of artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two, as the President may direct. One first lieutenant, one second lieutenant, two sergeants and four corporals may be added to this battery organization at the discretion of the President.

29 July, 1861, c. 24, s. 1, v. 12, p. 279. 28 July, 1866, c. 299, s. 2, v. 14, p. 332. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

Light battery.

SEC. 1101. One battery in each regiment of artillery, to be designated by the President, shall be equipped as light artillery, and one other battery may be so designated and equipped, when the President may deem it necessary.

2 Mar., 1821, c. 13, s. 2, v. 3, p. 615. 3 Mar., 1847, c. 61, s. 18, v. 9, p. 186.

Cavalry regiment.

SEC. 1102. Each regiment of cavalry shall consist of twelve troops, one colonel, one lieutenant-colonel, three majors, [*one surgeon, one assistant surgeon,*] one adjutant, one quartermaster, one veterinary surgeon, with the rank of regimental sergeant-major, one sergeant-major, one quartermaster-sergeant, one saddler-sergeant, one chief musician, who shall be instructor of music, and one chief trumpeter. Two assistant surgeons may be allowed to each regiment, and the [seventh, eighth] ninth and tenth regiments shall have an additional veterinary surgeon. The adjutant and the quartermaster of each regiment shall be extra lieutenants, selected from the first or second lieutenants of the regiment.

3 Aug., 1861, c. 42, s. 12, v. 12, p. 289. 17 July, 1862, c. 201, s. 11, v. 12, p. 599. 6 Jan., 1863, c. 7, v. 12, p. 634. 3 Mar., 1863, c. 75, s. 37, v. 12, p. 737. 28 July, 1866, c. 299, s. 3, v. 14. p. 332. 3 Mar., 1869, c. 24, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, ss. 9, 10, v. 16, p. 318. 24 *July*, 1876, *c.* 226, *v.* 19, *p.* 98. 15 *Aug.*, 1876, *c.* 301, *v.* 19, *p.* 204. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *pp.* 241, 242.

Troop.

SEC. 1103. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, four corporals, two trumpeters, two farriers, one saddler, one wagoner, and such number of privates, not exceeding seventy-eight, as the President may direct.

17 July, 1862, c. 201, s. 11, v. 12, p. 599. 6 Jan., 1863, c. 7, v. 12, p. 634. 3 Mar., 1863, c. 75, s. 37, v. 12, p. 737. 28 July, 1866, c. 299, s. 3, v. 14, p. 332. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

Colored cavalry regiments.

SEC. 1104. The enlisted men of two regiments of cavalry shall be colored men.

28 July, 1866, c. 299, s. 3, v. 14, p. 332.

Dismounted.

28 July, 1866, c. 299, s. 3, v. 14., p. 332.

SEC. 1105. Any portion of the cavalry force may be armed and drilled as infantry or dismounted cavalry, at the discretion of the President.

Infantry regiment.

28 July, 1866, c. 299, s. 6, v. 14, p. 333. 3 Mar., 1869, c. 124, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1106. Each infantry regiment shall consist of ten companies, one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one sergeant-major, one quartermaster-sergeant, and one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and the quartermaster shall be extra lieutenants selected from the first or second lieutenants of the regiment.

Infantry company.

28 July, 1866, c. 299, s. 6, v. 14, p. 333. 15 July, 1870, c. 294, ss. 2, 10, v. 16, pp. 317, 318.

SEC. 1107. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two artificers, two musicians, one wagoner, and fifty privates, and the number of privates may be increased at the discretion of the President not to exceed one hundred, whenever the exigencies of the service require such increase.

Colored infantry regiments.

SEC. 1108. The enlisted men of two regiments of infantry shall be colored men.

28 July, 1866, c. 299, s. 4, v. 14, p. 332. 3 Mar., 1869, c. 124, s. 2, v. 15, p. 318.

Post ordnance-sergeants; number and duty.

28 July, 1866, c. 299, s. 7, v. 14, p. 333. 5 April, 1832, c. 67, s. 2, v. 4, p. 504.

SEC. 1109. There shall be an ordnance-sergeant for each military post, whose duty it shall be to take care of the ordnance, arms, ammunition, and other military stores at such post, under the direction of the commanding officer, and according to regulations prescribed by the Secretary of War.

How selected.

5 April, 1832, c. 67, s. 2, v. 4, p. 504. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 242.

SEC. 1110. [*Post*] Ordnance-sergeants shall be selected by the Secretary of War from the sergeants of the line who shall have served faithfully for eight years, including four years in the grade of non-commissioned officer, and shall be assigned to their stations by him.

Bands.

29 July, 1861, c. 24, s. 2, v. 12, p. 280. 30 June, 1864, c. 145, s. 1, v. 13, p. 144. 2 July, 1864, Res. 68, v. 13, p. 416. 28 July, 1866, c. 299, s. 7, v. 14, p. 333. 3 Mar., 1869, c. 124, s. 5, v. 15, p. 318. 3 *Mar.*, 1875, *c.* 131, *s.* 9, *v.* 18, *p.* 419. 3 *Mar.*, 1877, *c.* 109, *ss.* 2, 3, *v.* 19, *p.* 383.

SEC. 1111. There shall be retained or enlisted in the Army one band, which shall consist of one band-leader, and not more than twenty-four musicians, and shall ordinarily be stationed at the Military Academy.

Indian scouts.

28 July, 1866, c. 299, s. 6, v. 14, p. 333. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72. 24 *July*, 1876, *c.* 226, *v.* 19, *p.* 97. 12 *Aug.*, 1876, *c.* 263, *v.* 19, *p.* 131.

SEC. 1112. The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.

See note to section 1094.

Trading establishments.

15 July, 1870, c. 294, s. 22, v. 16, p. 319.

SEC. 1113. The Secretary of War is authorized to permit one or more trading establishments to be maintained at any military post on the frontier not in the vicinity of any city or town, when he believes such an establishment is needed for the accommodation of emigrants, freighters, or other citizens. The persons to maintain such establishments shall be appointed by him, and shall be under protection and control as camp-followers.

Brigades and divisions.

3 Mar., 1799, c. 48, s. 8, v. 1, p. 752.

SEC. 1114. In the ordinary arrangement of the Army two regiments of infantry or of cavalry shall constitute a brigade, and shall be the command of a brigadier-general, and two brigades shall constitute a division, and shall be the command of a major-general; but it shall be in the discretion of the commanding general to vary this disposition whenever he may deem it proper to do so.

Number of enlisted men.

15 July, 1870, c. 294, s. 2, v. 16, p. 317. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72. 3 *Mar.*, 1875, *c.* 133, *v.* 18, *p.* 452. 24 *July*, 1876, *c.* 226, *v.* 19, *p.* 97. 15 *Aug.*, 1876, *c.* 301, *v.* 19, *p.* 204.

SEC. 1115. There shall not be in the Army at one time more than thirty thousand enlisted men.

General qualifications.

SEC. 1116. Recruits enlisting in the Army must be effective and able-bodied men, and between the ages of sixteen and thirty-five years, at the time of their enlistment. This limitation as to age shall not apply to soldiers re-enlisting.

16 Mar., 1802, c. 9, s. 11, v. 2, p. 134. 3 Mar., 1815, c. 79, s. 7, v. 3, p. 224. 5 July, 1838, c. 162, s. 30, v. 5 p. 260. 13 Feb., 1862, c. 25, s. 2, v. 12, p. 339. 21 June, 1862, Res. 37, v. 12, p. 620. 17 July, 1862, c. 200, s. 21, v. 12, p. 597.—*In re* McDonald, 1 Lowell, p. 100.

Enlistment of minors.

SEC. 1117. No person under the age of twenty-one years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians: *Provided*, That such minor has such parents or guardians entitled to his custody and control.

15 May, 1872, c. 162, s. 1, v. 17, p. 117. Shorner's Case, 1 Car. L. Rep., 55.

Persons not to be enlisted.

SEC. 1118. No minor under the age of sixteen years, no insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of [*any criminal offense*,] [a felony] shall be enlisted or mustered into the military service.

2 Mar., 1833, c. 68, s. 6, v. 4, p. 647. 4 July, 1864, c. 237, s. 5, v. 13, p. 380. 3 Mar., 1865, c. 79, s. 18, v. 13, p. 490. 27 *Feb.*, 1877, c. 69, v. 19, p. 242.

Term of enlistment.

SEC. 1119. All enlistments in the Army shall be for the term of five years.

3 Mar., 1869, c. 124, s. 4, v. 15, p. 318.—U. S. *v.* Travers, 2 Wh., Cr. Cas., 490.

Premium for bringing.

SEC. 1120. A premium of two dollars shall be paid to any citizen, non-commissioned officer, or soldier for each accepted recruit he may bring to a recruiting rendezvous.

21 June, 1862, Res. 37, v. 12, p. 620.

Chaplains, number of.

SEC. 1121. The President may, by and with the advice and consent of the Senate, appoint a chaplain for each regiment of colored troops, and thirty post-chaplains: *Provided*, That no appointment of regimental or post chaplains shall be made until those on waiting orders are assigned.

7 July, 1838, c. 194, v. 5, p. 308. 2 Mar., 1849, c. 83, s. 3, v. 9, p. 351. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

Rank, &c., of chaplains.

SEC. 1122. Chaplains shall have the rank of captain of infantry, without command, and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions.

9 April, 1864, c. 53, s. 1, v. 13, p. 46. 28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

Qualifications of.

SEC. 1123. No person shall be appointed as regimental or post chaplain until he shall furnish proof that he is a regularly-ordained minister of some religious denomination, in good standing at the time of his appointment, together with a recommendation for such appointment from some authorized ecclesiastical body, or from not less than five accredited ministers of said denomination.

17 July, 1862, c. 200, s. 8, v. 12, p. 595.

Duties as schoolteachers.

SEC. 1124. The duty of chaplains of regiments of colored troops and of post-chaplains shall include the instruction of the enlisted men in the common English branches of education.

5 July, 1838, c. 162, s. 18, v. 5, p. 259. 28 July, 1866, c. 299, s. 30, v. 14, p. 337.

Duties as clergymen.

SEC. 1125. All regimental chaplains and post-chaplains shall, when it may be practicable, hold appropriate religious services, for the benefit of the commands to which they may be assigned to duty, at least once on each Sunday, and shall perform appropriate religious burial services at the burial of officers and soldiers who may die in such commands.

9 April, 1864, c 53, s. 4, v. 13, p. 46.

Monthly reports.

SEC. 1126. Post[,] hospital and regimental chaplains shall make monthly reports to the Adjutant-General of the Army, through the usual military channels, of the moral condition and general history of the regiments or posts to which they may be attached.

9 April, 1864, c. 53, s. 3, v. 13, p. 46. 27 *Feb.*, 1877, c. 69, v. 19, p. 242.

Facilities to.

SEC. 1127. It shall be the duty of commanders of regiments, hospitals, and posts to afford to chaplains, assigned to the same for duty, such facilities as may aid them in the performance of their duties.

9 April, 1864, c. 53, s. 3, v. 13, p. 46.

Corps of adjutants-general, organization.

SEC. 1128. The Adjutant-General's Department of the Army shall consist of one Adjutant-General, with the rank of brigadier-general; two assistant adjutants-general, with the rank of colonel of cavalry; four assistant adjutants-general, with the rank of lieutenant-colonel of cavalry; and thirteen assistant adjutants-general, with the rank of major of cavalry.

28 July, 1866, c. 299, s. 10, v. 14, p. 333. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318. 3 *Mar.*, 1875, *c.* 142, *v.* 18, *p.* 478.

Vacancy to be filled from the line.

SEC. 1129. All vacancies in the grade of major, in the Adjutant-General's Department, shall, when filled, be filled by selections from captains of the Army.

17 July, 1862, c. 200, s. 22, v. 12, p. 597. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318. 10 April, 1869, Res. 11, v. 16, p. 53.

When to be inspectors.

SEC. 1130. Assistant adjutants-general shall, in addition to their own duties, perform those of assistant inspectors-general, when the convenience of the service requires them to do so.

5 July, 1838, c. 162, s. 7, v. 5, p. 257. 18 June, 1846, c. 29, s. 6, v. 9, p. 18. 3 Mar., 1847, c. 61, s. 2, v. 9, p. 184. 19 July, 1848, c. 104, s. 3, v. 9, p. 247. 2 Mar., 1849, c. 83, s. 4, v. 9, p. 351.

Corps of inspectors-general, organization.

SEC. 1131. There shall be five inspectors-general of the Army, with the rank of colonel of cavalry; [provided no promotion shall be made until the number of inspectors-general is reduced to four;] one assistant inspector-general, with the rank of lieutenant-colonel of cavalry; and two assistant inspectors-general, with the rank of major of cavalry.

28 July, 1866, c. 299, s. 11, v. 14, p. 334. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318. 23 *June*, 1874, *c.* 458, *v.* 18, *p.* 244. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 242.

Quartermaster's Corps, organization.

SEC. 1132. The Quartermaster's Department of the Army shall consist of one Quartermaster-General, with the rank of brigadier-general; six assistant quartermasters-general, with the rank of colonel of cavalry; ten deputy quartermasters-general, with the rank of lieutenant-colonel of cavalry; twelve quartermasters, with the rank of major of cavalry; thirty assistant quartermasters, with the rank of captain of cavalry; and such number of military store-keepers, not exceeding sixteen, as may be required, with the rank of captain of cavalry. Nothing herein shall deprive of his office any person now holding the office of quartermaster with the rank of major. [All appointments in the Quartermaster's Department shall be made from the Army. During the absence of the Quartermaster-General, or the chief of any military bureau of the War Department, the President is authorized to empower some officer of the department or corps whose chief is absent to take charge thereof, and to perform the duties of Quartermaster-General, or chief of the department or corps, as the case may be, during such absence.]

28 July, 1866, c. 299, ss. 13, 14, v. 14, p. 334. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423. 3 June, 1872, c. 279, v. 17, p. 214. 3 *Mar.*, 1875, *c.* 126, ss. 1, 2, *v.* 18, *pp.* 338, 339. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 242.

Duties.

SEC. 1133. It shall be the duty of the officers of the Quartermaster's Department, under the direction of the Secretary of War, to purchase and distribute to the Army all military stores and supplies, requisite for its use, which other corps are not directed by law to provide; to furnish means of transportation for the Army, its military stores and supplies, and to provide for and pay all incidental expenses of the military service which other corps are not directed to provide for and pay.

28 Mar., 1812, c. 46, ss. 3, 5, v. 2, pp. 696, 697. 18 May, 1826, c. 74, s. 1, v. 4, p. 173. 23 Aug., 1842, c. 186, s. 3, v. 5, p. 513.

Commissary's duty.

SEC. 1134. Assistant quartermasters shall do duty as assistant commissaries of subsistence when so ordered by the Secretary of War.

2 Mar., 1821, c. 13, s. 8, v. 3, p. 615.

Supplies to naval and marine detachments.

SEC. 1135. The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp-equippage, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage.

15 Dec., 1814, c. 13, ss. 1, 2, v. 3, p. 151.

Permanent barracks.

SEC. 1136. Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed

estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed twenty thousand dollars, shall be erected unless by special authority of Congress. [It shall be the duty of all officers of the United States having any of the title-papers (property purchased, or about to be purchased, for erection of public buildings) in their possession, to furnish them forthwith to the Attorney-General. No public money shall be expended until the written opinion of the Attorney-General shall be had.]

3 Mar., 1859, c. 83, s. 1, v. 11, p. 432.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 242.

Forage and wagon masters.

SEC. 1137. The Quartermaster-General may employ as many forage-masters and wagon-masters, not exceeding twenty in the whole, as he may deem necessary for the service, [who shall be entitled to receive each forty dollars per month and three rations per day, and forage for one horse.] No forage-master or wagon-master shall be concerned, directly or indirectly, in any means of transport employed by the United States, or in the purchase or sale of any property procured for or belonging to the United States, except as agent for the United States.

5 July, 1838, c. 162, s. 10, v. 5, p. 257.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 242.

Officers not to trade.

SEC. 1138. No officer belonging to the Quartermaster's Department, or doing the duty of a quartermaster or assistant quartermaster, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for or appertaining to said department of service, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

22 May, 1812, c. 92, s. 1, v. 2, p. 742.

System of accountability.

SEC. 1139. The Quartermaster-General, under the direction of the Secretary of War, shall prescribe and enforce a system of accountability for all quartermaster's supplies to the Army or to officers, seamen, and marines. [And he shall account to the Secretary of War at least once in three months for all property and money that may pass through his hands, or the hands of his subordinate officers.]

18 May, 1826, c. 74, s. 1, v. 4, p. 173.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 242.

Subsistence Corps, organization.

SEC. 1140. The Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank of brigadier-general; two assistant commissaries-general of subsistence, with the rank of colonel of cavalry; two assistant commissaries-general of subsistence, with the rank of lieutenant-colonel of cavalry; eight commissaries of subsistence, with the rank of major of cavalry; and sixteen commissaries of subsistence, with the rank of captain of cavalry.

28 July, 1866, c. 299, s. 16, v. 14, p. 334.
23 *June*, 1874, *c.* 458, *s.* 3, *v.* 18, *p.* 244.

Duties.

SEC. 1141. It shall be the duty of the officers of the Subsistence Department, under the direction of the Secretary of War, to purchase and issue to the Army such supplies as enter into the composition of the ration.

14 April, 1818, c. 61, s. 7, v. 3, p. 427.
3 Mar., 1835, c. 49, s. 1, v. 4, p. 780.

Postcommissary-sergeants.

SEC. 1142. The Secretary of War is authorized to select from the sergeants of the line of the Army who shall have faithfully served therein five years, three years of which in the grade of non-commissioned officers, as many commissary-sergeants as the service may require, not to exceed one for each military post or place of deposit of subsistence supplies, whose duty it shall be to receive and preserve the subsistence supplies at the posts, under the direction of the proper officers of the Subsistence Department, and under such regulations as shall be prescribed by the Secretary of War. The commissary-sergeants hereby authorized shall be subject to the rules and articles of war, and shall receive for their services the same pay and allowances as ordnance-sergeants.

3 Mar., 1873, c. 224, v. 17, p. 485.

Rations to naval detachments.

SEC. 1143. The officers of the Subsistence Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with the land troops, and during the time such detachment is so acting or proceeding to act, furnish rations to the officers, seamen, and marines of the same.

15 Dec., 1814, c. 13, s. 1, v. 3, p. 151.

Credit sales.

SEC. 1144. The officers of the Subsistence Department shall procure, and keep for sale to officers and enlisted men at cost prices, for cash or on credit, such articles as may, from time to time, be designated by the inspectors-general of the Army. An account of all sales on credit shall

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

be kept, and the amounts due for the same shall be reported monthly to the Paymaster-General. [See §§ 1299, 1300.]

Sales of rations.

3 Mar., 1865, c. 81, s. 5, v. 13, p. 497.

SEC. 1145. Commissioned officers of the Army, serving in the field, may purchase rations for their own use, from any commissary of subsistence, on credit, at cost prices; and the amounts due for such purchases shall be reported monthly to the Paymaster-General. [See §§ 1299, 1300.]

The ration.

16 Mar., 1802, c. 9, s. 6, v. 2, p. 134. 5 July, 1838, c. 162, s. 17, v. 5, p. 258. 21 June, 1860, c. 163, s. 4, v. 12, p. 68. 3 Mar., 1863, c. 78, s. 11, v. 12, p. 744.

SEC. 1146. Each ration shall consist of one pound and a quarter of beef or three-quarters of a pound of pork, eighteen ounces of bread or flour, and at the rate of ten pounds of coffee, fifteen pounds of sugar, two quarts of salt, four quarts of vinegar, four ounces of pepper, four pounds of soap, and one pound and a half of candles to every hundred rations. The President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the Army and economy may require.

Coffee and sugar commuted.

5 July, 1862, c. 133, s. 10, v. 12, p. 510.

SEC. 1147. The Secretary of War may commute the ration of coffee and sugar for the extract of coffee combined with milk and sugar, if he shall believe such commutation to be conducive to the health and comfort of the Army, and not to be more expensive to the Government than the present ration; provided, the same shall be acceptable to the men. [See § 1294.]

Sugar and coffee in kind.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

SEC. 1148. The ration of sugar and coffee where issued in kind, shall, when the convenience of the service permits, be issued weekly.

Sales of tobacco.

3 Mar., 1865, c. 81, s. 6, v. 13, p. 497.

SEC. 1149. Tobacco shall be furnished to the enlisted men by the commissaries of subsistence, at cost prices, exclusive of the cost of transportation, in such quantities as they may require, not exceeding sixteen ounces per month. [See § 1301.]

Officers not to trade.

14 April, 1818, c. 61, s. 9, v. 3, p. 427. 3 Mar., 1835, c. 49, s. 1, v. 4, p. 780. 3 Mar., 1865, c. 81, s. 6, v. 13, p. 497. 28 July, 1866, c. 299, s. 25, v. 14, p. 336.

SEC. 1150. No officer belonging to the Subsistence Department, or doing the duty of a subsistence officer, shall be concerned, directly or indirectly, in the purchase or sale of any article entering into the composition of the ration allowed to troops in the service of the United States, or of any article designated by the inspectors-general of the Army, and furnished for sale to officers and enlisted men at cost prices, or of tobacco furnished for sale to enlisted men, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

Corps of Engineers, organization.

28 July, 1866, c. 299, s. 19, v. 14, p. 335.

SEC. 1151. The Corps of Engineers shall consist of one Chief of Engineers, with the rank of brigadier-general, six colonels, twelve lieutenant-colonels, twenty-four majors, thirty captains, twenty-six first lieutenants, and ten second lieutenants, and the battalion: *Provided*, That no promotion shall be made to fill any vacancy in said corps above the rank of colonel.

3 Mar., 1869, c. 124, s. 6, v. 15, p. 318; 10 June, 1872, c. 426, v. 17, p. 382.

Regulations of supplies.

15 May, 1846, c. 21, s. 5, v. 9, p. 13. 3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

SEC. 1152. The Chief of Engineers is authorized, with the approval of the Secretary of War, to regulate and determine the number, quality, form, and dimensions of the necessary vehicles, pontoons, tools, implements, arms, and other supplies for the use of the battalion of engineer soldiers.

6 Aug., 1861, c. 57, s. 2, v. 12, p. 317. 28 July, 1866, c. 299, s. 20, v. 14, p. 335.

Disbursements.

5 July, 1838, c. 162, s. 27, v. 5, p. 260. 7 July, 1838, c. 194, v. 5, p. 308.

SEC. 1153. It shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; but no compensation shall be allowed him for such disbursement.

Engineer battalion.

15 May, 1846, c. 21, s. 1, v. 9, p. 12.

SEC. 1154. The battalion of engineers shall consist of the five companies of engineers now existing, one sergeant-major, and one quartermaster-sergeant, who shall also be commissary-sergeant.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287. 6 Aug., 1861, c. 57, s. 2, v. 12, p. 318. 30 June, 1864, c. 145, s. 4, v. 13, p. 144. 28 July, 1866, c. 299, s. 20, v. 14, p. 335.

Engineer company.

SEC. 1155. Each company of engineer soldiers shall consist of ten sergeants, ten corporals, two musicians, and as many privates of the first

class, not exceeding sixty-four, and as many privates of the second class, not exceeding sixty-four, as the President may direct, and shall be recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to other troops constituting the present military peace establishment.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287. 15 July, 1870, c. 294, s. 2, v. 16, p. 317.

Engineer officers.

SEC. 1156. A battalion-adjutant, a battalion-quartermaster, and appropriate officers to command the companies and battalion of engineer soldiers, shall be detailed from the Corps of Engineers.

15 May, 1846, c. 21, s. 4, v. 9, p. 13.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287. 6 Aug., 1861, c. 57, s. 2, v. 12, p. 317. 28 July, 1866, c. 299, s. 20, v. 14, p. 335.

Duties of engineer soldiers.

SEC. 1157. The enlisted men of the engineer battalion shall be instructed in and perform the duties of sappers, miners, and pontoniers, and shall aid in giving practical instruction in those branches at the Military Academy. They may be detailed by the Chief of Engineers to oversee and aid laborers upon fortifications and other works in charge of the Engineer Corps, and, as fort-keepers, to protect and repair finished fortifications.

15 May, 1846, c. 21, s. 4, v. 9, p. 13. 3 Aug., 1861, c. 42, s. 4, v. 12, p. 287. 6 Aug., 1861, c. 57, s. 2, v. 12, p. 317. 3 Mar., 1863, c. 78, s. 1, v. 12, p. 743.

Engineers, limits of duty.

SEC. 1158. Engineers shall not assume nor be ordered on any duty beyond the line of their immediate profession, except by the special order of the President. They may, at the discretion of the President, be transferred from one corps to another, regard being paid to rank.

10 April, 1806, c. 20, art. 63, v. 2, p. 367.

Ordnance Corps, organization.

SEC. 1159. The Ordnance Department of the Army shall consist of one Chief of Ordnance, with the rank of brigadier-general, three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants, ten second lieutenants, and thirteen ordnance store-keepers. The ordnance store-keeper at Springfield armory shall have the rank of major of cavalry. All other ordnance store-keepers shall have the rank of captain of cavalry.

28 July, 1866, c. 299, s. 21, v. 14, p. 335. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318. 23 *June*, 1874, *c.* 458, *ss.* 5, 8, *v.* 18, *p.* 245.

Appointment in.

SEC. 1160. No officer of the Army shall be commissioned as an ordnance officer until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an officer of the Army fail on such examination he shall be suspended from appointment for one year, when he may be re-examined before a like board. In case of failure on such re-examination he shall not be commissioned as an ordnance officer.

3 Mar., 1863, c. 78, s. 4, v. 12, p. 743.

Store-keepers.

SEC. 1161. Any number, not exceeding six, of the ordnance store-keepers may be authorized to act as paymasters at armories and arsenals.

28 July, 1866, c. 299, s. 21, v. 14, p. 335. 2 Mar., 1867, c. 145, s. 7, v. 14, p. 423.

Enlisted men.

SEC. 1162. The Chief of Ordnance may enlist as many [*master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers as the Secretary of War may direct. Master armorers, master carriage-makers, and master blacksmiths shall be designated and mustered as sergeants; armorers, carriage-makers, and blacksmiths shall be designated and mustered as corporals; artificers shall be designated and mustered as privates of the first class, and laborers as privates of the second class.*] [sergeants of ordnance, corporals of ordnance, and first and second class privates of ordnance, as the Secretary of War may direct.]

18 June, 1846, c. 29, s. 11, v. 9, p. 18. 5 July, 1862, c. 133, s. 3, v. 12, p. 508. 28 July, 1866, c. 299, s. 21, v. 14, p. 335. 23 *June*, 1874, *c.* 458, *s.* 5, *v.* 18, *p.* 245. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 242.

Detail of artificers.

SEC. 1163. The Chief of Ordnance, subject to the approval of the Secretary of War, shall organize and detail to regiments, corps, or garrisons, such numbers of [*privates of the first-class*] [ordnance enlisted men,] furnished with proper tools, carriages, and apparatus, as may be necessary, and shall make regulations for their government.

8 Feb., 1815, c. 38, s. 4, v. 3, p. 203. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 242.

Supplies.

SEC. 1164. It shall be the duty of the Chief of Ordnance to furnish estimates, and, under the direction of the Secretary of War, to make contracts and purchases, for procuring the necessary supplies of ordnance and ordnance stores, for the use of the armies of the United States; to

8 Feb., 1815, c. 38, s. 8, v. 3, p. 203.

direct the inspection and proving of the same, and to direct the construction of all cannon and carriages, ammunition-wagons, traveling forges, artificers' wagons, and of every implement and apparatus for ordnance, and the preparation of all kinds of ammunition and ordnance stores constructed or prepared for said service.

Depots.

8 Feb., 1815, c. 38, s. 9, v. 3, p. 204.

SEC. 1165. The Chief of Ordnance, under the direction of the Secretary of War, may establish depots of ordnance and ordnance stores in such parts of the United States, and in such numbers, as may be deemed necessary.

Orders for supplies.

8 Feb., 1815, c. 38, s. 5, v. 3, p. 203.

SEC. 1166. The Chief of Ordnance, or the senior officer of that corps for any district, shall execute all orders of the Secretary of War, and, in time of war, the orders of any general or field officer commanding an army, garrison, or detachment, for the supply of all ordnance and ordnance stores for garrison, field, or siege service.

Semi-annual reports.

8 Feb., 1815, c. 38, s. 8, v. 3, p. 204. 27 *Feb.*, 1877, c. 69, v. 19, p. 242.

SEC. 1167. The Chief of Ordnance shall, half-yearly, or oftener if so directed, make a report to the Secretary of War of all the officers and enlisted men in his department of the service, and of all ordnance and ordnance stores under his control. [Every officer of the Ordnance Department, every ordnance-store keeper, every post ordnance sergeant, each keeper of magazines, arsenals, and armories, every assistant and deputy of such, and all other officers, agents, or persons who shall have received or may be entrusted with any stores or supplies, shall quarterly, or oftener if so directed, and in such manner and on such forms as may be directed or prescribed by the Chief of Ordnance, make true and correct returns to the Chief of Ordnance of all ordnance-arms, ordnance-stores, and all other supplies and property of every kind, received by or intrusted to them and each of them, or which may in any manner come into their and each of their possession or charge. The chief of ordnance, subject to the approval of the Secretary of War, is hereby authorized and directed to draw up and enforce in his department a system of rules and regulations for the government of the Ordnance Department, and of all persons in said department, and for the safe-keeping and preservation of all ordnance property of every kind, and to direct and prescribe the time, number, and forms of all returns and reports, and to enforce compliance therewith.]

Medical Department, organization.

28 July, 1866, c. 299, s. 17, v. 14, p. 334. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318. 17 Mar., 1872, c. 47, v. 17, p. 40. 23 *June*, 1874, c. 458, *ss.* 4, 8, v. 18, *pp.* 244, 245. 1 *Jan.*, 1875, c. 12, v. 18, p. 294. 26 *June*, 1876, c. 146, v. 19, p. 61.

SEC. 1168. The Medical Department of the Army shall consist of one Surgeon-General, with the rank of brigadier-general; one assistant surgeon-general, with the rank of colonel of cavalry; one chief medical purveyor, and four assistant medical purveyors, with the rank of lieutenant-colonel of cavalry; sixty surgeons, with the rank of major of cavalry; one hundred and fifty assistant surgeons, with rank of lieutenant of cavalry, for the first three years of service, and the rank of captain of cavalry after three years of service; and five medical storekeepers, with the rank of captain of cavalry. All the original vacancies in the grade of assistant surgeon shall be filled by selection, by examination, from among the persons who have served as staff or regimental surgeons or assistant surgeons of volunteers in the Army of the United States during the late war.

Right of command.

11 Feb., 1847, c. 8, s. 8, v. 9, p. 125.

SEC. 1169. Officers of the Medical Department of the Army shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.

Volunteer service of assistant surgeons.

2 Mar., 1867, c. 145, s. 5, v. 14, p. 423.

SEC. 1170. Assistant surgeons who have served three years as surgeons or assistant surgeons in the volunteer forces (*) be eligible to promotion to the grade of captain.

Purveyors to be assignable as surgeons.

28 July, 1866, c. 299, s. 17, v. 14, p. 334.

SEC. 1171. The chief medical purveyor and the assistant medical purveyors may be assigned by the President to duty as surgeons, when not acting as purveyors.

(*) The word *shall* is omitted from the Roll.

Examinations.

SEC. 1172. No person shall receive the appointment of assistant surgeon unless he shall have been examined and approved by an Army medical board, consisting of not less than three surgeons or assistant surgeons, designated by the Secretary of War; and no person shall receive the appointment of surgeon unless he shall have served at least five years as an assistant surgeon in the Regular Army, and shall have been examined and approved by an Army medical board, consisting of not less than three surgeons, designated as aforesaid.

30 June, 1834, c. 133, s. 1, v. 4, p. 714.

Duties of chief medical purveyor.

SEC. 1173. The chief medical purveyor shall have, under the direction of the Surgeon General, supervision of the purchase and distribution of the hospital and medical supplies.

3 Mar., 1873, c. 229, s. 1, v. 17, p. 546.

Supervision of cooking.

SEC. 1174. The officers of the Medical Department of the Army shall unite with the officers of the line [under such rules and regulations as shall be prescribed by the Secretary of War] in superintending the cooking done by the enlisted men; and the Surgeon-General shall promulgate to the officers of said corps such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier. [See § 1284.]

3 Mar., 1863, c. 78, s. 8, v. 12, p. 744. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 243.

Sick-diet in hospital.

SEC. 1175. Such quantities of fresh or preserved fruits, milk, butter, and eggs as may be necessary for the proper diet of the sick, may be allowed in hospitals. They shall be provided under such rules as the Surgeon-General, with the approval of the Secretary of War, shall prescribe.

3 Aug., 1861, c. 42, s. 14, v. 12, p. 289.

Trusses, to whom furnished.

SEC. 1176. Every soldier of the Union Army who was ruptured while in the line of duty during the war for the suppression of the rebellion, is entitled to receive a single or double truss, of such style as may be designated by the Surgeon-General, as best suited for his disability.

28 May, 1872, c. 228, s. 1, v. 17, p. 164.

Application for.

SEC. 1177. Application for such truss shall be made by the ruptured soldier, to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when found to have a rupture or hernia, to prepare and forward to the Surgeon-General an application for such truss without charge to the soldier. [See § 4787.]

28 May, 1872, c. 228, s. 2, v. 17, p. 164.

Trusses, purchase of.

SEC. 1178. The Surgeon-General is authorized and directed to purchase the trusses required for such soldiers, at wholesale prices, and the cost of the same shall be paid upon the requisition of the Surgeon-General out of any moneys in the Treasury not otherwise appropriated.

28 May, 1872, c. 228, s. 3, v. 17, p. 164.

Post hospital-stewards.

SEC. 1179. There shall be one hospital-steward for each military post, who may be enlisted in that grade, or appointed by the Secretary of War from the enlisted men of the Army, and shall be permanently attached to the Medical Corps, under such regulations as he may prescribe.

16 Aug., 1856, c. 125, s. 2, v. 11, p. 51. 28 July, 1866, c. 299, s. 7, v. 14, p. 333.

Hospital-stewards.

SEC. 1180. The Secretary of War may appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital-stewards as the service may require, to be permanently attached to the Medical Corps, under such regulations as he may prescribe.

28 July, 1866, c. 299, s. 17, v. 14, p. 335.

Classes of hospital-stewards.

SEC. 1181. Hospital-stewards shall be graded as hospital-stewards of the first class, hospital-stewards of the second class, and hospital-stewards of the third class.

20 June, 1864, c. 145, s. 1, v. 13, p. 144.

Pay Department, organization.

SEC. 1182. The pay Department of the Army shall consist of one Paymaster-General, with the rank of colonel; two assistant paymasters-general, with the rank of colonel of cavalry; two deputy paymasters-general, with the rank of lieutenant-colonel of cavalry; and sixty paymasters, with the rank of major of cavalry.

28 July, 1866, c. 299, s. 18, v. 14, p. 335. 4 June, 1872, c. 286, v. 17, p. 219. 2 *Mar.*, 1875, *c.* 118, *v.* 18, *p.* 338. 3 *Mar.*, 1875, *J. R. No.* 7, *v.* 18, *p.* 524. 22 *July*, 1876, *c.* 222, *v.* 19, *p.* 95.

Rightofcommand.

SEC. 1183. Officers of the Pay Department shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.

3 Mar., 1847, c. 61, s. 13, v. 9, p. 185.

Additional paymasters.

SEC. 1184. When volunteers or militia are called into the service of the United States, and the officers of the Paymaster's Department are not deemed by the President sufficient for the punctual payment of the troops, he may appoint, by and with the advice and consent of the Senate, and

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

add to said corps as many paymasters, to be called additional paymasters, with the rank of major, not exceeding one for every two regiments of volunteers or militia, as he may deem necessary.

Additional paymasters, service temporary.

SEC. 1185. Additional paymasters shall be retained in service only so long as they may be required for the payment of volunteers and militia, as provided herein.

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

Duties of Paymaster-General.

SEC. 1186. The Paymaster-General shall perform the duties of his office under the direction of the President.

16 Mar., 1802, c. 9, s. 16, v. 2, p. 135.

Duties of deputy paymasters-general.

SEC. 1187. The deputy paymasters-general shall, in addition to paying troops, superintend the payment of armies in the field.

3 Mar., 1847, c. 61, ss. 12, 22, v. 9, p. 185. 19 July, 1848, c. 104, s. 3, v. 9, p. 247. 2 Mar., 1849, c. 80, v. 9, p. 350. 28 July, 1866, c. 299, s. 18, v. 14, p. 335.

Duties of paymasters.

SEC. 1188. The paymasters and additional paymasters shall pay the regular troops, and shall pay all other troops in the service of the United States, when required to do so by order of the President.

24 April, 1816, c. 69, s. 4, v. 3, p. 298. 14 July, 1832, c. 224, s. 4, v. 4, p. 582. 5 July, 1838, c. 162, s. 25, v. 5, p. 259.

Periods of payment.

SEC. 1189. The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall render further arrears unavoidable.

16 Mar., 1802, c. 9, s. 13, v. 2, p. 135. 24 *July*, 1876, *c.* 226, *r.* 19, *p.* 97.

Paymasters' clerks.

SEC. 1190. Paymasters and additional paymasters shall be allowed a capable non-commissioned officer or private as clerk. When suitable non-commissioned officers or privates cannot be procured from the line of the Army, they are authorized, by and with the approbation of the Secretary of War, to employ citizens as clerks, at a salary of twelve hundred dollars a year.

24 April, 1816, c. 69, s. 3, v. 3, p. 297. 5 July, 1838, c. 162, s. 20, v. 5, p. 259. 20 June, 1864, c. 145, s. 10, v. 13, p. 145.

Bonds of disbursing officers, by whom to be given.

SEC. 1191. All officers of the Quartermaster's, Subsistence, and Pay Departments, the chief medical purveyor and assistant medical purveyors, and all store-keepers shall, before entering upon the duties of their respective offices, give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. The President may, at any time, increase the sums so prescribed. [But the Quartermaster General shall not be liable for any money or property that may come into the hands of the subordinate officers of his department.]

24 April, 1816, c. 69, s. 6, v. 3, p. 298. 15 May, 1820, c. 102, s. 3, v. 3, p. 582. 23 Aug., 1842, c. 186, s. 2, v. 5, p. 512. 17 June, 1846, c. 28, s. 2, v. 9, p. 17. 3 Mar., 1857, c. 106, s. 2, v. 11, p. 203. 17 July, 1862, c. 201, s. 16, v. 12, p. 600. 28 July, 1866, c. 299, s. 17, v. 14, p. 334. 27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 243.—U. S. *v.* Kirkpatrick, 9 Wh., 720; U. S. *v.* Van Zandt, 11 Wh., 184; Dox *v.* Postmaster-General, 1 Pet., 325; U. S. *v.* Linn, 15 Pet., 290.

Renewing bond of paymasters.

SEC. 1192. All disbursing officers of the Pay Department shall renew their bonds, or furnish additional security, at least once in four years, and as much oftener as the President may direct.

2 Mar., 1849, c. 80, v. 9, p. 350.

Chiefs of corps and departments, how selected.

SEC. 1193. The Adjutant-General, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, and the Paymaster-General shall be appointed by selection from the corps to which they belong.

28 July, 1866, c. 299, s. 23, v. 14, p. 336.

Appointments and promotions in staff corps and Departments.

SEC. 1194. Until otherwise directed by law there shall be no new appointments and no promotions in the departments of Adjutant-General,

or of Inspector-General, or in the Pay, Quartermaster's, Subsistence, Ordnance, or Medical Departments.

3 Mar., 1869, c. 124, s. 6, v. 15, p. 318.

So much of this section as applies to paymasters of the rank of major was repealed by joint resolution of March 3, 1875, v. 18, p. 524. The act of March 3, 1877, c. 100, v. 19, p. 270, declares that this section "now applying only to grades in the Pay Department of the Army above the rank of major is hereby repealed."

10 June, 1872, c. 426, v. 17, p. 382. 23 *June*, 1874, c. 458, *s.* 8, *v.* 18, *p.* 245.

3 *Mar.*, 1875, *c.* 126, *s.* 4, *v.* 18, *p.* 339. 3 *Mar.*, 1875, *c.* 142, *v.* 18, *p.* 478. 3 *Mar.*, 1875, *J. R. No.* 7, *v.* 18, *p.* 524. 3 *Mar.*, 1877, *c.* 100, *v.* 19, *p.* 270.

Signal service, rank of chief.

SEC. 1195. There shall be one Chief Signal-Officer, with the rank of colonel of cavalry, who shall have charge, under the direction of the Secretary of War, of all signal-duty, and of all books, papers, and apparatus connected therewith.

21 June, 1860, c. 163, s. 1, v. 12, p. 66. 28 July, 1866, c. 299, s. 22, v. 14, p. 335.

Details for signal-duty.

SEC. 1196. The Secretary of War may detail six officers from the Corps of Engineers, and any number of non-commissioned officers and privates not exceeding one hundred, from the battalion of engineers, for the performance of signal-duty; but no officer or enlisted man shall be so detailed until he shall have been examined and approved by a military board convened by the Secretary of War.

28 July, 1866, c. 299, s. 22, v. 14, p. 335. 24 *July*, 1876, *c.* 226, *v.* 19, *p.* 97.

Signal-detail to be mounted.

SEC. 1197. Enlisted men detailed for signal-duty shall, when it is deemed necessary, be mounted on horses provided by the government.

28 July, 1866, c. 299, s. 22, v. 14, p. 335. 24 *July*, 1876, *c.* 226, *v.* 19, *p.* 97.

Bureau of Military Justice, organization.

SEC. 1198. The Bureau of Military Justice shall consist of one Judge-Advocate-General, with the rank of brigadier-general, and one assistant judge-advocate-general, with the rank of colonel of cavalry.

28 July, 1866, c. 299, s. 12, v. 14, p. 334. 23 *June*, 1874, *c.* 458, *s.* 2, *v.* 18, *p.* 244.

Duties of Judge-Advocate-General.

SEC. 1199. The Judge-Advocate-General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge-Advocate-General of the Army.

28 July, 1866, c. 299, s. 12, v. 14, p. 334. 23 *June*, 1874, *c.* 458, *s.* 2, *v.* 18, *p.* 244.

Judge-Advocates.

SEC. 1200. There shall be eight judge-advocates of the Army, with the rank of major of cavalry.

17 July, 1862, c. 201, s. 6, v. 12, p. 598. 28 July, 1866, c. 299, s. 12, v. 14, p. 334. 25 Feb., 1867, c. 79, s. 1, v. 14, p. 410. 10 April, 1869, c. 20, v. 16, p. 44. 23 *June*, 1874, *c.* 458, *s.* 2, *v.* 18, *p.* 244.

Duties of judge-advocates.

SEC. 1201. Judge-advocates shall perform their duties under the direction of the Judge-Advocate-General.

28 July, 1866, c. 299, s. 12, v. 14, p. 334. 6 *June*, 1874, *c.* 217, *v.* 18, *p.* 60. 23 *June*, 1874, *c.* 458, *s.* 2, *v.* 18, *p.* 244.

Witnesses compelled to attend.

SEC. 1202. Every judge-advocate of a court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of criminal jurisdiction within the State, Territory, or District where such military courts shall be ordered to sit, may lawfully issue.

3 Mar., 1863, c. 79, s. 25, v. 12, p. 754. 23 *June*, 1874, *c.* 458, *s.* 2, *v.* 18, *p.* 244.

Reporter.

SEC. 1203. The judge-advocate of a military court shall have power to appoint a reporter, who shall record the proceedings of, and testimony taken before, such court, and may set down the same, in the first instance, in short-hand. The reporter shall, before entering upon his duty, be sworn, or affirmed, faithfully to perform the same.

3 Mar., 1863, c. 75, s. 28, v. 12, p. 736. 23 *June*, 1874, *c.* 458, *s.* 2, *v.* 18, *p.* 244.

OF PROMOTIONS, BREVETS, AND CERTIFICATES OF MERIT.

Promotions, general rule.

SEC. 1204. Promotions in the line shall be made through the whole Army, in its several lines of artillery, cavalry, and infantry, respectively. Promotions in the staff of the Army shall be made in the several departments and corps, respectively.

30 Mar., 1814, c. 37, s. 12, v. 3, p. 114. 3 Mar., 1851, c. 33, s. 1, v. 9, p. 618.

In case of transfers from the line.

3 Mar., 1813, c. 52, s. 4, v. 2, p. 819. 24 April, 1816, c. 69, s. 9, v. 3, p. 298. 18 June, 1846, c. 29, s. 7, v. 9, p. 18.

SEC. 1205. Officers may be transferred from the line to the staff of the Army without prejudice to their rank or promotion in the line; but no officer shall hold, at the same time, an appointment in the line and an appointment in the staff which confer equal rank in the Army. When any officer so transferred has, in virtue of seniority, obtained or become entitled to a grade in his regiment equal to the grade of his commission in the staff, he shall vacate either his commission in the line or his commission in the staff.

In Engineer Corps.

3 Mar., 1863, c. 78, s. 3, v. 12, p. 743.

SEC. 1206. No officer of the Corps of Engineers below the rank of field-officer shall be promoted to a higher grade, until he shall have been examined and approved by a board of three engineers, senior to him in rank. If an engineer officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

After fourteen years' service.

3 Mar., 1853, c. 98, s. 9, v. 10, p. 219. 3 Mar., 1863, c. 78, ss. 3, 4, v. 12, p. 743. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 243.

SEC. 1207. When any lieutenant of the Corps of Engineers [or Ordnance Corps] has served fourteen years' continuous service as lieutenant, he shall be promoted to the rank of captain, on passing the examination provided by the preceding section, but such promotion shall not authorize an appointment to fill any vacancy, when such appointment would increase the whole number of officers in the corps beyond the number fixed by law; nor shall any officer be promoted before officers of the same grade who rank him in his corps.

In Ordnance Corps.

3 Mar., 1863, c. 78, s. 4, v. 12, p. 743. 3 Mar., 1869, c. 124, s. 6, v. 15, p. 318. 23 *June*, 1874, *c.* 458, *s.* 8, *v.* 18, *p.* 245.

SEC. 1208. When promotions in the Ordnance Department of the Army are allowed by law, no officer of the corps, below the rank of field-officer, shall be promoted to a higher grade until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an ordnance officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

Brevets.

6 July, 1812, c. 137, s. 4, v. 2, p. 785. 16 April, 1818, c. 64, s. 2, v. 3, p. 427.

SEC. 1209. The President, by and with the advice and consent of the Senate, may, in time of war, confer commissions by brevet upon commissioned officers of the Army, for distinguished conduct and public service in presence of the enemy.

1 Mar., 1869, c. 52, s. 2, v. 15, p. 281.

Date of brevet commission.

SEC. 1210. Brevet commissions shall bear date from the particular action or service for which the officers were brevetted.

1 Mar., 1869, c. 52, s. 2, v. 15, p. 281.

Assignment to duty according to brevet rank.

16 April, 1818, c. 64, s. 1, v. 3, p. 427.

SEC. 1211. Officers may be assigned to duty or command according to their brevet rank by special assignment of the President; and brevet rank shall not entitle an officer to precedence or command except when so assigned.

3 Mar., 1869, c. 124, s. 7, v. 15, p. 318.

Uniform and title.

15 July, 1870, c. 294, s. 16, v. 16, p. 319.

SEC. 1212. No officer shall be entitled, on account of having been brevetted, to wear, while on duty, any uniform other than that of his actual rank; and no officer shall be addressed in orders or official communications by any title other than that of his actual rank.

Cadets to be attached by brevet rank.

29 April, 1812, c. 72, s. 4, v. 2, p. 721.

SEC. 1213. When any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academical staff, he shall be considered a candidate for a commission in any corps for whose duties he may be deemed competent. If there be no vacancy in such corps, he may, subject to the provisions of section twelve hundred and fifteen, be attached to it by the President, as a supernumerary officer, by brevet of second lieutenant until a vacancy shall happen.

Non-commissioned officers to be attached by brevet rank.

29 April, 1812, c. 72, s. 4, v. 2, p. 721.

SEC. 1214. Non-commissioned officers may, under regulations established by the Secretary of War, be examined by a board of four officers, as to their qualifications for the duties of commissioned officers in the line of the Army, and shall be eligible for appointment as second lieutenants in any corps of the line for which they may be found so qualified.

If there be no vacancy in such corps, any non-commissioned officer so found qualified for a commission therein may be attached to it by the President as a supernumerary officer, by brevet of second lieutenant, subject to the provisions of section twelve hundred and fifteen.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186. 4 Aug., 1854, c. 247, s. 5, v. 10, p. 575.

Number of attachments by brevet rank.

SEC. 1215. Only one supernumerary officer shall be attached to any company at the same time under the provisions of the two preceding sections.

29 April, 1812, c. 72, s. 4, v. 2, p. 721. 4 Aug., 1854, c. 247, s. 5, v. 10, p. 575.

Certificates of merit for privates.

SEC. 1216. When any private soldier shall have distinguished himself in the service, the President may, on the recommendation of the commanding officers of the regiment to which such private soldier belongs, grant him a certificate of merit.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186.

GENERAL PROVISIONS OF ORGANIZATION.

Commissions now held not vacated.

SEC. 1217. None of the provisions of this Title, relating to the organization of the Army, shall be construed to vacate the commission of any officer now properly in the service, or borne on the Army Register as an officer retired from active service, or to require new appointments to fill the grades mentioned herein, which are now properly filled according to said provisions.

28 July, 1866, c. 299, s. 31, v. 14, p. 337.

Persons who served in the rebellion ineligible.

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

28 July, 1866, c. 299, s. 28, v. 14, p. 336.

Time of actual service considered in fixing rank.

SEC. 1219. In fixing relative rank between officers of the same grade and date of appointment and commission, the time which each may have actually served as a commissioned officer of the United States, whether continuously or at different periods, shall be taken into account. And in computing such time, no distinction shall be made between service as a commissioned officer in the Regular Army and service since the 19th day of April, 1861, in the volunteer forces, whether under appointment or commission from the President or from the governor of a State.

2 Mar., 1867, c. 159, s. 1, v. 14, p. 434.

Returns of ordnance; damages.

SEC. 1220. Every officer commanding a regiment, corps, garrison, or detachment shall make, once every two months, or oftener if so directed, a report to the Chief of Ordnance, stating all damages to arms, equipments, and implements belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier by whose negligence or abuse the said damages were occasioned. [It shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests, and overalls or breeches which may from time to time be issued to and for his regiment to be altered and new-made, so as to better to fit them to the persons respectively for whose use they shall be delivered; and for defraying the expense of such alterations, to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding twenty five cents for each coat, eight cents for each vest and for each pair of overalls or breeches.]

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 243.

Returns of clothing and camp-equipage.

SEC. 1221. Every officer who receives clothing or camp-equipage for the use of his command, or for issue to the troops, shall render to the Quartermaster-General, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues which shall have been made. [Said returns and vouchers, after due examination by the Quartermaster General shall be transmitted for settlement to the proper accounting officer of the Treasury Department.]

18 May, 1826, c. 74, s. 2, v. 4, p. 174. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 243.

Accepting or holding civil office.

SEC. 1222. No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army, and his commission shall be thereby vacated.

15 July, 1870, c. 294, s. 18, v. 16, p. 319.

Accepting or holding diplomatic or consular office.

SEC. 1223. Any officer of the Army who accepts or holds any appointment in the diplomatic or consular service of the government shall be

30 Mar., 1868, c. 38, s. 2, v. 15, p. 58.

considered as having resigned his place in the Army, and it shall be filled as a vacancy.

Civil employment prohibited.

5 July, 1838, c. 162, s. 31, v. 5, p. 260.

27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 243.

SEC. 1224. [*Officers of the Army on the active list shall not be separated from their regiments or corps for employment on civil works of internal improvement, nor be allowed to engage in the service of incorporated companies, or be employed as acting paymaster, or disbursing agent of the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper.*] [No officer of the Army shall be employed on civil works or internal improvements, or be allowed to engage in the service of any incorporated company, or be employed as acting paymaster or disbursing-agent of the Indian Department, if such extra employment requires that he shall be separated from his company, regiment, or corps, or if it shall otherwise interfere with the performance of the military duties proper.] [See § 2062.]

Officers and arms for colleges.

28 July, 1866, c. 229, s. 26, v. 14, p. 336.

4 May, 1870, Res. 40, v. 16, p. 373.

5 *July*, 1876, *c.* 167, v. 19, p. 74.

Long's Case, 8 C. Cls., 398.

SEC. 1225. The President may, upon the application of any established college or university within the United States, having capacity to educate, at the same time, not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed [*twenty*] [thirty] at any time, and they shall be apportioned throughout the United States, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed, from time to time, by the President. The Secretary of War is authorized to issue at his discretion and under proper regulations to be prescribed by him, out of any small arms or pieces of field artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice, by the students of any college or university under the provisions of this section; and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required. [See § 1667.]

Privileges on account of volunteer service.

28 July, 1866, c. 299, s. 34, v. 14, p. 337.

SEC. 1226. All officers who have served during the rebellion as volunteers in the Army of the United States, and have been honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commissions, in the volunteer service. The highest volunteer rank which has been held by officers of the Regular Army shall be entered, with their names respectively, upon the Army Register. But these privileges shall not entitle any officer to command, pay, or emoluments.

Army corps badges.

25 July, 1868, Public Resolution, No. 73, v. 15, p. 261.

SEC. 1227. All persons who have served as officers, non-commissioned officers, privates, or other enlisted men, in the Regular Army, volunteer or militia forces of the United States, during the war of the rebellion, and have been honorably discharged from the service, or still remain in the same, shall be entitled to wear, on occasions of ceremony, the distinctive Army badge ordered for or adopted by the Army corps and division, respectively, in which they served.

Restoration of dismissed officers.

20 July, 1868, c. 185, v. 15, p. 125.

SEC. 1228. No officer of the Army who has been or may be dismissed from the service by the sentence of a general court-martial, formally approved by the proper reviewing authority, shall ever be restored to the military service, except by a re-appointment confirmed by the Senate.

Officers dropped for desertion.

Art. of war, 99.

Art. of war, 106.

15 July, 1870, c. 294, s. 17, v. 16, p. 319.

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

SEC. 1229. The President is authorized to drop from the rolls of the Army for desertion any officer who is absent from duty three months without leave; and no officer so dropped shall be eligible for re-appointment. And no officer in the military, or naval service shall in time of peace be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect, or in commutation thereof.

Officer dismissed by President may demand trial.

3 Mar., 1865, c. 79, s. 12, v. 13, p. 489.

SEC. 1230. When any officer, dismissed by order of the President, makes, in writing, an application for trial, setting forth, under oath, that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial, to try such officer on the charges on which he shall have been dismissed.

And if a court-martial is not so convened within six months from the presentation of such application for trial, or if such court, being convened, does not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

22 *June*, 1874, *c.* 392, *s.* 2, *r.* 18, *p.* 192.

Post and garrison schools.

SEC. 1231. Schools shall be established at all posts, garrisons, and permanent camps at which troops are stationed, in which the enlisted men may be instructed in the common English branches of education, and especially in the history of the United States; and the Secretary of War may detail such officers and enlisted men as may be necessary to carry out this provision. It shall be the duty of the post or garrison commander to set apart a suitable room or building for school and religious purposes.

28 July, 1866, c. 299, s. 27, v. 14, p. 336.

Enlisted men not to be used as servants.

SEC. 1232. No officer shall use an enlisted man as a servant in any case whatever.

15 July, 1870, c. 294, s. 14, v. 16, p. 319

Company cooks.

SEC. 1233. Cooks shall be detailed, in turn, from the privates in each company of troops in the service of the United States, at the rate of one cook for each company numbering less than thirty men, and two cooks for each company numbering more than thirty men; and they shall serve on each detail ten days.

3 Mar., 1863, c. 78, s. 9, v. 12, p. 744.

Superintendence of cooking.

SEC. 1234. The line officers of the Army shall superintend the cooking done for the enlisted men. [See § 1174.]

3 Mar., 1863, c. 78, s. 8, v. 12, p. 744.

Labor detail.

SEC. 1235. Working parties of soldiers shall be detailed for employment as artificers or laborers, in the construction of permanent military works or public roads, or in other constant labor only upon the written order of a commanding officer, when such detail is for ten or more days.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.

Details to special service from forces in the field.

SEC. 1236. Details to special service from forces in the field shall be made only with the consent of the commanding officer of the forces.

3 Mar., 1863, c. 75, s. 35, v. 12, p. 736.

Exemption from arrest.

SEC. 1237. No enlisted man shall, during his term of service, be arrested on mesne process, or taken or charged in execution for any debt, unless it was contracted before his enlistment, and amounted to twenty dollars when first contracted.

16 Mar., 1802, c. 9, s. 23, v. 2, p. 136.

12 April, 1808, c. 43, s. 5, v. 2, p. 483. 11 Jan., 1812, c. 14, s. 21, v. 2, p. 674. 3 Mar., 1815, c. 79, s. 7, v. 3, p. 225.

Female nurses.

SEC. 1238. Women may be employed, instead of soldiers, as nurses in general or permanent hospitals, at such times and in such numbers as the Surgeon-General, or the medical officer in charge of any such hospital, may deem proper.

3 Aug., 1861, c. 42, s. 6, v. 12, p. 288.

Matrons.

SEC. 1239. Hospital matrons and nurses may be employed in post or regimental hospitals in such numbers as may be necessary.

16 Mar., 1802, c. 9, s. 4, v. 2, p. 134.

Laundresses.

SEC. 1240. Women may be allowed to accompany troops as laundresses, in numbers not exceeding four to a company.

16 Mar., 1802, c. 9, s. 5, v. 2, p. 134.

Sales of stores.

SEC. 1241. The President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged, or unsuitable for the public service. Such inspection or survey shall be made by officers designated by the Secretary of War, and the sales shall be made under regulations prescribed by him.

3 Mar., 1825, c. 93, ss. 1, 2, v. 4, p. 127.

Arms and accouterments in possession of persons not soldiers.

SEC. 1242. The clothing, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and the possession of any such property by any person not a soldier or officer of the United States shall be prima-facie evidence of such sale, barter, exchange, pledge, loan, or gift. Such property may be seized and taken from any person, not a soldier or officer of the United States, by any officer, civil or military, of the United States, and shall, thereupon, be delivered to any quartermaster or other officer authorized to receive the same.

3 Mar., 1863, c. 75, s. 23, v. 12, p. 735.

CHAPTER TWO.

RETIREMENT.

Sec.
1243. Retirement upon officer's own application.
1244. After forty-five years, or at the age of sixty-two.
1245. For disability.
1246. Composition of retiring board.
1247. Oath of members.
1248. Powers and duties.
1249. Findings.
1250. Revision by the President.
1251. Finding of disability by incident of service.
1252. Disability not by an incident of service.
1253. Officers entitled to a hearing.
1254. Retired rank.
1255. Status of retired officers.
1256. Rights and liabilities.
1257. Vacancies by retirement.
1258. Number on the retired list.
1259. Assignment to duty.
1260. Detail as professor in a college.

Retirement upon officer's own application.
3 Aug, 1861, c. 42, s. 15, v. 12, p. 289.
15 July, 1870, c. 294, ss. 4, 5, v. 16, p. 317.

SEC. 1243. When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, be so retired, and placed on the retired list.

After 45 years or at the age of 62.
17 July, 1862, c. 200, s. 12, v. 12, p. 596.

SEC. 1244. When any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired from active service at the discretion of the President.

For disability.
3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

SEC. 1245. When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided.

Composition of retiring board.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 289.

SEC. 1246. The Secretary of War, under the direction of the President, shall, from time to time, assemble an Army retiring board, consisting of not more than nine nor less than five officers, two-fifths of whom shall be selected from the Medical Corps. The board, excepting the officers selected from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

Oath of members.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1247. The members of said board shall be sworn in every case to discharge their duties honestly and impartially.

Powers and duties.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1248. A retiring board may inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose.

Findings.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1249. When the board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of service.

Revision by the President.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1250. The proceedings and decision of the board shall be transmitted to the Secretary of War, and shall be laid by him before the President for his approval or disapproval and orders in the case.

Finding of disability by an incident of service.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1251. When a retiring board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, and such decision is approved by the President, said officer shall be retired from active service and placed on the list of retired officers.

Disability not by an incident of service.
3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1252. When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of any incident of service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine. The names of officers wholly retired from the service shall be omitted from the Army Register.

Officers entitled to a hearing.

SEC. 1253. Except in cases where an officer may be retired by the President upon his own application, or by reason of his having served

forty-five years, or of his being sixty-two years old, no officer shall be retired from active service, nor shall an officer, in any case, be wholly retired from the service, without a full and fair hearing before an Army retiring board, if, upon due summons, he demands it. 3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Retired rank.

SEC. 1254. Officers hereafter retired from active service shall be retired upon the actual rank held by them at the date of retirement. 10 June, 1872, c. 419, v. 17, p. 378. 3 *Mar.*, 1875, *c.* 178, *r.* 18, *p.* 512.

Status of retired officers.

SEC. 1255. Officers retired from active service shall be withdrawn from command and from the line of promotion. 3 Aug., 1861, c. 42, s. 16, v. 12, p. 289. 17 July, 1862, c. 200, s. 12, v. 12, p. 596.

Rights and liabilities.

SEC. 1256. Officers retired from active service shall be entitled to wear the uniform of the rank on which they may be retired. They shall continue to be borne on the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach thereof. 3 Aug., 1861, c. 42, s. 18, v. 12, p. 290.

Vacancies by retirement.

SEC. 1257. When any officer in the line of promotion is retired from active service, the next officer in rank shall be promoted to his place, according to the established rules of the service; and the same rule of promotion shall be applied, successively, to the vacancies consequent upon such retirement. 3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

Number on the retired list.

SEC. 1258. The whole number of officers of the Army on the retired list shall not at any time exceed three hundred, and any less number to be allowed thereon may be fixed by the President in his discretion. 42, s. 16, v. 12, p. 289. 15 July, 1870, c. 294, s. 5, v. 16, p. 317.

Assignment to duty.

SEC. 1259. Retired officers of the Army may be assigned to duty at the Soldiers' Home, upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty: [*Provided*, That they receive from the Government only the pay and emoluments allowed by law to retired officers.] [See § 4816.] 21 Jan., 1870, c. 9, s. 2, v. 16, p. 62. 6 April, 1870, Res. 32, v. 16, p. 372. 27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 243.

Detail as professor in a college.

SEC. 1260. Any retired officer may, on his own application, be detailed to serve as professor in any college. [But while so serving, such officer shall be allowed no additional compensation.] 15 July, 1870, c. 294, s. 23, v. 16, p. 320. 27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 243.

CHAPTER THREE.

PAY AND ALLOWANCES.

Sec.
1261. Rates of pay.
1262. Service pay.
1263. Not to exceed forty per centum on yearly pay.
1264. Brevets.
1265. Pay during absence.
1266. Forfeiture of pay.
1267. Maximum of colonel's and lieutenant-colonel's pay.
1268. To be paid monthly.
1269. Allowances.
1270. Allowance of fuel, quarters, and forage.
1271. Forage, to whom furnished.
1272. Forage, when allowed.
1273. Mileage.
1274. Officers retired from active service.
1275. Wholly retired.
1276. Indian scouts.
1277. Hospital matrons, female nurses.
1278. Leader of band.
1279. Chief musicians.
1280. Pay of enlisted men.
1281. Additional pay.
1282. Re-enlistment pay.
1283. Service pay of men already in service.
1284. Re-enlistment.

Sec.
1285. Certificate of merit.
1286. Non-commissioned officers of Mexican war.
1287. Extra duty.
1288. During captivity.
1289. Travel-pay to officers.
1290. Travel-pay to soldiers.
1291. Soldiers' pay not assignable.
1292. Volunteers.
1293. Rations of enlisted men.
1294. Sugar and coffee.
1295. Of laundresses, matrons, and nurses.
1296. Clothing prescribed by the President.
1297. None to ordnance-sergeants.
1298. Gratuitous clothing.
1299. Deductions for rations purchased.
1300. For articles purchased.
1301. For tobacco purchased.
1302. Clothing allowances and deductions.
1303. For damage to arms.
1304. For deficiencies.
1305. Deposits of soldiers' savings.
1306. Interest on deposits.
1307. Regulations for deposits.
1308. Deposits and clothing balances, how payable.

OFFICERS.

Rates of pay.

2 Mar., 1867, c. 145, s. 7, v. 14, p. 423.
15 July, 1870, c. 294, s. 24, v. 16, p. 320.
24 *July*, 1876, *c.* 226, *v.* 19, *p.* 97.

SEC. 1261. The officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General: thirteen thousand five hundred dollars a year.
Lieutenant-General: eleven thousand dollars a year.
Major-general: seven thousand five hundred dollars a year.
Brigadier-general: five thousand five hundred dollars a year.
Colonel: three thousand five hundred dollars a year.
Lieutenant-colonel: three thousand dollars a year.
Major: Two thousand five hundred dollars a year.
Captain, mounted: two thousand dollars a year.
Captain, not mounted: eighteen hundred dollars a year.
Adjutant: eighteen hundred dollars a year.
Regimental quartermaster: eighteen hundred dollars a year.
First lieutenant, mounted: sixteen hundred dollars a year.
First lieutenant, not mounted: fifteen hundred dollars a year.
Second lieutenant, mounted: fifteen hundred dollars a year.
Second lieutenant, not mounted: fourteen hundred dollars a year.
Chaplain: fifteen hundred dollars a year.
Aid to major-general: two hundred dollars a year, in addition to pay of his rank.
Aid to brigadier-general: one hundred and fifty dollars a year, in addition to pay of his rank.
Acting assistant commissary: one hundred dollars a year, in addition to pay of his rank.
Ordnance store-keeper at Springfield armory: two thousand five hundred dollars a year.
All other store-keepers: two thousand dollars a year.

Service pay.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

SEC. 1262. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each term of five years of service.

Not to exceed forty per centum on yearly pay.

15 July, 1870, c. 294, s. 24, v. 16, p. 230.

SEC. 1263. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law.

Brevets.

3 Mar., 1863, c. 82, v. 12, p. 758.

SEC. 1264. Brevets conferred upon commissioned officers shall not entitle them to any increase of pay. 3 Mar., 1865, c. 79, s. 9, v. 13, p. 488.

Pay during absence.

3 Aug., 1861, c. 42, s. 20, v. 12, p. 290.
3 Mar., 1863, c. 75, s. 31, v. 12, p. 736.

SEC. 1265. Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half-pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence, unless the absence is excused as unavoidable.

20 June, 1864, c. 145, s. 11, v. 13, p. 145. 15 July, 1870, c. 294, s. 24, v. 16, p. 320. 8 *May*, 1874, *c.* 154, *v.* 18, *p.* 43. 29 *July*, 1876, *c.* 239, *v.* 19, *p.* 102.—U. S. *v.* Williamson, 23 Wall., 411.

Forfeiture of pay.

15 July, 1870, c. 294, s. 17, v. 16, p. 319.

SEC. 1266. Every officer who is dropped by the President from the rolls of the Army, for absence from duty three months without leave, shall forfeit all pay due or to become due.

Maximum of colonel's and lieutenant-colonel's pay.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

SEC. 1267. In no case shall the pay of a colonel exceed four thousand five hundred dollars a year, or the pay of a lieutenant-colonel exceed four thousand dollars a year.

To be paid monthly.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

SEC. 1268. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster.

Allowances.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

SEC. 1269. No allowances shall be made to officers in addition to their pay except as hereinafter provided.

Allowance of fuel, quarters, and forage.

SEC. 1270. Fuel, quarters, and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations: [*Provided, however*, That when forage in kind cannot be furnished by the proper departments, then and in all such cases, officers entitled to forage may commute the same according to existing regulations: *Provided further*, That officers of the Army and of Volunteers assigned to duty which requires them to be mounted shall, during the time they are employed on such duty receive the pay, emoluments, and allowances of cavalry officers of the same grade respectively.]

15 July, 1870, c. 294, s. 24, v. 16, p. 320.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 243.

Forage, to whom furnished.

SEC. 1271. Forage in kind may be furnished to officers by the Quartermaster's Department as follows:

Major-general: for five horses.
Brigadier-general: for four horses.
Colonel: for two horses.
Lieutenant-colonel: for two horses.
Major: for two horses.
Captains and lieutenants, mounted: for two horses.
Adjutants and regimental quartermasters: for two horses.
Chaplains: for two horses.
Ordnance store-keeper and paymaster at Springfield armory: for two horses.
All other store-keepers: for two horses.

17 July, 1862, c. 200, s. 2, v. 12, p. 594.
9 April, 1864, c. 53, s. 1, v. 13, p. 46.
15 July, 1870, c. 294, s. 24, v. 16, p. 320.

Forage, when allowed.

SEC. 1272. Forage shall be allowed to officers only for horses authorized by law, and actually kept by them in service when on duty and at the place where they are on duty.

69, s. 12, v. 3, p. 299. 17 July, 1862, c. 200, s. 1, v. 12, p. 594.
24 April, 1816, c.

Mileage.

SEC. 1273. When any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.
16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72.
3 *Mar.*, 1875, *c.* 133, *v.* 18, *p.* 452.
Repealed in part by 24 *July*, 1876, *c.* 226, *v.* 19, *p.* 100.

The Army appropriation bill for 1877, passed July 24, 1876, c. 226, s. 2, v. 19, p. 100, reduced the mileage to eight cents per mile, with the additional exception that no payment was to be made when the officer traveled "on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge," the distance to be computed by "the shortest usually traveled route."

Officers retired from active service.

SEC. 1274. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired.

15 July, 1870, c. 294, s. 24, v. 16, p. 320. 3 *Mar.*, 1875, *c.* 178, *v.* 18, *p.* 512.—Roberts's Case, 10 C. Cls., 283.

Wholly retired.

SEC. 1275. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Indian scouts.

SEC. 1276. Indians, enlisted or employed by order of the President as scouts, shall receive the pay and allowances of cavalry soldiers.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

Hospital matrons; female nurses.

SEC. 1277. Hospital matrons in post or regimental hospitals shall receive ten dollars a month, and female nurses in general hospitals shall receive forty cents a day. One ration in kind or by commutation shall be allowed to each.

16 Mar., 1802, c. 9, s. 5, v. 2, p. 134.
3 Aug., 1861, c. 42, s. 6, v. 12, p. 288. 4 July, 1864, Res. 75, v. 13, p. 416.

Leader of band.

SEC. 1278. The leader of the band stationed at the Military Academy shall receive seventy-five dollars a month.

20 June, 1864, c. 145, s. 1, v. 13, p. 144. 3 *Mar.*, 1875, *c.* 131, *s.* 9, *v.* 18, *p.* 419. 3 *Mar.*, 1877, *c.* 109, *ss.* 2, 3, *v.* 19, *p.* 383.

Chief musicians.

SEC. 1279. The chief musicians of regiments shall receive sixty dollars a month and the allowances of a quartermaster-sergeant. [Artificer of

3 Mar., 1869, c. 124, s. 5, v. 15, p. 318.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 243.

artillery and infantry, fifteen dollars per month; wagoner of cavalry, artillery, and infantry, fourteen dollars per month. The principal assistant in the Ordnance Bureau shall receive a compensation, including pay and emoluments, not exceeding that of a major of ordnance.]

Pay of enlisted men.

15 May, 1872, c. 160, s. 1, v. 17, p. 116.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 243.

SEC. 1280. The monthly pay of the following enlisted men of the Army shall, during their first term of enlistment, be as follows, with the contingent [*conditions*] [additions] thereto, hereinafter provided:

Sergeant-majors of cavalry, artillery, and infantry, twenty-three dollars.
Quartermaster-sergeants of cavalry, artillery, and infantry, twenty-three dollars.
Chief trumpeters of cavalry, twenty-two dollars.
Principal musicians of artillery and infantry, twenty-two dollars.
Saddler-sergeants of cavalry, twenty-two dollars.
First sergeants of cavalry, artillery, and infantry, twenty-two dollars.
Sergeants of cavalry, artillery, and infantry, seventeen dollars.
Corporals of cavalry and light artillery, fifteen dollars.
Corporals of artillery and infantry, fifteen dollars.
Saddlers of cavalry, fifteen dollars.
Blacksmiths and farriers of cavalry, fifteen dollars.
Trumpeters of cavalry, thirteen dollars.
Musicians of artillery and infantry, thirteen dollars.
Privates of cavalry, artillery, and infantry, thirteen dollars.
Hospital-stewards, first class, thirty dollars.
Hospital-stewards, second class, twenty-two dollars.
Hospital-stewards, third class, twenty dollars.
Ordnance-sergeants of posts, thirty-four dollars.
Sergeant-majors of engineers, thirty-six dollars.
Quartermaster-sergeants of engineers, thirty-six dollars.
Sergeants of engineers and ordnance, thirty-four dollars.
Corporals of engineers and ordnance, twenty dollars.
Musicians of engineers, thirteen dollars.
Privates (first class) of engineers and ordnance, seventeen dollars.
Privates (second class) of engineers and ordnance, thirteen dollars.

Additional pay.

15 May, 1872, c. 160, s. 2, v. 17, p. 116.

SEC. 1281. To the rates of pay stated in the preceding section one dollar per month shall be added for the third year of enlistment, one dollar more per month for the fourth year, and one dollar more per month for the fifth year, making in all three dollars' increase per month for the last year of the first enlistment of each enlisted man named in said section. But this increase shall be considered as retained pay, and shall not be paid to the soldier until his discharge from the service, and shall be forfeited unless he serves honestly and faithfully to the date of discharge.

Re-enlistment pay.

4 Aug., 1854, c. 247, s. 2, v. 10, p. 575.
15 May, 1872, c. 160, s. 3, v. 17, p. 116.
3 *Mar.*, 1875, *c.* 131, s. 10, *v.* 18, *p.* 419.

SEC. 1282. All enlisted men mentioned in section twelve hundred and eighty, who, having been honorably discharged, have re-enlisted or shall re-enlist within one month thereafter, shall, after five years' service, including their first enlistment, be paid at the rate allowed in said section to those serving in the fifth year of their first enlistment: *Provided*, That one dollar per month shall be retained from the pay of the re-enlisted men, of whatever grade, named in section twelve hundred and eighty-one during the whole period of their re-enlistment, to be paid to the soldier on his discharge, but to be forfeited unless he shall have served honestly and faithfully to the date of discharge.

Service pay of men already in service.

SEC. 1283. Enlisted men, now in the service, shall receive the rates of pay established in this chapter according to the length of their service.

15 May, 1872, c. 160, s. 4, v. 17, p. 117. 3 *Mar.*, 1875, *c.* 131, s. 10, *v.* 18, *p.* 419.

Re-enlistment.

4 Aug., 1854, c. 247, s. 2, v. 10, p. 575.
15 May, 1872, c. 160, s. 4, v. 17, p. 117.

SEC. 1284. Every soldier who, having been honorably discharged, re-enlists within one month thereafter, shall be further entitled, after five years' service, including his first enlistment, to receive, for the period of five years' next thereafter, two dollars per month in addition to the ordinary pay of his grade; and for each successive period of five years of service, so long as he shall remain continuously in the Army, a further

sum of one dollar per month. The past continuous service, of soldiers now in the Army, shall be taken into account, and shall entitle such soldier to additional pay according to this rule; but services rendered prior to August fourth, eighteen hundred and fifty-four, shall in no case be accounted as more than one enlistment.

Certificate of merit.

SEC. 1285. A certificate of merit granted to a private soldier by the President for distinguished services shall entitle him to additional pay, at the rate of two dollars per month, while he remains continuously in the service; and such certificate of merit granted to a private soldier who served in the war with Mexico shall entitle him to such additional pay, although he may not have remained continuously in the service.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186.
4 Aug., 1854, c. 247, s. 3, v. 10, p. 575.

Non-commissioned officers of Mexican war.

SEC. 1286. Non-commissioned officers who served in the war with Mexico, and have been recommended by the commanding officers of their regiments for promotion by brevet to the lowest grade of commissioned officer, but have not received such recommended promotion, shall be entitled to additional pay at the rate of two dollars per month, although they may not have remained continuously in the service.

3 Mar., 1847, c. 61, s. 17, v. 9, p. 186.
4 Aug., 1854, c. 274, s. 3, v. 10, p. 575.

Extra duty.

SEC. 1287. When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration, they shall receive, in addition to their regular pay, the following compensation: Privates working as artificers, and non-commissioned officers employed as overseers of such work, not exceeding one overseer for twenty men, thirty-five cents per day, and privates employed as laborers, twenty cents per day. This allowance of extra pay shall not apply to the troops of the Ordnance Department.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.
1 Feb., 1873, c. 88, v. 17, p. 422.

During captivity.

SEC. 1288. Every non-commissioned officer and private of the Regular Army, and every officer, non-commissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law.

30 Mar., 1814, c. 37, s. 14, v. 3, p. 115.

Travel-pay to officers.

SEC. 1289. When an officer is [*honorably*] discharged from the service, [except by way of punishment for an offense,] he shall be allowed transportation and subsistence from the place of his discharge to the place of his residence at the time of his appointment, or to the place of his original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence, according to his rank, for such time as may be sufficient for him to travel from the place of discharge to the place of his residence, or original muster into service, computed at the rate of one day for every twenty miles.

11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
20 June, 1864, c. 145, s. 8, v. 13, p. 145.
16 *June*, 1874, c. 285, *r.* 18, *p.* 72.
27 *Feb.*, 1877, c. 69, *r.* 19, *p.* 244.

Travel-pay to soldiers.

SEC. 1290. When a soldier is [*honorably*] discharged from the service, [except by way of punishment for an offense,] he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles.

11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
20 June, 1864, c. 145, s. 8, v. 13, p. 145.
16 *June*, 1874, c. 285, *r.* 18, *p.* 72.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 244.

Soldiers' pay not assignable.

SEC. 1291. No assignment of pay by a non-commissioned officer or private, previous to his discharge, shall be valid.

8 May, 1792, c. 37, s. 4, v. 1, p. 280.

Volunteers.

SEC. 1292. In all matters relating to the pay and allowances of officers and soldiers of the Army of the United States, the same rules and regulations shall apply to the Regular Army and to volunteer forces mustered into the service of the United States for a limited period.

2 Mar., 1867, c. 159, s. 2, v. 14, p. 435.

Rations of enlisted men.

SEC. 1293. Sergeants and corporals of ordnance shall be entitled to receive one ration and a half daily. Other enlisted men shall be entitled to receive one ration daily.

8 Feb., 1815, c. 38, s. 11. v. 3, p. 204. 2 Mar., 1821, c. 13, s. 11, p. 615. 5 July, 1862, c. 133, s. 3, v. 12, p. 508.

Sugar and coffee.

SEC. 1294. For each ration of sugar and coffee not issued, nor commuted for the extract of coffee combined with milk and sugar, enlisted men shall be paid in money. [See § 1147.]

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

Laundresses, matrons, and nurses.

SEC. 1295. Laundresses allowed to accompany troops, hospital matrons, and the nurses employed in post or regimental hospitals, shall be entitled to receive one ration daily.

16 Mar., 1802, c. 9, s. 5, v. 2, p. 134.

Clothing, prescribed by the President.

SEC. 1296. The President may prescribe the uniform of the Army and quantity and kind of clothing which shall be issued annually to the troops of the United States.

24 April, 1816, c. 69, s. 7, v. 3, p. 298.

None to ordnance sergeants.

SEC. 1297. No allowance of clothing shall be made to sergeants of ordnance.

8 Feb., 1815, c. 38, s. 11, v. 3, p. 204. 5 July, 1862, c. 133, s. 3, v. 12, p. 508.

Gratuitous clothing.

SEC. 1298. The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion.

12 Mar., 1868, Res. 19, v. 15, p. 250.

Deductions for rations purchased.

SEC. 1299. The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors-general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such urchase shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

3 Mar., 1865, c. 81, s. 5, v. 13, p. 497. 28 July, 1866, c. 299, s. 25, v. 14, p. 336.

For articles purchased.

SEC. 1300. The amount due from any enlisted man for articles designated by the inspectors-general of the Army, and sold to him on credit by commissaries of subsistence, shall be deducted from the payment made to him next after such sale shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

For tobacco purchased.

SEC. 1301. The amount due from any enlisted man for tobacco sold to him at cost prices by the United States shall be deducted from his pay in the manner provided for the settlement of clothing accounts. [See § 1149.]

3 Mar., 1865, c. 81, s. 6, v. 13, p. 497.

Clothing allowances and deductions.

SEC. 1302. The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster-roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service.

24 April, 1816, c. 69, ss. 7, 8, v. 4, p. 298. 15 May, 1872, c. 161, s. 3, v. 17, p. 117.

For damage to arms.

SEC. 1303. The cost of repairs or damages done to arms, equipments, or implements, shall be deducted from the pay of any officer or soldier in whose care or use the same were when such damages occurred, if said damages were occasioned by the abuse or negligence of said officer or soldier.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

For deficiencies.

SEC. 1304. In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies, the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part. [See Art. of war 15.]

18 May, 1826, c. 74, s. 3, v. 4, p. 174.

SEC. 1305. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any Army paymaster, who shall furnish him a deposit-book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for the pay of the Army, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposit be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

Deposits of soldiers' savings.

15 May, 1872, c. 161, s. 1, v. 17, p. 117.

SEC. 1306. For any sums not less than fifty dollars so deposited for the period of six months, or longer, the soldier, on his final discharge, shall be paid interest at the rate of four per centum per annum.

Interest on deposits.

15 May, 1872, c. 161, s. 2, v. 17, p. 117.

SEC. 1307. The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War.

Regulations for deposits.

15 May, 1872, c. 161, s. 4, v. 17, p. 117.

SEC. 1308. The amounts of deposits and clothing-balances accumulating to the soldier's credit under sections thirteen hundred and two and thirteen hundred and five, shall, when payable to him upon his discharge, be paid out of the appropriations for "pay of the Army" for the then current fiscal year.

Deposits and clothing-balances, how payable.

15 May, 1872, c. 61, s. 5, v. 17, p. 117.

CHAPTER FOUR.

THE MILITARY ACADEMY.

Sec.
1309. Officers, professors, and instructors.
1310. Local rank of superintendent and commandant.
1311. Superintendent.
1312. Commandant of cadets.
1313. Appointment of officers and professors.
1314. Selection of officers.
1315. Cadets, number and appointment of.
1316. Persons who have been in rebel service.
1317. Appointment in advance.
1318. Age of appointees.
1319. Examination and qualifications.
1320. Oath.
1321. Engagement for service.
1322. Cadet battalion.
1323. Where to do duty.
1324. No studies on Sunday.
1325. Found deficient.
1326. Courts-martial for trial of cadets.
1327. Board of visitors.
1328. Duties of visitors.
1329. Compensation.
1330. Leaves of absence.
1331. Supervision of Academy.
1332. Congressional documents to library.
1333. Professors of Military Academy, retirement.
1334. Superintendent and commandant at Military Academy, pay of.
1335. Adjutant, pay of.
1336. Pay of professors.
1337. Assistant professors and instructors.
1338. Master of sword.
1339. Cadets.
1340. Librarian and assistant.
1341. Non-commissioned officer, &c.

SEC. 1309. The United States Military Academy at West Point, in the State of New York, shall be constituted as follows: There shall be one superintendent; one commandant of cadets; one senior instructor in the tactics of artillery; one senior instructor in the tactics of cavalry; one senior instructor in the tactics of infantry; one professor and one assistant professor of civil and military engineering; one professor and one assistant professor of natural and experimental philosophy; one professor and one assistant professor of mathematics; one chaplain, who shall also be professor of history, geography, and ethics, and one assistant professor of the same; one professor and one assistant professor of chemistry, mineralogy, and geology; one professor and one assistant professor of drawing; one professor and one assistant professor of the French language; one

Officers, professors, and instructors.

16 Mar., 1802, c. 9, s. 28, v. 2, p. 137.
29 April, 1812, c. 72, s. 2, v. 2, p. 720.
14 April, 1818, c. 61, s. 2, v. 3, p. 426.
5 July, 1838, c. 162, s. 19, v. 5, p. 259.
20 July, 1840, c. 50, s. 3, v. 5, p. 398.
8 Aug., 1846, c. 96, s. 3, v. 9, p. 71.

3 Mar., 1851, c. 22, v. 9, p. 594. 6 Aug., 1852, c. 81, v. 10, p. 29. 16 Feb., 1857, c. 45, v. 11, p. 161. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 3 *Mar.*, 1875, *c.* 131, *s.* 9, *v.* 18, *p.* 419. 3 *Mar.*, 1875, *c.* 135, *v.* 18, *p.* 467.

professor and one assistant professor of the Spanish language; one adjutant; one master of the sword; and one teacher of music. [See § 1337.]

Local rank of superintendent and commandant.

SEC. 1310. The superintendent and the commandant of cadets, while serving as such, shall have, respectively, the local rank of colonel and lieutenant-colonel of engineers.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

Superintendent.

SEC. 1311. The superintendent and, in his absence, the next in rank, shall have the immediate government and military command of the Academy, and shall be commandant of the military post of West Point.

16 Mar., 1802, c. 9, s. 28, v. 2, p. 137. 23 Aug., 1842, c. 186, s. 6, v. 5, p. 513.

Commandant of cadets.

SEC. 1312. The commandant of the cadets shall have the immediate command of the battalion of cadets, and shall be instructor in the tactics of artillery, cavalry, and infantry.

12 June, 1858, c. 156, s. 1, v. 11, p. 333. 3 *Mar.*, 1875, *c.* 135, *v.* 18, *p.* 467.

Appointment of officers and professors.

SEC. 1313. The superintendent, the commandant of cadets, and the professors shall be appointed by the President. The assistant professors, acting assistant professors, and the adjutant shall be officers of the Army, detailed and assigned to such duties by the Secretary of War, or cadets, assigned by the superintendent, under the direction of the Secretary of War.

28 Feb., 1803, c. 13, s. 2, v. 2, p. 206. 29 April, 1812, c. 72, s. 2, v. 2, p. 720. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 13 July, 1866, c. 176, s. 6, v. 14, p. 92. 3 *Mar.*, 1875, *c.* 135, *v.* 18, *p.* 467.

Selection of officers.

SEC. 1314. The superintendent and commandant of cadets may be selected, and all other officers on duty at the Academy may be detailed from any arm of the service; but the academic staff as such shall not be entitled to any command in the Army separate from the Academy.

13 July, 1866, c. 176, s. 6, v. 14, p. 92.

Cadets, number and appointment of.

SEC. 1315. The corps of cadets shall consist of one from each congressional district, one from each Territory, one from the District of Columbia, and ten from the United States at large. They shall be appointed by the President, and shall, with the exception of the ten cadets appointed at large, be actual residents of the congressional or territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed.

1 Mar., 1843, c. 52, s. 2, v. 5, p. 606.

Persons who have been in rebel service.

SEC. 1316. No person who has served in any capacity in the military or naval service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion shall be appointed a cadet.

8 June, 1866, c. 110, s. 2, v. 14, p. 59.

Appointment in advance.

SEC. 1317. Cadets shall be appointed one year in advance of the time of their admission to the Academy, except in cases where, by reason of death or other cause, a vacancy occurs which cannot be provided for by such appointment in advance; but no pay or other allowance shall be given to any appointee until he shall have been regularly admitted, as herein provided; and all appointments shall be conditional, until such provisions shall have been complied with.

16 June, 1866, Res. 49, s. 1, v. 14, p. 359.

Age of appointees.

SEC. 1318. Appointees shall be admitted to the Academy only between the ages of seventeen and twenty-two years, except in the following case: Any person who has served honorably and faithfully not less than one year, in either the volunteer or regular service of the United States, in the late war for the suppression of the rebellion, and who possesses the other qualifications required by law, may be admitted between the ages of seventeen and twenty-four years.

16 June, 1866, Res. 49, s. 1, v. 14, p. 359.

Examination and qualification.

SEC. 1319. Appointees shall be examined under regulations to be prescribed from time to time by the Secretary of War, before they shall be admitted to the Academy, and shall be required to be well versed in reading, writing, and arithmetic, and to have a knowledge of the elements of English grammar, of descriptive geography, particularly that of the United States, and of the history of the United States.

29 April, 1812, c. 72, s. 3, v. 2, p. 721. 16 June, 1866, Res. 49, v. 14, p. 359.

Oath.

SEC. 1320. Each cadet shall, previous to his admission to the Academy, take and subscribe an oath or affirmation in the following form:

"I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States."

And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service.

3 Aug., 1861, c. 42, s. 8, v. 12, p. 288. 8 June, 1866, c. 110, s. 2, v. 14, p. 59.

Engagement for service.

SEC. 1321. Each cadet shall sign articles, with the consent of his parents or guardian if he be a minor, and if any he have, by which he shall engage to serve eight years unless sooner discharged.

29 April, 1812, c. 72, s. 3, v. 2, p. 721. 5 July, 1838, c. 162, s. 28, v. 5, p. 260.

Cadet battalion.

SEC. 1322. The corps of cadets shall be arranged into companies, according to the directions of the superintendent, each of which shall be commanded by an officer of the Army, for the purpose of military instruction. To each company shall be added four musicians. The corps shall be taught and trained in all the duties of a private soldier, non-commissioned officer, and officer, shall be encamped at least three months in each year, and shall be taught and trained in all the duties incident to a regular camp.

29 April, 1812, c. 72, s. 3, v. 2, p. 721. 13 July, 1866, c. 176, s. 6, v. 14, p. 92.

Where to do duty.

SEC. 1323. Cadets shall be subject at all times to do duty in such places and on such service as the President may direct.

16 Mar., 1802, c. 9, s. 27, v. 2, p. 137.

No studies on Sunday.

SEC. 1324. The Secretary of War shall so arrange the course of studies at the Academy, that the cadets shall not be required to pursue their studies on Sunday.

15 July, 1870, c. 294, s. 21, v. 16, p. 319.

Found deficient.

SEC. 1325. No cadet who is reported as deficient, in either conduct or studies, and recommended to be discharged from the Academy, shall, unless upon recommendation of the academic board, be returned or re-appointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions.

3 Aug., 1861, c. 42, s. 8, v. 12, p. 288.

Courts-martial for trial of cadets.

SEC. 1326. The superintendent of the Military Academy shall have power to convene general courts-martial for the trial of cadets, and to execute the sentences of such courts, except the sentences of suspension and dismission, subject to the same limitations and conditions now existing as to other general courts-martial.

3 March, 1873, c. 270, v. 17, p. 604.

Board of visitors.

SEC. 1327. There shall be appointed every year, in the following manner, a board of visitors, to attend the annual examination of the Academy: Seven persons shall be appointed by the President, and two Senators and three members of the House of Representatives shall be designated as visitors, by the Vice-President, or President pro tempore of the Senate, and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination.

8 Aug., 1848, c. 96, s. 2, v. 9, p. 71. 16 Mar., 1868, c. 30, s. 1, v. 15, p. 42. 21 Feb., 1870, c. 18, v. 16, p. 67.

Duties of visitors.

SEC. 1328. It shall be the duty of the board of visitors to inquire into the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the Academy. The visitors appointed by the President shall report thereon to the Secretary of War, for the information of Congress, at the commencement of the session next succeeding such examination, and the Senators and Representatives designated as visitors shall report to Congress, within twenty days after the meeting of the session next succeeding the time of their appointment, their action as such visitors, with their views and recommendations concerning the Academy.

8 Aug., 1848, c. 96, s. 2, v. 9, p. 71. 21 Feb., 1870, c. 18, v. 16, p. 67.

Compensation.

SEC. 1329. No compensation shall be made to the members of said board beyond the payment of their expenses for board and lodging while at the Academy, and an allowance, not exceeding eight cents a mile, for traveling by the shortest mail-route from their respective homes to the Academy, and thence to their homes.

8 Aug., 1848, c. 96, s. 2, v. 9, p. 71. 21 Feb., 1870, c. 18, v. 16, p. 67. 3 *Mar.*, 1877, *c.* 109 *v* 19, *p.* 382.

Leaves of absence.

SEC. 1330. Leave of absence may be granted by the superintendent, under regulations prescribed by the Secretary of War, to the professors, assistant professors, instructors, and other officers of the Academy, for the entire period of the suspension of the ordinary academic studies, without deduction from pay or allowances.

2 July, 1864, Res. 67, v. 13, p. 416.

Supervision of Academy.

SEC. 1331. The supervision and charge of the Academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty.

13 July, 1866, c. 176, s. 6, v. 14, p. 92.

Congressional documents to library.

SEC. 1332. The Secretary of the Senate shall furnish annually to the library of the Academy one copy of each document published, during the preceding year, by the Senate.

23 April, 1856, c. 19, s. 3, v. 11, p. 5.

Professors of Military Academy, retirement.

SEC. 1333. The professors of the Military Academy at West Point are placed on the same footing, as to retirement from active service, as officers of the Army.

15 July, 1870, c. 294, s. 13, v. 16, p. 319.

Superintendent and commandant at Military Academy, pay of.

SEC. 1334. The superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant-colonel.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

Adjutant, pay of.

SEC. 1335. The adjutant of the Military Academy shall have the pay of an adjutant of a cavalry regiment.

3 Mar., 1851, c. 22, s. 1, v. 9, p. 594.

Pay of professors.

SEC. 1336. Each of the professors of the Military Academy whose service at the Academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major; and hereafter there shall be allowed and paid to the said professors ten per centum of their current yearly pay for each and every term of five years' service in the Army and at the Academy: *Provided*, That such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army.

28 Feb., 1873, c. 210, v. 17, p. 479. 7 *Aug.*, 1876, *c.* 255, *v.* 19, *p.* 124.

Assistant professors and instructors.

SEC. 1337. Each assistant professor and each senior assistant instructor of cavalry, artillery, and infantry tactics, [*and the instructor of practical military engineering*,] shall receive the pay of a captain.

29 April, 1812, c. 72, s. 2, v. 2, p. 720. 5 July, 1838, c. 162, s. 19, v. 5, p. 259. 20 July, 1840, c. 50, s. 3, v. 5, p. 398. 6 Aug., 1852, c. 81, s. 2, v. 10, p. 29. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 7 *Aug.*, 1876, *c.* 255, *v.* 19, *p.* 124. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Master of sword.

SEC. 1338. The master of the sword at the Military Academy shall receive pay at the rate of fifteen hundred dollars a year, with fuel and quarters.

16 Feb., 1857, c. 45, s. 3, v. 11, p. 161.

Cadets.

SEC. 1339. Cadets of the Military Academy shall receive five hundred dollars a year and one ration a day.

16 July, 1862, c. 183, s. 15, v. 12, p. 586. 1 April, 1864, c. 45, s. 3, v. 13, p. 39. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416.

Librarian and assistant.

SEC. 1340. The librarian and assistant librarian at the Military Academy shall each receive one hundred and twenty dollars a year additional pay.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

Non-commissioned officer, &c.

SEC. 1341. The non-commissioned officer in charge of mechanics and other labor at the Military Academy, the soldier acting as clerk in the adjutant's office, and the four enlisted men in the philosophical and chemical departments and lithographic office, shall receive fifty dollars a year additional pay.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

CHAPTER FIVE.

ARTICLES OF WAR.

Section.
1342. Articles of war.

Article.
1. Officers shall subscribe these articles.
2. Articles to be read to recruits.
3. Officers making unlawful enlistments.
4. Discharges.
5. Mustering persons not soldiers.
6. Taking money on mustering.
7. Returns of regiments, &c.
8. False returns.
9. Captured stores secured for public service.
10. Accountability for arms, &c.
11. Furloughs.
12. Musters.
13. False certificates.
14. False muster.
15. Allowing military stores to be damaged.
16. Wasting ammunition.
17. Losing or spoiling horses, accouterments, &c.
18. Commanders not to be interested in sale of victuals, &c.
19. Disrespectful words against the President, &c.
20. Disrespect toward commanding officer.
21. Striking a superior officer.
22. Mutiny.
23. Failing to resist mutiny.
24. Quarrels and frays.
25. Reproachful or provoking speeches.
26. Challenges to fight duels.
27. Allowing persons to go out and fight; seconds and promoters.
28. Upbraiding another for refusing challenge.
29. Wrongs to officers, redress of.
30. Wrongs to soldiers, redress of.
31. Lying out of quarters.
32. Soldiers absent without leave.
33. Absence from parade without leave.
34. One mile from camp without leave.
35. Failing to retire at retreat.
36. Hiring duty.
37. Conniving at hiring duty.
38. Drunk on duty.
39. Sentinel sleeping on post.
40. Quitting guard, &c., without leave.
41. False alarms.
42. Misbehavior before the enemy, cowardice, &c.
43. Compelling a surrender.
44. Disclosing watchword.
45. Relieving the enemy.
46. Corresponding with the enemy.
47. Desertion.
48. Deserter shall serve full term.
49. Desertion by resignation.
50. Enlisting in other regiment without discharge.
51. Advising to desert.
52. Misconduct at divine service.
53. Profane oaths.
54. Officers to keep good order in their commands.
55. Waste or spoil and destruction of property without orders.
56. Violence to persons bringing provisions.
57. Forcing a safeguard.
58. Certain crimes during rebellion.

Article.
59. Offenders to be delivered up to civil magistrates.
60. Certain crimes of fraud against the United States.
61. Conduct unbecoming an officer and gentleman.
62. Crimes and disorders to prejudice of military discipline.
63. Retainers of camp.
64. All troops subject to articles of war.
65. Arrest of officers accused of crimes.
66. Soldiers accused of crimes.
67. Receiving prisoners.
68. Report of prisoners.
69. Releasing prisoner without authority; escapes.
70. Duration of confinement.
71. Copy of charges and time of trial.
72. Who may appoint general courts-martial.
73. Commanders of divisions and separate brigades may appoint in time of war.
74. Judge-advocate.
75. Members of general courts-martial.
76. When requisite number not at a post.
77. Regular officers, on what courts may sit.
78. Marine and Regular Army officers associated on courts.
79. Officers triable by general courts-martial.
80. Field officers' courts.
81. Regimental courts.
82. Garrison courts.
83. Jurisdiction of field-officers', regimental, and garrison courts.
84. Oath of members of courts-martial.
85. Oath of judge-advocate.
86. Contempts of court.
87. Behavior of members.
88. Challenges by prisoner.
89. Prisoner standing mute.
90. Judge-advocate, prosecutor and counsel for prisoner.
91. Depositions.
92. Oath of witness.
93. Continuances.
94. Hours of sitting.
95. Order of voting.
96. Sentence of death.
97. Penitentiaries.
98. Flogging.
99. Discharge and dismissal of officers.
100. Publication of officers cashiered for cowardice or fraud.
101. Suspension of officers' pay.
102. No person tried twice for same, &c.
103. Limitation of time of prosecution.
104. Approval of sentence by officer ordering court.
105. Confirmation of death sentence.
106. Confirmation of dismissals in time of peace.
107. Dismissal by division or brigade courts.
108. General officers, sentences respecting.
109. Confirmation by officer ordering court.
110. Confirmation of field-officers' sentences.
111. Suspension of sentence of death or dismissal.

Article.
112. Pardon and mitigation of sentences.
113. Proceedings forwarded to Judge-Advocate-General.
114. Party entitled to a copy.
115. Courts of inquiry, how ordered.
116. Members of court of inquiry.
117. Oaths of members and recorder of court of inquiry.
118. Witnesses before courts of inquiry.
119. Opinion; when given by.
120. Authentication of proceedings of court of inquiry.
121. Proceedings of court of inquiry used as evidence.
122. Command when different corps happen to join.
123. Regular and volunteer officers on same footing as to rank, &c.
124. Rank of militia officers on duty with officer of regular or volunteer forces.
125. Deceased officers' effects.
126. Deceased soldiers' effects.
127. Effects of deceased officers and soldiers to be accounted for.
128. Articles of war to be published once in six months to every regiment, &c.

Section.
1343. Spies.

Articles of war.

10 April, 1806, c. 20, v. 2, p. 359.

Mimmack's Case, 10 C. Cls., 584.

SECTION 1342. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial. [See § 4824.]

Officers shall subscribe these articles.

Art. of war 1.

ARTICLE 1. Every officer now in the Army of the United States shall within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

Articles to be read to recruits.

Art. of war 10.

29 Jan., 1813, c. 16, s. 13, v. 2, p. 796.

3 Aug., 1861, c. 42, s. 11, v. 12, p. 289.

ART. 2. These rules and articles shall be read to every enlisted man at the time of, or within six days after, his enlistment, and he shall thereupon take an oath or affirmation, in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war." This oath may be taken before any commissioned officer of the Army.

Officers making unlawful enlistments.

5 Mar., 1833, c. 68, s. 6, v. 4, p. 647.

3 Mar., 1863, c. 75, s. 2, v. 12, p. 731.

4 July, 1864, c. 237, s. 5, v. 13, p. 380.

3 Mar., 1865, c. 79, s. 18, v. 13, p. 490. 15 May, 1872, c. 162, s. 2, v. 17, p. 117.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of sixteen years without the written consent of his parents or guardians, or any minor under the age of sixteen years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

Discharges.

Art. of war 11.

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field-officer of the regiment to which he belongs, or by the commanding officer, when no field-officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

Mustering persons not soldiers.

Art. of war 17.

ART. 5. Any officer who knowingly musters as a soldier a person who is not a soldier shall be deemed guilty of knowingly making a false muster, and punished accordingly.

Taking money on mustering

Art. of war 16.

ART. 6. Any officer who takes money, or other thing, by way of gratification, on mustering any regiment, troop, battery, or company, or on signing muster-rolls, shall be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

Returns of regiments, &c.

Art. of war 19.

ART. 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent

from their posts, with the reasons for and the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

False returns.

ART. 8. Every officer who knowingly makes a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

Art. of war 18.

Captured stores secured for public service.

ART. 9. All public stores taken from the enemy shall be secured for the service of the United States; and for neglect thereof the commanding officer shall be answerable.

Art. of war 58.

Accountability for arms, &c.

ART. 10. Every officer commanding a troop, battery, or company, is charged with the arms, accouterments, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

Art. of war 40.

Furloughs.

ART. 11. Every officer commanding a regiment or an independent troop, battery, or company, not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men, in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment, or an independent troop, battery, or company, in the field, may grant furloughs not exceeding thirty days at one time, to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may, in the absence of his field-officer, grant furloughs to the enlisted men, for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

Art. of war 12
3 Mar., 1863, c. 75, s. 32, v. 12, p. 736.

Musters.

ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent non-commissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster-rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster-rolls, shall be transmitted by the mustering officer to the Department of War, as speedily as the distance of the place and muster will admit.

Art. of war 13.

Falsecertificates.

ART. 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier, shall be dismissed from the service.

Art. of war 14.

False muster.

ART. 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster-roll, knowing the same to contain a false muster, shall, upon proof thereof by two witnesses, before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

Art. of war 15.

Allowing military stores to be damaged.

ART. 15. Any officer who, willfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.

Art. of war 36.
2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.

Wasting ammunition.

ART. 16. Any enlisted man who sells, or willfully or through neglect wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

Art. of war 37.

Losingorspoiling accouterments, &c.

ART. 17. Any soldier who sells or, through neglect, loses or spoils his horse, arms, clothing, or accouterments, shall suffer such stoppages, not exceeding one-half of his current pay, as a court-martial may deem suffi-

Art. of war 38.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

cient for repairing the loss or damage, and shall be punished by confinement or such other corporal punishment as the court may direct.

Commanders not to be interested in sale of victuals, &c.

Art. of war 31.

ART. 18. Any officer commanding in any garrison, fort, or barracks of the United States who, for his private advantage, lays any duty or imposition upon, or is interested in, the sale of any victuals, liquors, or other necessaries of life, brought into such garrison, fort, or barracks, for the use of the soldiers, shall be dismissed from the service.

Disrespectful words against the President, &c.

Art. of war 5.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

Disrespect toward commanding officers.

Art. of war 6.

ART. 20. Any officer or soldier who behaves himself with disrespect toward his commanding officer shall be punished as a court-martial may direct.

Striking a superior officer.

Art. of war 9.

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

Mutiny.

Art. of war 7.

ART. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

Failing to resist mutiny.

Art. of war 8.

ART. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

Quarrels and frays.

Art. of war 27.

ART. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or to another corps, regiment, troop, battery, or company, and to order officers into arrest, and non-commissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or non-commissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

Reproachful or provoking speeches.

Art. of war 24.

ART. 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined, and required to ask pardon of the party offended, in the presence of his commanding officer.

Challenges to fight duels.

Art. of war 25.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

ART. 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such [*corporal*] punishment as a court-martial may direct.

Allowing persons to go out and fight; seconds and promoters.

Art. of war 26.

ART. 27. Any officer or non-commissioned officer, commanding a guard, who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals, and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company, post, or detachment, who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

Upbraiding another for refusing challenge.

Art. of war 28.

ART. 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

Wrongs to officers; redress of.

ART. 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and, upon due application to such commander, is refused redress, may complain to the general commanding in the State or Territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

Art. of war 34

Wrongs to soldiers; redress of.

ART. 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

Art. of war 35.

Lying out of quarters.

ART. 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

Art. of war 42.

Soldier absent without leave.

ART. 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

Art. of war 21.

Absence from parade without leave.

ART. 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

Art. of war 44.

One mile from camp without leave.

ART. 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

Art. of war 41.

Failing to retire at retreat.

ART. 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat, shall be punished according to the nature of his offense.

Art. of war 43.

Hiring duty.

ART. 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every such soldier found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

Art. of war 47.

Conniving at hiring duty.

ART. 37. Every non-commissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Art. of war 48.

Drunk on duty.

ART. 38. Any officer who is found drunk on his guard, party, or other duty, shall be dismissed from the service. Any soldier who so offends shall suffer such [*corporal*] punishment as a court-martial may direct. [No court-martial shall sentence any soldier to be branded, marked, or tattooed.]

Art. of war 45.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Sentinel sleeping on post.

ART. 39. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war. 46.

Quitting guard, &c., without leave.

ART. 40. Any officer or soldier who quits his guard, platoon, or division, without leave from his superior officer, except in case of urgent necessity, shall be punished as a court-martial may direct.

Art. of war 50.

False alarms.

ART. 41. Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war 49.

Misbehavior before the enemy, cowardice, &c.

ART. 42. Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war 52.

Compelling a surrender.

Art. of war 59.

ART. 43. If any commander of any garrison, fortress, or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

Disclosing watchword.

Art. of war 53.

ART. 44. Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parole or watchword different from that which he received, shall suffer death, or such other punishment as a court-martial may direct.

Relieving the enemy.

Art. of war 56.

ART. 45. Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct.

Corresponding with the enemy.

Art. of war 57.

ART. 46. Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct.

Desertion.

Art. of war 20.
29 May, 1830, c. 183, v. 4, p. 418.

ART. 47. Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct. [See §§ 1996-1998.]

Deserter shall serve full term.

11 Jan., 1812, c. 14, s. 16, v. 2, p. 673.
29 Jan., 1813, c. 16, s. 12, v. 2, p. 796.

ART. 48. Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elasped previous to his being apprehended and tried.

Desertion by resignation.

5 Aug., 1861, c. 54, s. 2, v. 12, p. 316.

ART. 49. Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter.

Enlisting in other regiment without discharge.

Art. of war 22.

ART. 50. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

Advising to desert.

Art. of war 23.
29 May, 1830, c. 183, v. 4, p. 418.

ART. 51. Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

Misconduct at divine service.

Art. of war 2.

ART. 52. It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one-sixth of a dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied, by the captain or senior officer of his troop, battery, or company, to the use of the sick soldiers of the same.

Profane oaths.

Art. of war 3.

ART. 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

Officers to keep good order in their commands.

Art. of war 32.

ART. 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, disturbing fairs or

markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender, and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

Waste or spoil, and destruction of property without orders.

ART. 55. All officers and soldiers are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish-ponds, houses, gardens, grain-fields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States, (unless by order of a general officer commanding a separate army in the field,) shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

Art. of war 54.

Violence to persons bringing provisions.

ART. 56. Any officer or soldier who does violence to any person bringing provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war 51.

Forcing a safeguard.

ART. 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their Territories during rebellion against the supreme authority of the United States, forces a safe-guard, shall suffer death.

Art. of war 55.
13 July, 1861, c. 3, s. 5, v. 12, p. 257.

31 July, 1861, c. 32, v. 12, p. 284. 13 Feb., 1862, c. 25, s. 5, v. 12, p. 340.

Certain crimes during rebellion

ART. 58. In time of war, insurrection, or rebellion, larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding, by shooting or stabbing, with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial, when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided, for the like offense, by the laws of the State, Territory, or district in which such offense may have been committed.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.
31 July, 1861, c. 32, v. 12, p. 284.
3 Mar., 1863, c. 75, s. 30, v. 12, p. 736.
3 *Mar.*, 1875, c. 144, v. 18, p. 479.

Offenders to be delivered up to civil magistrate.

ART. 59. When any officer or soldier is accused of a capital crime, or of any offense against the person or property of any citizen of any of the United States, which is punishable by the laws of the land, the commanding officer, and the officers of the regiment, troop, battery, company, or detachment, to which the person so accused belongs, are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him, in order to bring him to trial. If, upon such application, any officer refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

Art. of war 33.
3 Mar., 1863, c. 75, s. 30, v. 12, p. 736.

Certain crimes of fraud against the United States.

ART. 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.

Making false claim.

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Presenting false claim.

Agreement to obtain payment of false claim.

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

False paper.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Perjury.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States

or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Forgery.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Delivering less property than receipt calls for.

Who, having charge, possession, custody or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any persons having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Giving receipts without knowing truth of.

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Stealing, wrongfully selling, &c.

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or intended for the military service thereof; or

Buying public military property.

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same,

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

Conduct unbecoming an officer and gentleman.

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Art. of war 83.

Crimes and disorders to prejudice of military discipline.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field-officers' court-marshal,(a) according to the nature and degree of the offense, and punished at the discretion of such court.

Art. of war 99.

Retainers of camp.

ART. 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Art. of war 60.

All troops subject to articles of war.

ART. 64. The officers and soldiers of any troops, whether militia or others, mustered and in pay of the United States, shall, at all times and in all places, be governed by the articles of war, and shall be subject to be tried by courts-martial.

Art. of war 97.

29 July, 1861, c. 25, s. 3, v. 12, pp. 281, 284. 2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.—Houston *v.* Moore, 5 Wh., 20.

Arrest of officers accused of crimes.

ART. 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

Art. of war 77.

Soldiers accused of crimes.

ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

Art. of war 78.

(a) Court-martial.

Receiving prisoners.

ART. 67. No provost-marshal, or officer commanding a guard, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

Art. of war 80.

Report of prisoners.

ART. 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing, to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct.

Art. of war 82.

Releasing prisoner without authority; escapes.

ART. 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

Art. of war 81.

Duration of confinement.

ART. 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

Art. of war 78.

Copy of charges and time of trial.

ART. 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

17 July, 1862, c. 200, s. 11, v. 12, p. 595.

Who may appoint general courts-martial.

ART. 72. Any general officer, commanding the Army of the United States, a separate Army, or a separate department, shall be competent to appoint a general court-martial, either in time of peace or in time of war. But when any such commander is the accuser or prosecutor of any officer under his command, the court shall be appointed by the President, and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case.

Art. of war 65.
29 May, 1830, c. 179, ss. 1, 2, v. 4, p. 417.

Commanders of divisions and separate brigades may appoint, in time of war.

ART. 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

24 Dec., 1861, c. 3, v. 12, p. 330.

Judge-advocate.

ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

Art. of war 69.

Members of general courts-martial.

ART. 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

Art. of war 64.

Martin *v.* Mott, 12 Wh., 35; Dynes *v.* Hoover, 20 How., 81.

When requisite number not at a post.

ART. 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall, thereupon, order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Art. of war 86.

Regular officers; on what courts may sit.

ART. 77. Officers of the Regular Army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in Article 78.

Art. of war 97.

Marine and Regular Army officers associated on courts.

Art. of war 68. 30 June, 1834, c. 132, s. 2, v. 4, p. 713.

ART. 78. Officers of the Marine Corps, detached for service with the Army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

Officers triable by general courts-martial.

Art. of war 75.

ART. 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

Field-officers' courts.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

ART. 80. In time of war a field-officer may be detailed in every regiment, to try soldiers thereof for offenses not capital; and no soldier, serving with his regiment, shall be tried by a regimental (a) garrison court-martial when a field-officer of his regiment may be so detailed.

Regimental courts.

Art. of war 69. 17 July, 1862, c. 201, s. 7, v. 12, p. 598.

ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of article eighty, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

Garrison courts.

Art. of war 66. 17 July, 1862, c. 201, s. 7, v. 12, p. 598. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

ART. 82. Every officer commanding a garrison, fort, or other place, where the troops consist of different corps, shall, subject to the provisions of article [*ninety-five*,] [eighty] be competent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

Jurisdiction of field-officers', regimental, and garrison courts.

ART. 83. Regimental and garrison courts-martial, and field-officers detailed to try offenders, shall not have power to try capital cases or commissioned officers, or to inflict a fine exceeding one month's pay, or to imprison or put to hard labor any non-commissioned officer or soldier for a longer time than one month.

Art. of war 66 and 67. 17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Oath of members of courts-martial.

Art. of war 69.

ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of regimental and garrison courts-martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

Oath of judge-advocate.

Art. of war 69.

ART. 85. When the oath has been administered to the members of a court-martial, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following form:

"You, A B, do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

Contempts of court.

Art. of war 76.

ART. 86. A court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

Behavior of members.

Art. of war 72.

ART. 87. All members of a court-martial are to behave with decency and calmness.

Challenges by prisoner.

ART. 88. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the

(a) The word *or* omitted from the Roll.

relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

Art. of war 71.
In re Bird, 2 Sawyer, 33.

ART. 89. When a prisoner, arraigned before a general court-martial, from obstinacy and deliberate design, stands mute, or answers foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had pleaded not guilty.

Prisoner standing mute.
Art. of war 70.

ART. 90. The judge-advocate, or some person deputed by him, or by the general or officer commanding the Army, detachment, or garrison, shall prosecute in the name of the United States, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answer to which might tend to criminate himself.

Judge-advocate, prosecutor and counsel for prisoner.
Art. of war 69.

ART. 91. The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.

Depositions.
Art. of war 74.
3 Mar., 1863, c. 75, s. 27, v. 12, p. 736.

ART. 92. All persons who give evidence before a court-martial shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Oath of witness.
Art. of war 73.

ART. 93. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often, as may appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

Continuances.
3 Mar., 1863, c. 75, s. 29, v. 12, p. 736.

ART. 94. Proceedings of trials shall be carried on only between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

Hours of sitting.
Art. of war 75.

ART. 95. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

Order of voting.
Art. of war 72.

ART. 96. No person shall be sentenced to suffer death, except by the concurrence of two-thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

Sentence of death.
Art. of war 87.

ART. 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the State, Territory, or District in which such offense may be committed, or by the common law, as the same exists in such State, Territory, or District, subject such convict to such punishment.

Penitentiaries.
16 July, 1862, c. 190, ss. 1, 4, v. 12, p. 589.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

Flogging.
5 Aug., 1861, c. 54, s. 3, v. 12, p. 317. 6 June, 1872, c. 316, s. 2, v. 17, p. 261.

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof. [See § 1229.]

Discharge and dismissal of officers.
Art. of war 11.
13 July, 1866, c. 176, s. 5, v. 14, p. 92.

ART. 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the State from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

Publication of officers cashiered for cowardice or fraud.
Art. of war 85.

ART. 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Suspension of officer's pay.
Art. of war 84.

No person tried twice for same, &c.
Art. of war 87.

ART. 102. No person shall be tried a second time for the same offense.

Limitation of time of prosecution.
Art. of war 88.

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Approval of sentence by officer ordering court.
Art. of war 65.

ART. 104. No sentence of a court-martial shall be carried into execution until the whole proceedings shall have been approved by the officer ordering the court, or by the officer commanding for the time being.

Confirmation of death sentence.
Art. of war 65.
17 July, 1862, c. 201, s. 5, v. 12, p. 598.
3 Mar., 1863, c. 75, s. 21, v. 12, p. 735.
2 July, 1864, c. 215, s. 1, v. 13, p. 356.

ART. 105. No sentence of a court-martial, inflicting the punishment of death, shall be carried into execution until it shall have been confirmed by the President; except in the cases of persons convicted, in time of war, as spies, mutineers, deserters, or murderers, and in the cases of guerilla marauders, convicted, in time of war, of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

Confirmation of dismissals in time of peace.
Art. of war 65.

ART. 106. In time of peace no sentence of a court-martial, directing the dismissal of an officer, shall be carried into execution, until it shall have been confirmed by the President. [See § 1229.]

Dismissal by division or brigade courts.
24 Dec., 1861, c. 3, v. 12, p. 330.

ART. 107. No sentence of a court-martial appointed by the commander of a division or of a separate brigade of troops, directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

General officers; sentences respecting.
Art. of war 65.

ART. 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution, until it shall have been confirmed by the President.

Confirmation by officer ordering court.
Art. of war 65.

ART. 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the President, or by the commanding general in the field, or commander of the department, is not required by these articles.

Confirmation of field-officers' sentences.
17 July, 1862, c. 201, s. 7, v. 12, p. 598.

ART. 110. No sentence of a field-officer, detailed to try soldiers of his regiment, shall be carried into execution, until the whole proceedings shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post.

Suspension of sentences of death or dismissal.
Art. of war 89.

ART. 111. Any officer who has authority to carry into execution the sentence of death, or of dismissal of an officer, may suspend the same until the pleasure of the President shall be known; and, in such case, he shall immediately transmit to the President a copy of the order of suspension, together with a copy of the proceedings of the court.

Pardon and mitigation of sentences.
Art. of war 89.
17 July, 1862, c. 201, s. 7, v. 12, p. 598.

ART. 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held, shall have power to pardon or mitigate any punishment which such court may adjudge.

Proceedings forwarded to Judge-Advocate-General.
Art. of war 90.
17 July, 1862, c. 201, ss. 5, 6, v. 12, p. 598. 28 July, 1866, c. 299, s. 12, v. 14, p. 334. 3 *Mar.*, 1877, *c.* 102, *v.* 19, *p.* 310.

ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the Judge-Advocate-General of the Army, in whose office they shall be carefully preserved.

Party entitled to a copy.
Art. of war 90.

ART. 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

Courts of inquiry, how ordered.
Arts. of war 91 and 92.

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

Members of court of inquiry.
Art. of war 91.

ART. 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder, to reduce the proceedings and evidence to writing.

Oaths of members and recorder of court of inquiry.
Art. of war 93.

ART. 117. The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

Witnesses before courts of inquiry.
Arts. of war 91 and 93.
3 Mar., 1863, c. 75, s. 27, v. 12, p. 736.

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martials,(a) and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question. [See § 1202.]

3 Mar., 1863, c. 79, s. 25, v. 12, p. 754.

Opinion; when given by.
Art. of war 91.

ART. 119. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

Authentication of proceedings of court of inquiry.
Art. of war 92.

ART. 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

Proceedings of court of inquiry used as evidence.
Art. of war 92.

ART. 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony cannot be obtained.

Command, when different corps happen to join.
Art. of war 62.

ART. 122. If, upon marches, guards, or in quarters, different corps of the Army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President, according to the nature of the case.

Regular and volunteer officers on same footing as to rank, &c.
2 Mar., 1867, c. 159, s 2, v. 14, p. 435.

ART. 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the Regular Army and to volunteers commissioned in, or mustered into said service, under the laws of the United States, for a limited period.

Rank of militia officers on duty with officers of regular or volunteer forces.
Art. of war 98
2 Mar., 1867, c. 159, s. 2, v. 14, p. 435.

ART. 124. Officers of the militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular or volunteer forces, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

Deceased officers' effects.
Art. of war. 94.

ART. 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his

(a) *Sic* in the Roll.

effects then in camp or quarters, and shall make, and transmit to the office of the Department of War, an inventory thereof.

Deceased soldiers' effects.

Art. of war 94.

ART. 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Department of War.

Effects of deceased officers and soldiers to be accounted for.

Art. of war 95.

ART. 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so acounted for and delivered.

Articles of war to be published once in six months to every regiment, &c.

Art. of war 101.

ART. 128. The foregoing articles shall be read and published, once in every six months, to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

Spies.

10 April, 1806, c. 20, s. 2, v. 2, p. 371.
13 Feb., 1862, c. 25, s. 4, v. 12, p. 340.
3 Mar., 1863, c. 75, s. 38, v. 12, p. 737.

SEC. 1343. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

CHAPTER SIX.

MILITARY PRISON.

Sec.
1344. Military prison.
1345. Board of government.
1346. Visitation of prison.
1347. Officers and attendants.
1348. Examination of accounts and government of prison.
1349. Bond of commandant.
1350. Powers and duties of commandant.
1351. Employment of convicts; proceeds of work.
1352. Conduct of prisoners; remissions.
1353. Misconduct of prisoners.
1354. Forbidden punishments.
1355. Clothing at discharge.
1356. Privileges of prisoners.
1357. Provisions for prisoners, what.
1358. Officers, &c., not to be interested in contracts.
1359. Officers suffering prisoner to escape.
1360. Soldiers suffering prisoner to escape.
1361. Prisoners subject to articles of war.

Military prison.

3 Mar., 1873, c. 249, s. 1, v. 17, p. 582.
21 *May*, 1874, c. 186, *v.* 18, *p.* 48.

SEC. 1344. There shall be established at Rock Island, in the State of Illinois, a prison for the confinement and reformation of offenders against the rules, regulations, and laws for the government of the Army of the United States, in which shall be securely confined, and employed at labor, and governed in the manner hereinafter directed, all offenders convicted before any court-martial or military commission in the United States, and sentenced according to law to imprisonment therein.

Board of government.

3 Mar., 1873, c. 249, s. 2, v. 17, p. 582.

SEC. 1345. The Secretary of War shall organize a board of five members, to consist of three officers of the Army and two persons from civil life, who shall adopt a plan for the building of such prison and who shall frame regulations for the government of the prisoners, in accordance with the provisions of this chapter. The said commissioners from civil life shall hold their offices for the term of three years, and shall be paid five dollars a day while on duty, and necessary traveling expenses; and the said officers of the Army shall, at all times, be subject to removal by the Secretary of War.

Visitation of prison.

3 Mar., 1873, c. 249, s. 3, v. 17, p. 583.

SEC. 1346. The Secretary of War shall, with said commissioners, semi-annually, and as much oftener as may be deemed expedient, visit said prison for the purposes of examination, inspection, and correction; and

they shall inquire into all abuses or neglects of duty on the part of the officers or other persons in charge of the same, and make such changes in the general discipline of the prison as they may hold to be essential.

Officers and attendants.

SEC. 1347. The officers of the prison shall consist of a commandant and such subordinate officers as may be necessary, a chaplain, a surgeon, and a clerk, who shall be detailed by the Secretary of War from the commissioned officers of the Army; and a sufficient number of enlisted men shall be detailed by the Secretary of War to act as turnkeys, guards, and assistants in the prison.

3 Mar., 1873, c. 249, s. 4, v. 17, p. 583.

Examination of accounts and government of prison.

SEC. 1348. One of the inspectors of the Army shall, at least once in three months, visit the prison for the purpose of examining into the books and all the affairs thereof, and ascertaining whether the laws, rules, and regulations relating thereto are complied with, the officers are competent and faithful, and the convicts properly governed and employed, and at the same time treated with humanity and kindness. And it shall be the duty of the inspector, at once, to make full report thereof to the Secretary of War.

3 Mar., 1873, c. 249, s. 5, v. 17, p. 583.

Bond of commandant.

SEC. 1349. Before the commandant enters upon the duties of his office he shall give bond, with sufficient sureties, in a sum to be fixed by the Secretary of War, to be approved by him, conditioned that he shall faithfully account for all money placed in his hands for the use of the prison and for the faithful discharge of all his duties as commandant.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Powers and duties of commandant.

SEC. 1350. The commandant shall have command of the prison; shall have the charge and employment of the prisoners, and the custody of all the property of the Government connected with the prison. He shall receive and pay out all money used for the prison, and shall cause to be kept, in suitable books, complete accounts of all the property, expenses, income, business, and concerns of the prison; and shall make full and regular reports thereof to the Secretary of War.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Employment of convicts, proceeds of work.

SEC. 1351. The commandant shall, under the direction and with the approval of the Secretary of War, employ, for the benefit of the United States, the convicts at such labor and in such trades as may be deemed best for their health and reformation. He shall have power to sell and dispose of any articles manufactured by the convicts, and shall regularly account for the proceeds thereof, and shall give bond and security for the faithful keeping and accounting of all moneys and property coming to his hands as such commandant.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Conduct of prisoners, remissions.

SEC. 1352. The commandant shall take note and make record of the good conduct of the convicts, and shall shorten the daily time of hard labor for those who, by their obedience, honesty, industry, or general good conduct, earn such favors; and the Secretary of War is authorized and directed to remit, in part, the sentences of such convicts, and to give them an honorable restoration to duty in case the same is merited.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Misconduct of prisoners.

SEC. 1353. In case any convict shall disobey the lawful orders of the officers of the prison, or refuse to comply with the rules and regulations thereof, he may be placed in solitary confinement, and the commandant shall at once report the case to the Secretary of War, who shall direct the inspector to make full examination and report of the matter at the next inspection.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Forbidden punishments.

SEC. 1354. In no case shall any prisoner be subjected to whipping, branding, or the carrying of weights for the purpose of discipline, or for producing penitence.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Clothing at discharge.

SEC. 1355. Every prisoner, upon being discharged from prison, shall be furnished with decent clothing.

3 Mar., 1873, c. 249, s. 6, v. 17, p. 583.

Privileges of prisoners.

SEC. 1356. The use of newspapers and books shall not be denied the convicts at times when not employed; and unofficial visitors shall be admitted to the prison under such restrictions as the board of commissioners may impose. The prisoners shall not be denied the privilege of communicating with their friends by letter, and from receiving like

3 Mar., 1873, c. 249, s. 7, v. 17, p. 584.

communications from them, all of which shall be subject to the inspection of the commandant, or such officer as he may assign to that duty.

Provisions for prisoners, what.

3 Mar., 1873, c. 249, s. 8, v. 17, p. 584.

SEC. 1357. The prisoners shall be supplied with ample and clean bedding, and with wholesome and sufficient food, but when in hospital or under discipline their diet shall be prescribed by the proper authority. The prison shall be suitably ventilated, and each prisoner shall have a weekly bath of cold or tepid water, which shall be applied to the whole surface of the body, unless the surgeon shall direct otherwise for the health of the prisoner.

Officers, &c., not to be interested in contracts.

3 Mar., 1873, c. 249, s. 9, v. 17, p. 584.

SEC. 1358. No officer of the prison, or other person connected therewith, shall be concerned or interested, directly or indirectly, in any contract, purchase, or sale made on account of the prison.

Officers suffering prisoner to escape.

3 Mar., 1873, c. 249, s. 10, v. 17, p. 584.

SEC. 1359. Any officer who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall be dismissed from the service, and suffer such other punishment as a court-martial may inflict.

Soldiers suffering prisoner to escape.

3 Mar., 1873, c. 249, s. 11, v. 17, p. 584.

SEC. 1360. Any soldier or other person employed in the prison who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall, upon conviction by a court-martial, be confined therein not less than one year.

Prisoners subject to articles of war.

3 Mar., 1873, c. 249, s. 12, v. 17, p. 584. 21 *May*, 1874, *c.* 186, *v.* 18, *p.* 48.

SEC. 1361. All prisoners under confinement in said military prisons undergoing sentence of courts-martial shall be liable to trial and punishment by courts-martial under the rules and articles of war for offenses committed during the said confinement.

TITLE XV.

THE NAVY.

CHAPTER ONE.

ORGANIZATION.

Sec.
1362. Grades of line officers.
1363. Number on the active list.
1364. When exceeded.
1365. Selection of rear-admirals during war.
1366. Promotion of rear-admirals during peace.
1367. Secretaries to Admiral and Vice-Admiral.
1368. Medical Corps, number of.
1369. Appointments in, how made.
1370. Appointment of assistant surgeons.
1371. Appointment of surgeons.
1372. Rank of assistant surgeon in case of delayed examination.
1373. Surgeon of the fleet.
1374. Duties of surgeon of the fleet.
1375. Details of medical officers to Bureau of Medicine and Surgery.
1376. Pay Corps, number of.
1377. No promotion in certain grades, until number is reduced.
1378. Appointments, how made.
1379. Qualifications of assistant paymasters.
1380. Order of promotion.
1381. Acting appointments on ships at sea.
1382. Paymaster of the fleet.
1383. Bonds.
1384. New bonds.
1385. Bond, not affected by new commission.
1386. Clerks, when allowed.
1387. Clerks, when not allowed.
1388. Clerks of passed assistant and assistant paymasters.
1389. Loans to officers by paymasters.
1390. Engineers Corps, number and rank.
1391. Appointment of.
1392. Qualifications of.
1393. Engineer of the fleet.
1394. Cadet engineers.
1395. Chaplains, number and appointment of.
1396. Qualifications of.
Sec.
1397. Form of worship.
1398. Annual report.
1399. Professors of mathematics, number of.
1400. Appointment.
1401. Duty.
1402. Naval constructors, number and appointment of.
1403. Assistant naval constructors.
1404. Duty.
1405. Warrant officers, number and appointment of.
1406. Title.
1407. Promotion of seamen to warrant officers.
1408. Seamen may be rated as mates.
1409. Rating shall not discharge from enlistment.
1410. Petty officers.
1411. Acting assistant surgeons.
1412. Volunteer officers transferred entitled to credit for volunteer sea-service.
1413. Civil engineers and store-keepers at navy-yards.
1414. Store-keepers on foreign stations.
1415. Store-keeper's bond.
1416. Civil offices at yards may be discontinued by Secretary of the Navy.
1417. Enlisted men, number of.
1418. Term of enlistment.
1419. Consent of parents and guardians.
1420. Persons not to be enlisted.
1421. Transfer from military to naval service.
1422. Disposition of men at expiration of term.
1423. Subject to regulations while sent home or detained.
1424. Limit of detention.
1425. What to be contained in shipping articles.
1426. Honorable discharge, to whom granted.
1427. Form of honorable discharge.

Grades of line officers.

16 July, 1862, c. 183, s. 1, v. 12, p. 583.
21 Dec., 1864, c. 6, s. 1, v. 13, p. 420.
25 July, 1866, c. 231; s, 1, v. 14, p. 222.
2 Mar., 1867, c. 174, s. 1, v. 14, p. 516.
24 Jan., 1873, c. 62, v. 17, p. 418.

SEC. 1362. The active list of the line officers of the Navy of the United States shall be divided into eleven grades, as follows, namely:

First. Admiral.
Second. Vice-Admiral.
Third. Rear-admirals.
Fourth. Commodores.
Fifth. Captains.
Sixth. Commanders.
Seventh. Lieutenant-commanders.
Eighth. Lieutenants.
Ninth. Masters.

Tenth. Ensigns.
Eleventh. Midshipmen.

Provided, That vacancies occurring in the grades of Admiral and Vice-Admiral shall not be filled by promotion, or in any other manner; and that when the offices of said grades shall become vacant, the grade itself shall cease to exist.

Number on the active list.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.
15 July, 1870, c. 295, ss. 9, 10, v. 16, p. 333.

SEC. 1363. There shall be allowed on the active list of the line officers of the Navy one Admiral, one Vice-Admiral, ten rear-admirals, twenty-five commodores, fifty captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred masters, and one hundred ensigns; and no promotion to the grade of lieutenant-commander shall be made until the number of such grade is reduced below eighty.

When exceeded.

16 July, 1862, c. 183, s. 9, v. 12, p. 584.
25 July, 1866, c. 231, ss. 1, 2, v. 14, p. 222.

SEC. 1364. The provisions of the foregoing section shall not have the effect to vacate the commission of any lieutenant-commander, lieutenant, master, or ensign appointed according to law, in excess of the respective number therein fixed; nor to preclude the advancement of any officer to a higher grade, for distinguished conduct in battle, or for extraordinary heroism, under the provisions of sections fifteen hundred and six and fifteen hundred and eight.

Selection of rear-admirals during war.

16 July, 1862, c. 183, s. 7, v. 12, p. 584.

SEC. 1365. During war rear-admirals shall be selected from those officers on the active list, not below the grade of commanders, who shall have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer shall be so promoted, under this provision, unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service.

Promotion of rear-admirals during peace.

16 July, 1862, c. 183, s. 7, v. 12, p. 584.

SEC. 1366. During peace, vacancies in the grade of rear-admiral shall be filled by regular promotion from the list of commodores, subject to examination according to law.

Secretaries to Admiral and Vice-Admiral.

21 Dec. 1864, c. 6, s. 2, v. 13, p. 420. 16 May, 1866, c. 84, v. 14, p. 48. 25 July, 1866, c. 231, s. 6, v. 14, p. 223. 2 Mar., 1867, c. 174, s. 1, v. 14, p. 516.

SEC. 1367. The Admiral and Vice-Admiral shall each be allowed a secretary, who shall be entitled to the rank and allowances of a lieutenant in the Navy.

Medical Corps; number of.

3 Mar., 1871, c. 117, s. 5, v. 16, p. 535.

SEC. 1368. The active list of the Medical Corps of the Navy shall consist of fifteen medical directors, fifteen medical inspectors, fifty surgeons, and one hundred assistant surgeons.

Appointments in, how made.

21 April, 1806, c. 35, s. 3, v. 2, p. 390. 16 April, 1814, c. 58, s. 5, v. 3, p. 125. 24 May, 1828, c. 121, s. 3, v. 4, p. 313.

SEC. 1369. All appointments in the Medical Corps shall be made by the President, by and with the advice and consent of the Senate.

Appointment of assistant surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.
3 Mar., 1871, c. 117, s. 5, v. 16, p. 536.

SEC. 1370. No person shall be appointed assistant surgeon until he has been examined and approved by a board of naval surgeons, designated by the Secretary of the Navy; nor who is under twenty-one or over twenty-six years of age.

Appointment of surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.

SEC. 1371. No person shall be appointed surgeon until he has served as an assistant surgeon at least two years, on board a public vessel of the United States at sea, nor until he has been examined and approved for such appointment, by a board of naval surgeons, designated by the Secretary of the Navy.

Rank of assistant surgeons in case of delayed examination.

3 Mar., 1835, c. 27, s. 1, v. 4, p. 757.

SEC. 1372. When any assistant surgeon was absent from the United States, on duty, at the time when others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them; and if, from any cause, his relative rank cannot be assigned to him, he shall retain his original position on the register.

Surgeon of the fleet.

SEC. 1373. The President may designate among the surgeons in the service, and appoint to every fleet or squadron an experienced and intel-

ligent surgeon, who shall be denominated "surgeon of the fleet," and shall be surgeon of the flag-ship.

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

Duties of surgeon of the fleet.

SEC. 1374. The surgeon of the fleet shall, in addition to his duties as surgeon of the flag-ship, examine and approve all requisitions for medical and hospital stores for the squadron or fleet, and inspect their quality. He shall, in difficult cases, consult with the surgeons of the several ships, and he shall make, and transmit to the Navy Department, records of the character and treatment of diseases in the squadron or fleet.

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

Details of medical officers to Bureau of Medicine and Surgery.

SEC. 1375. A surgeon, assistant surgeon, or passed assistant surgeon, may be detailed as assistant to the Bureau of Medicine and Surgery, [who shall receive the highest shore pay of his grade.]

16 July, 1862, c. 183, s. 18, v. 12, p. 587. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Pay Corps, number of.

SEC. 1376. The active list of the Pay Corps of the Navy shall consist of thirteen pay directors, thirteen pay inspectors, fifty paymasters, thirty passed assistant paymasters, and twenty assistant paymasters.

15 July, 1870, c. 295, s. 11, v. 16, p. 334. 3 Mar., 1871, c. 117, s. 6, v. 16, p. 536.

No promotion in certain grades until number is reduced.

SEC. 1377. Until the number of passed assistant paymasters shall have been reduced below thirty, there shall be no promotion to that grade, nor any appointment to the grade of assistant paymaster.

15 July, 1870, c. 295, s. 11, v. 16, p. 334.

Appointments, how made.

SEC. 1378. All appointments in the Pay Corps shall be made by the President, by and with the advice and consent of the Senate.

30 Mar., 1812, c. 47, s. 6, v. 2, p. 699. 22 June, 1860, c. 181, s. 3, v. 12, p. 83. 17 July, 1861, c. 4, s. 1, v. 12, p. 258. 3 May, 1866, c. 72, s. 1, v. 14, p. 43.

Qualifications of assistant paymasters.

SEC. 1379. No person shall be appointed assistant paymaster who is, at the time of such appointment, less than twenty-one or more than twenty-six years of age; nor until his physical, mental, and moral qualifications have been examined and approved by a board of paymasters appointed by the Secretary of the Navy, and according to such regulations as he may prescribe.

17 July, 1861, c. 4, s. 2, v. 12, p. 258.

Order of promotion.

SEC. 1380. Passed assistant paymasters shall be regularly promoted and commissioned from assistant paymasters, and paymasters from passed assistant paymasters; subject to such examinations as may be prescribed by the Secretary of the Navy.

17 July, 1861, c. 4, s. 5, v. 12, p. 258. 3 May, 1866, c. 72, s. 1, v. 14, p. 43.

Acting appointments on ships at sea.

SEC. 1381. When the office of paymaster or assistant paymaster becomes vacant, by death or otherwise, in ships at sea, or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person, who shall perform the duties thereof until another paymaster or assistant paymaster shall report for duty, and shall be entitled to receive the pay of such grade while so acting.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

Paymasters of the fleet.

SEC. 1382. The President may designate among the paymasters in the service, and appoint to every fleet or squadron a paymaster, who shall be denominated "paymaster of the fleet."

24 May, 1828, c. 121, s. 2, v. 4, p. 313. 21 April, 1864, c. 63, s. 7, v. 13, p. 54.

Bonds.

SEC. 1383. Every paymaster, passed assistant paymaster, and assistant paymaster shall, before entering on the duties of his office, give bond, with two or more sufficient sureties, to be approved by the Secretary of the Navy, for the faithful performance thereof. Paymasters shall give bonds in the sum of twenty-five thousand dollars, passed assistant paymasters in the sum of fifteen thousand dollars, and assistant paymasters in the sum of ten thousand dollars.

30 Mar., 1812, c. 47, s. 6, v. 2, p. 699. 1 Mar., 1817, c. 24, s. 1, v. 3, p. 350. 22 June, 1860, c. 181, s. 3, v. 12, p. 83. 17 July, 1861, c. 4, s. 5, v. 12, p. 258. 14 July, 1862, c. 175, s. 1, v. 12, p. 575. 3 May, 1866, c. 72, s. 2, v. 14. p. 43.—U. S. *v.* Tingey, 5 Pet., 115.

New bonds.

SEC. 1384. Officers of the Pay Corps shall give new bonds with sufficient sureties, whenever required to do so by the Secretary of the Navy.

26 Aug., 1842, c. 206, s. 4, v. 5, p. 535.

Bond, not affected by a new commission.

3 Mar., 1871, c. 117, s. 6, v. 16, p. 536.

SEC. 1385. The issuing of a new appointment and commission to any officer of the Pay Corps shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission.

Clerks, when allowed.

14 July, 1862, c. 164, s. 3, v. 12, p. 565. 26 May, 1864, c. 96, v. 13, p. 92.

SEC. 1386. Paymasters of the fleet, paymasters on vessels naving complements of more than one hundred and seventy-five persons, on supply-steamers, store-vessels, and receiving-ships, paymasters at stations and at the Naval Academy, and paymasters detailed at stations as inspectors of provisions and clothing, shall each be allowed a clerk.

Clerks, when not allowed.

26 May, 1864, c. 96, v. 13, p. 92.

SEC. 1387. No paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels.

Clerks of passed assistant and assistant paymasters.

SEC. 1388. Passed assistant paymasters and assistant paymasters attached to vessels of war shall be allowed clerks, if clerks would be allowed by law to paymasters so attached.

3 Mar., 1863, c. 118, s. 5, v. 12, p. 818.

Loans to officers by paymasters.

26 Aug., 1842, c. 206, s. 6, v. 5, p. 536. 22 June, 1860, c. 181, s. 3, v. 12, p. 83.

SEC. 1389. It shall not be lawful for any paymaster, passed assistant paymaster, or assistant paymaster, to advance or loan, under any pretense whatever, to any officer in the naval service, any sum of money, public or private, or any credit, or any article or commodity whatever.

Engineer Corps, number and rank.

3 Mar., 1871, c. 117, s. 7, v. 16, p. 536. 24 *Feb.*, 1874, *c.* 35, *v.* 18, *p.* 17.

SEC. 1390. The active list of the Engineer Corps of the Navy shall consist of seventy chief engineers, who shall be divided into three grades, by relative rank, as provided in Chapter Four of this Title;

Ten chief engineers;

Fifteen chief engineers; and

Forty-five chief engineers, who shall have the relative rank of lieutenant-commander or lieutenant.

And each and all of the above-named officers of the Engineer Corps shall have the pay of chief engineers of the Navy, as now provided.

One hundred first assistant engineers, who shall have the relative rank of lieutenant or master; and

One hundred second assistant engineers, who shall have the relative rank of master or ensign; and the said assistant engineers shall have the pay of first and second assistant engineers of the Navy, respectively, as now provided.

Appointment of.

31 Aug., 1842, c. 279, s. 6, v. 5, p. 577. 3 Mar., 1845, c. 77, s. 7, v. 5, p. 794. 25 July, 1866, c. 231, s. 7, v. 14, p. 223.

SEC. 1391. Engineers shall be appointed by the President, by and with the advice and consent of the Senate.

Qualifications of.

3 Mar., 1871, c. 117, s. 8, v. 16, p. 536. 24 *Feb.*, 1874, *c.* 35, *v.* 18, *p.* 17.

SEC. 1392. No person under nineteen or over twenty-six years of age shall be appointed a second assistant engineer in the Navy; nor shall any person be appointed or promoted in the Engineer Corps until after he has been found qualified by a board of competent engineers and medical officers designated by the Secretary of the Navy, and has complied with existing regulations.

Engineer of the fleet.

21 April, 1864, c. 63, s. 7, v. 13, p. 54.

SEC. 1393. The President may designate among the chief engineers in the service, and appoint to every fleet or squadron, an engineer, who shall be denominated "engineer of the fleet."

Cadet engineers.

31 Aug., 1842, c. 279, s. 6, v. 5, p. 577. 4 July, 1864, c. 252, s. 2, v. 13, p. 393. 24 *Feb.*, 1874, *c.* 35, *v.* 18, *p.* 17.

SEC. 1394. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be appointed by the President and confirmed by the Senate as second assistant engineers.

Chaplains, number and appointment of.

21 April, 1806, c. 35, s. 3, v. 2, p. 390. 16 April, 1814, c. 58, s. 5, v. 3, p. 125. 4 Aug., 1842, c. 121, s. 1, v. 5, p. 500.

SEC. 1395. There shall be in the Navy, for the public armed vessels of the United States in actual service not exceeding twenty-four chaplains, who shall be appointed by the President with the advice and consent of the Senate.

SEC. 1396. A chaplain shall not be less than twenty-one nor more than thirty-five years of age at the time of his appointment. Qualifications of. 14 July, 1862, c. 164, s. 7, v. 12, p. 565.

SEC. 1397. Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member. Form of worship. 1 June, 1860, c. 67, s. 1, v. 12, p. 24.

SEC. 1398. Chaplains shall report annually to the Secretary of the Navy the official services performed by them. Annual report. 1 June, 1860, c. 67, s. 1, v. 12, p. 24.

SEC. 1399. The number of professors of mathematics in the Navy shall not exceed twelve. Professors of mathematics, number of.

3 Aug., 1848, c. 121, s. 12, v. 9, p. 272. 31 May, 1872, c. 240, s. 1, v. 17, p. 192.

SEC. 1400. Professors of mathematics shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate. Appointment. 3 Aug., 1848, c. 121, s. 12, v. 9, p. 272.

SEC. 1401. Professors of mathematics shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval Academy, the Naval Observatory, and on board ships of war, in instructing the midshipmen of the Navy, or otherwise. Duties. 3 Aug., 1848, c. 121, s. 12, v. 9, p. 272.

SEC. 1402. The President, by and with the advice and consent of the Senate, may appoint naval constructors, who shall have rank and pay as officers of the Navy. Naval constructors, number and appointment of.

25 July, 1866, c. 231, s. 7, v. 14, p. 223. 3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.

SEC. 1403. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors. Assistant naval constructors. 4 July, 1864, c. 252, s. 2, v. 13, p. 393.

SEC. 1404. Naval constructors may be required to perform duty at any navy-yard or other station. Duty. 3 Mar., 1845, c. 77, s. 2, v. 5, p. 794

SEC. 1405. The President may appoint for the vessels in actual service, as many boatswains, gunners, sailmakers, and carpenters as may, in his opinion, be necessary and proper. Warrant officers, number and appointment of.

21 April, 1806, c. 35, s. 3, v. 2, p. 390. 4 Aug., 1842, c. 121, s. 1, v. 5, p. 500. 3 Mar., 1847, c. 48, s. 1, v. 9, p. 172.

SEC. 1406. Boatswains, gunners, carpenters, and sailmakers shall be known and shall be entered upon the Naval Register as "warrant officers in the naval service of the United States." Title. 2 July, 1864, c. 219, s. 2, v. 13, p. 373.

SEC. 1407. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, upon the recommendation of their commanding officer, approved by the flag-officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of one hundred dollars and a medal of honor, to be prepared under the direction of the Navy Department. Promotion of seamen to warrant officers. 17 May, 1864, c. 89, s. 3, v. 13, pp. 79, 80.

SEC. 1408. Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years. Seamen may be rated as mates. 17 May, 1864, c. 89, s. 3, v. 13, p. 79. 3 Mar., 1865, c. 124, s. 3, v. 13, p. 539.

SEC. 1409. The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment. Rating shall not discharge from enlistment.

17 May, 1864, c. 89, s. 3, v. 13, p. 79. 3 Mar., 1865, c. 124, s. 3, v. 13, p. 539.

SEC. 1410. All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings. Petty officers. 17 July, 1862, c. 204, s. 18, v. 12, p. 610.

SEC. 1411. The Secretary of the Navy may appoint, for temporary service, such acting assistant surgeons as the exigencies of the service may require, who shall receive the compensation of assistant surgeons. Acting assistant surgeons. 3 Mar., 1865, c. 124, s. 6, v. 13, p. 539. 15 July, 1870, c. 295, s. 13, v. 16, p. 334.

Volunteer officers transferred entitled to credit for volunteer sea-service.

SEC. 1412. Officers who have been, or may be, transferred from the volunteer service to the Regular Navy shall be credited with the sea-service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been, during such service, in the Regular Navy.

2 Mar., 1867, c. 174, s. 3, v. 14, p. 516.

Civil engineers and store-keepers at navy-yards.

SEC. 1413. The President, by and with the advice and consent of the Senate, may appoint a civil engineer and a naval store-keeper at each of the navy-yards where such officers may be necessary.

2 Mar., 1867, c. 172, s. 1, v. 14, p. 490. 17 June, 1868, c. 61, s. 1, v. 15, p. 69.

Store-keepers on foreign stations.

SEC. 1414. The Secretary of the Navy may appoint citizens who are not officers of the Navy to be store-keepers on foreign stations, when suitable officers of the Navy cannot be ordered on such service, or when, in his opinion, the public interest will be thereby promoted.

17 June, 1844, c. 107, s. 1, v. 5, p. 700. 3 Mar., 1847, c. 48, s. 3, v. 9, p. 172.

Store-keepers' bond.

SEC. 1415. Every person who is appointed store-keeper under the provisions of the preceding section shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

17 June, 1844, c. 107, s. 1, v. 5, p. 700. 3 March, 1847, c. 48, s. 3, v. 9, p. 172.

Civil offices at yards may be discontinued by Secretary of the Navy.

SEC. 1416. The Secretary of the Navy is authorized, when in his opinion the public interest will permit it, to discontinue the office or employment of any measurer and inspector of timber, clerk of the yard, clerk of the commandant, clerk of the store-keeper, clerk of the naval constructor, and the keeper of the magazine employed at any navy-yard, and to require the duties of the keeper of the magazine to be performed by gunners.

10 Aug., 1846, c. 176, s. 1, v. 9, pp. 98, 99.

Enlisted men, number of.

SEC. 1417. [*The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed eight thousand five hundred.*] [The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed seven thousand and five hundred.]

7 June, 1864, c. 111, v. 13, p. 120. 17 June, 1868, c. 61, s. 2, v. 15, p. 72. 30 *June*, 1876, c. 159, *v.* 19, *p.* 66. U. S. *v.* Thompson, 2 Spr., 103.

Term of enlistment.

SEC. 1418. Boys between the ages of sixteen and eighteen years may be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President. [See § 1624; Art. 19.]

2 March, 1837, c. 21, s. 1, v. 5, p. 153. *In re* McNulty, 2 Lowell, 270.

Consent of parents and guardians.

SEC. 1419. Minors between the age of sixteen and eighteen years shall not be enlisted for the naval service without the consent of their parents or guardians. [See § 1624; Art. 19.]

2 March, 1837, c. 21, s. 1, v. 5, p. 153. 3 March, 1865, c. 79, s. 18, v. 13, p. 490.

Persons not to be enlisted.

SEC. 1420. No minor under the age of sixteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States shall be enlisted in the naval service.

3 March, 1865, c. 79, s. 18, v. 13, p. 490.—U. S. *v.* Bainbridge, 1 Mas., 71; U. S. *v.* Stewart, Crabbe, 265.

Transfer from military to naval service.

SEC. 1421. Any person enlisted in the military service of the United States may, on application to the Navy Department, approved by the President, be transferred to the Navy or Marine Corps, to serve therein the residue of his term of enlistment, subject to the laws and regulations for the government of the Navy. But such transfer shall not release him from any indebtedness to the Government, nor, without the consent of the President, from any penalty incurred for a breach of military law.

1 July, 1864, c. 201, s. 1, v. 13, p. 342.

Men to be sent to place of enlistment at expiration of term.

SEC. 1422. [*It shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic port of the United States, in some public or other vessel, all petty officers and per-*

sons of inferior ratings desiring to go there, at the expiration of their terms of service, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be very essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic port.] [That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty-officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port. All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment; and that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge; and all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port; and that all persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay: *Provided*, That the shipping-articles shall hereafter contain the substance of this section.]

17 July, 1862, c. 204, s. 17, v. 12, p. 610. 3 *Mar.*, 1875, c. 155, *v.* 18, *p.* 484.

Wilkes *v.* Dinsman, 7 How., 125.

Subject to regulations while sent home or detained.

SEC. 1423. All persons sent home, or detained by a commanding officer, according to the provisions of the preceding section, shall be subject in all respects to the laws and regulations for the government of the Navy, until their return to an Atlantic port and their regular discharge.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Limit of detention.

SEC. 1424. Persons so detained by a commanding officer, or re-entering to serve until the return to an Atlantic port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

What to be contained in shipping articles.

SEC. 1425. The shipping articles shall contain the substance of the three sections next preceding and of section fifteen hundred and seventy-two.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Honorable discharge, to whom granted.

SEC. 1426. Honorable discharges may be granted to seamen, ordinary seamen, landsmen, firemen, coal-heavers, and boys who have enlisted for three years.

2 Mar., 1855, c. 136, s. 1, v. 10, p. 627. 7 June, 1864, c. 111, v. 13, p. 120.

Form of honorable discharge.

SEC. 1427. Honorable discharges shall be granted according to a form prescribed by the Secretary of the Navy.

2 Mar., 1855, c. 136, s. 1, v. 10, p. 627. 7 June, 1864 c. 111, v. 13, p. 120

CHAPTER TWO.

GENERAL PROVISIONS RELATING TO OFFICERS.

Sec.
1428. Citizenship.
1429. Report of men entitled to honorable discharge.
1430. To discourage sale of prize-money or wages.
1431. Duty as to granting leave and liberty.
1432. Acting as paymasters.
1433. Consular powers.
1434. Command of squadrons.
1435. Lieutenant-commanders, how assignable.
1436. Staff officers who have been chiefs of Bureaus.
1437. Officers detailed for service of the War Department.
1438. Officers to act as store-keepers on foreign stations.
1439. Bonds of.
1440. Accepting appointments in diplomatic service.
1441. Officers dismissed, or resigning to escape dismissal.
1442. Placing on furlough.

Citizenship.

28 June, 1864, c. 170, s. 1, v. 13, p. 201.

SEC. 1428. The officers of vessels of the United States shall in all cases be citizens of the United States.

Report of men entitled to honorable discharge.

2 Mar., 1855, c. 136, s. 1, v. 10, p. 627.

SEC. 1429. It shall be the duty of every commanding officer of a vessel, on returning from a cruise, and immediately on his arrival in port, to forward to the Secretary of the Navy a list of the names of such of the crew who enlisted for three years as, in his opinion, on being discharged, are entitled to an "honorable discharge" as a testimonial of fidelity and obedience; and he shall grant the same to the persons so designated.

To discourage sale of prize-money or wages.

30 June, 1864, c. 174, s. 12, v. 13, p. 310.

SEC. 1430. Every commanding officer of a vessel is required to discourage his crew from selling any part of their prize-money, bounty-money, or wages, and never to attest any power of attorney for the transfer thereof until he is satisfied that the same is not granted in consideration of money given for the purchase of prize-money, bounty-money, or wages. [See § 4643.]

Duty as to granting leave and liberty.

2 Mar., 1855, c. 136, s. 3, v. 10, p. 627.

SEC. 1431. It shall be the duty of commanding officers of vessels, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient.

Acting as paymasters.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

SEC. 1432. No commanding officer of any vessel of the Navy shall be required to perform the duties of a paymaster, passed assistant paymaster, or assistant paymaster.

Consular powers.

20 Feb., 1845, c. 17, s. 2, v. 5, p. 725.

SEC. 1433. The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

Command of squadrons.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329.

SEC. 1434. The President may select any officer not below the grade of commander on the active list of the Navy, and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron, holding commissions of an older date than his, that he would be entitled to receive if his commission were the oldest.

Lieutenant-commanders, how assignable.

16 July, 1862, c. 183, s. 3, v. 12, p. 584. 25 July, 1866, c. 231, s. 5, v. 14, p. 223.

SEC. 1435. Lieutenant-commanders may be assigned to duty as first lieutenants of naval stations, as navigation and watch officers on board of vessels of war, and as first lieutenants of vessels not commanded by lieutenant-commanders.

Staff officers who have been chiefs of Bureaus.

3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1436. Any staff officer of the Navy who has performed the duty of a chief of a Bureau of the Navy Department for a full term shall thereafter be exempt from sea duty, except in time of war.

SEC. 1437. The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War.

Officers detailed for service of the War Department.

12 Feb., 1862, c. 21, v. 12, p. 338.

SEC. 1438. The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section fourteen hundred and fourteen, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a store-keeper may be necessary.

Officers to act as store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

3 Mar., 1847, c. 48, s. 3, v. 9, p. 172.

SEC. 1439. Every officer so acting as store-keeper on a foreign station shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

Bonds of.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

SEC. 1440. If any officer of the Navy accepts or holds an appointment in the diplomatic or consular service of the Government, he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy.

Accepting appointments in diplomatic service.

30 Mar., 1868, c. 38, s. 2, v. 15, p. 58.

SEC. 1441. No officer of the Navy who has been dismissed by the sentence of a court-martial, or suffered to resign in order to escape such dismissal, shall ever again become an officer of the Navy.

Officers dismissed, or resigning to escape dismissal.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

SEC. 1442. The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy.

Placing on furlough.

3 Mar., 1835, c. 27, s. 1, v. 4, pp. 756, 757. 3 Mar., 1845, c. 77, s. 6, v. 5, p. 794. 28 Feb., 1855, c. 127, s. 3, v. 10, p. 617. 1 June, 1860, c. 67, s. 4, v. 12, p. 27.

CHAPTER THREE.

RETIRED OFFICERS OF THE NAVY.

Sec.
1443. After forty years' service.
1444. After sixty-two years of age, or forty-five years' service.
1445. Officers of certain ranks to be retired only for disability.
1446. Officers who have received a vote of thanks.
1447. Officers rejected from promotion.
1448. Retiring-board.
1449. Powers and duties of.
1450. Oath of members.
1451. Findings.
1452. Revision by the President.
1453. Disability by an incident of the service.
1454. Disability by other causes.
1455. Not to be retired without a hearing.
1456. Not to be retired for misconduct.
1457. Privileges and liabilities.
1458. Vacancies by retirement.
1459. Withdrawn from command.
1460. Rear-admirals on retired list.
1461. Retired officers; promotion.
1462. Active duty.
1463. Assigned to command of squadrons and ships.
1464. Commanders of squadrons, from what grades selected.
1465. When restored to active list.

SEC. 1443. When any officer of the Navy has been forty years in the service of the United States he may be retired from active service by the President upon his own application.

After forty years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

SEC. 1444. When any officer below the rank of Vice-Admiral is sixty-two years old, he shall, except in the case provided in the next section, be retired by the President from active service.

After sixty-two years of age, or forty-five years' service.

21 Dec., 1861, c. 1, s. 1, v. 12, p. 329. 16 July, 1862, c. 183, s. 8, v. 12, p. 584. 25 June, 1864, c. 152, s. 1, v. 13, p. 183. 21 Dec., 1864, c. 6, s. 3, v. 13, p. 420. 3 Mar., 1873, c. 230, v. 17, p. 556.

SEC. 1445. The two preceding sections shall not apply to any lieutenant-commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

Officers of certain ranks to be retired only for disability.

15 July, 1870, c. 295, s. 6, v. 16, p. 333.

Officers who have received a vote of thanks.

16 July, 1862, c. 183, s. 8, v. 12, p. 584.

SEC. 1446. Officers on the active list, not below the grade of commander, who have, upon the recommendation of the President, received by name, during the war for the suppression of the rebellion, a vote of thanks of Congress for distinguished service, shall not be retired, except for cause, until they have been fifty-five years in the service of the United States.

Officers rejected from promotion.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

SEC. 1447. When the case of any officer has been acted upon by a board of naval surgeons and an examining board for promotion, as provided in Chapter Four of this Title, and he shall not have been recommended for promotion by both of the said boards, he shall be placed upon the retired list.

Retiring-board.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1448. Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion, may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy. Said board, except the officers taken from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

Powers and duties of.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1449. Said retiring-board shall be authorized to inquire into and determine the facts touching the nature and occasion of the disability of any such officer, and shall have such powers of a court-martial and of a court of inquiry as may be necessary.

Oath of members.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1450. The members of said board shall be sworn in each case to discharge their duties honestly and impartially.

Findings.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1451. When said retiring-board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, produced his incapacity, and whether such cause is an incident of the service.

Revision by the President.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1452. A record of the proceedings and decision of the board in each case shall be transmitted to the Secretary of the Navy, and shall be laid by him before the President for his approval or disapproval, or orders in the case.

Disability by an incident of the service.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1453. When a retiring-board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of the service, such officer shall, if said decision is approved by the President, be retired from active service with retired pay, as allowed by Chapter Eight of this Title.

Disability by other causes.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1454. When said board finds that an officer is incapacitated for active service and that his incapacity is not the result of any incident of the service, such officer shall, if said decision is approved by the President, be retired from active service on furlough-pay, or wholly retired from service with one year's pay, as the President may determine.

Not to be retired without a hearing.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1455. No officer of the Navy shall be retired from active service, or wholly retired from the service, without a full and fair hearing before such Navy retiring-board, if he shall demand it, except in cases where he may be retired by the President at his own request, or on account of age or length of service, or on account of his failure to be recommended by an examining board for promotion.

Not to be retired for misconduct.

15 July, 1870, c. 295, s. 6, v. 16, p. 333.

SEC. 1456. No officer of the Navy shall be placed on the retired list because of misconduct; but he shall be brought to trial by court-martial for such misconduct.

Privileges and liabilities.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154.
3 Aug., 1861, c. 42, ss. 22, 23, 24, v. 12, pp. 290, 291.
30 *Jan.*, 1875, c. 30, *v.* 18, *p.* 304.

SEC. 1457. Officers retired from active service shall be placed on the retired list of officers of the grades to which they belonged respectively at the time of their retirement, and continue to be borne on the Navy Register. They shall be entitled to wear the uniform of their respective grades, and shall be subject to the rules and articles for the government of the Navy and to trial by general court-martial. The names of officers wholly retired from the service shall be omitted from the Navy Register.

Vacancies by retirement.

SEC. 1458. The next officer in rank shall be promoted to the place of a retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

3 Aug., 1861, c. 42, s. 22, v. 12, p. 291.
21 Dec., 1862, c. 1, s. 6, v. 12, p. 330.

Withdrawn from command.

SEC. 1459. Officers on the retired list shall be withdrawn from command, except in the case provided in sections fourteen hundred and sixty-three and fourteen hundred and sixty-four, and from the line of promotion on the active list.

3 Aug., 1862, c. 42, s. 22, v. 12, p. 290.
21 Dec., 1861, c. 1, ss. 3, 4, v. 12, p. 329.

Rear-admirals on retired list.

SEC. 1460. There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list: *Provided*, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by order of the Secretary of the Navy, or who have performed other highly meritorious service, [or who, being at the outbreak of the late war of the rebellion citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States.]

16 July, 1862, c. 183, s. 14, v. 12, p. 585.
25 July, 1866, c. 231, s. 1, v. 14, p. 222.
15 *Aug.*, 1876, *c.* 302, *v.* 19, *p.* 204.

Retired officers; promotion.

SEC. 1461. Officers on the retired list of the Navy shall be entitled to promotion as their several dates upon the active list are promoted: *Provided*, That no promotion shall be made to the grade of rear-admiral upon the retired list while there shall be in that grade nine rear-admirals by promotion on that list, exclusive of those so promoted by reason of having commanded squadrons by order of the Secretary of the Navy, or of having performed other highly meritorious service. No promotion to the grade of rear-admiral on the retired list while there shall be in that grade the full number allowed by law.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154.
2 Mar., 1867, c. 174, s. 9, v. 14, p. 517.
30 *Jan.*, 1875, *c.* 30, *v.* 18, *p.* 304.

Active duty.

SEC. 1462. No officer on the retired list of the Navy shall be employed on active duty except in time of war.

3 Mar., 1873, c. 230, v. 17, p. 547.

Assigned to command of squadrons and ships.

SEC. 1463. In time of war the President, by and with the advice and consent of the Senate, may detail officers on the retired list for the command of squadrons and single ships, when he believes that the good of the service requires that they shall be so placed in command.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329.
3 Mar., 1873, c. 230, s. 1, v. 17, p. 547.

Commanders of squadrons, from what grades selected.

SEC. 1464. In making said details the President may select any officer not below the grade of commander and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive if his commission were the oldest.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329.

When restored to active list.

SEC. 1465. Retired officers so detailed for the command of squadrons and single ships may be restored to the active list, if, upon the recommendation of the President, they shall receive a vote of thanks of Congress for their services and gallantry in action against the enemy, and not otherwise.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329.

CHAPTER FOUR.

RANK AND PRECEDENCE, PROMOTION AND ADVANCEMENT.

Sec.

OF RANK AND PRECEDENCE.

1466. Relative rank of Navy and Army officers.
1467. Rank according to date.
1468. Commanding officers of vessels and stations.
1469. Aid or executive officer.
1470. Staff officers, when to communicate directly with commanding officers.
1471. Chiefs of Bureaus.
1472. Chief of Bureau, when below rank of commodore.
1473. Retired from position of chief of Bureau.

Sec.
1474. Medical Corps.
1475. Pay Corps.
1476. Engineer Corps.
1477. Constructors.
1478. Civil engineers.
1479. Chaplains.
1480. Professors of mathematics.
1481. When retired for age or length of service.
1482. Retired for causes incident to service.
1483. Graduates of Naval Academy.
1484. Engineers graduated at Naval Academy.
1485. Precedence by length of service.
1486. Length of service, how estimated.
1487. Quarters.
1488. Military command.
1489. Processions, boards, &c.
1490. Ensigns as steerage officers.
1491. Warrant officers.
1492. Revenue-cutter officers serving as part of the Navy.

Sec.
OF PROMOTION AND ADVANCEMENT.

1493. Physical examination.
1494. Physical disqualification by wounds.
1495. Examinations, when, and effect of.
1496. Examination of professional fitness.
1497. Promotion to rear-admiral in time of peace.
1498. Examining board.
1499. Powers of.
1500. Officer may be present and make statement.
1501. Record.
1502. Revision by the President.
1503. No officer to be rejected without examination.
1504. Report of recommendation.
1505. Failing in examination.
1506. Advancement in number.
1507. Promotion when grade is full.
1508. Officers receiving thanks of Congress.
1509. Effect of vote of thanks.
1510. Vacancies occasioned by death, &c., of officers thanked.

Relative rank of Navy and Army officers.

SEC. 1466. The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army, shall be as follows, lineal rank only being considered:

The Vice-Admiral shall rank with the Lieutenant-General.
Rear-admirals with major-generals.
Commodores with brigadier-generals.
Captains with colonels.
Commanders with lieutenant-colonels.
Lieutenant-commanders with majors.
Lieutenants with captains.
Masters with first lieutenants.
Ensigns with second lieutenants.

16 July, 1862, c. 183, s. 13, v. 12, p. 585. 21 Dec., 1864, c. 6, s. 1, v. 13, p. 420. 25 July, 1866, c. 231, s. 1, v. 14, p. 222. 2 Mar., 1867, c. 174, s. 1, v. 14, pp. 515, 516.

Rank according to date.

SEC. 1467. Line officers shall take rank in each grade according to the dates of their commissions.

16 July, 1862, c. 183, s. 1, v. 12, p. 583. 21 April, 1864, c. 63, s. 7, v. 13, p. 54. 24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

Commanding officers of vessels and stations.

SEC. 1468. Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Aid or executive officer.

SEC. 1469. The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, which officer shall, when not impracticable, be next in rank to said commanding officer. Such aid or executive shall, while executing the orders of the commanding officer on board the vessel or at the station, take precedence over all officers attached to the vessel or station. All orders of such aid or executive shall be regarded as proceeding from the commanding officer, and the aid or executive shall have no independent authority in consequence of such detail.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Staff officers, when to communicate directly with commanding officer.

SEC. 1470. Staff officers, senior to the officer so detailed, shall have the right to communicate directly with the commanding officer.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Chiefs of Bureaus.

SEC. 1471. The chiefs of the Bureau of Medicine and Surgery, Provisions and Clothing, Steam Engineering, and Construction and Repair shall have the relative rank of commodore while holding said position, and shall have, respectively, the title of Surgeon-General, Paymaster-General, Engineer-in-Chief, and Chief Constructor.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Chief of Bureau, when below rank of commodore.

SEC. 1472. When the office of chief of Bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Retired from position of chief of Bureau.

SEC. 1473. Officers who have been or who shall be retired from the position of chiefs of the Bureau of Medicine and Surgery, of Provisions and Clothing, of Steam Engineering, or of Construction and Repair, by reason of age or length of service, shall have the relative rank of commodore.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Medical Corps.

SEC. 1474. Officers of the Medical Corps on the active list of the Navy shall have relative rank as follows:

Medical directors, the relative rank of captain.

Medical inspectors, the relative rank of commander.

Surgeons, the relative rank of lieutenant-commander or lieutenant.

Passed assistant surgeons, the relative rank of lieutenant or master.

Assistant surgeons, the relative rank of master or ensign.

3 Mar., 1871, c. 117, s. 5, v. 16, p. 535.

Pay Corps.

SEC. 1475. Officers of the Pay Corps on the active list of the Navy shall have relative rank as follows:

Pay directors, the relative rank of captain.

Pay inspectors, the relative rank of commander.

Paymasters, the relative rank of lieutenant-commander or lieutenant.

Passed assistant paymasters, the relative rank of lieutenant or master.

Assistant paymasters, the relative rank of master or ensign.

3 Mar., 1871, c. 117, s. 6, v. 16, p. 536.

Engineer Corps.

SEC. 1476. Officers of the Engineer Corps on the active list shall have relative rank as follows:

Of the chief engineers, ten shall have the relative rank of captain, fifteen that of commander, and forty-five that of lieutenant-commander or lieutenant.

First assistant engineers shall have the relative rank of lieutenant or master, and second assistant engineers that of master or ensign.

3 Mar., 1871, c. 117, s. 7, v. 16, p. 536.

24 *Feb.*, 1874, *c.* 35, *v.* 18, *p.* 17.

Constructors.

SEC. 1477. Of the naval constructors, two shall have the relative rank of captain, three of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the relative rank of lieutenant or master.

3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.

Civil engineers.

SEC. 1478. Civil engineers shall have such relative rank as the President may fix.

3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.

Chaplains.

SEC. 1479. Chaplains shall have relative rank as follows: Four, the relative rank of captain; seven, that of commander; and not more than seven, that of lieutenant-commander or lieutenant.

3 Mar., 1871, c. 117, s. 9, v. 16, p. 536.

Professors of mathematics.

SEC. 1480. Professors of mathematics shall have relative rank as follows: Three, the relative rank of captain; four, that of commander; and five, that of lieutenant-commander or lieutenant. [The grades established in the six preceding sections for the staff corps of the Navy shall be filled by appointment from the highest members in each corps, according to seniority; and new commissions shall be issued to the officers so appointed, in which the titles and grades established in said sections shall be inserted; and no existing commission shall be vacated in the said several staff corps, except by the issue of the new commissions required by the provisions of this section; and no officer shall be reduced in rank or lose seniority in his own corps by any change which may be required under the provisions of the said six preceding sections: *Provided*, That the issuing of a new appointment and commission to any officer of the pay corps under the provisions of this section shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission.]

31 May, 1872, c. 240, s. 1, v. 17, p. 192.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

When retired for age or length of service.

SEC. 1481. Officers of the Medical, Pay, and Engineer Corps, chaplains, professors of mathematics, and constructors, who shall have served faithfully for forty-five years, shall, when retired, have the relative rank of commodore; and officers of these several corps who have been or shall be retired at the age of sixty-two years, before having served for forty-five years, but who shall have served faithfully until retired, shall, on

3 Mar., 1871, c. 117, s. 11, v. 16, p. 537.

the completion of forty years from their entry into the service, have the relative rank of commodore.

Retired for causes incident to service.
3 Mar., 1871, c. 117, s. 11, v. 16, p. 537.

SEC. 1482. Staff-officers, who have been or shall be retired for causes incident to the service before arriving at sixty-two years of age, shall have the same rank on the retired list as pertained to their position on the active list.

Graduates of Naval Academy.
23 May, 1872, c. 195, s. 1, v. 17, p. 153.

SEC. 1483. Graduates of the Naval Academy shall take rank according to their proficiency as shown by their order of merit at the date of graduation.

Engineers graduated at Naval Academy.
3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

SEC. 1484. Engineer officers graduated at the Naval Academy shall take precedence with all other officers with whom they have relative rank, according to the actual length of service in the Navy.

Precedence by length of service.
3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1485. The officers of the staff corps of the Navy shall take precedence in their several corps, and in their several grades, and with officers of the line with whom they hold relative rank according to length of service in the Navy.

Length of service, how estimated.
3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1486. In estimating the length of service for such purpose, the several officers of the staff corps shall, respectively, take precedence in their several grades and with those officers of the line of the Navy with whom they hold relative rank who have been in the naval service six years longer than such officers of said staff corps have been in said service; and officers who have been advanced or lost numbers on the Navy Register shall be considered as having gained or lost length of service accordingly.

Quarters.
3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1487. No staff officer shall, in virtue of his relative rank or precedence, have any additional right to quarters.

Military command.

SEC. 1488. The relative rank given by the provisions of this chapter to officers of the Medical, Pay, and Engineer Corps shall confer no authority to exercise military command.

General Orders 31 Aug., 1846, and 76, s. 2, v. 11, p. 407. 27 May, 1847. 5 Aug., 1854, c. 268, s. 4, v. 10, p. 587. 3 Mar., 1859, c.

Processions, boards, &c.
3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1489. In processions on shore, or courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers shall take precedence according to rank.

Ensigns as steerage officers.
15 July, 1870, c. 295, s. 10, v. 16, p. 334.

SEC. 1490. Ensigns shall be steerage officers, unless assigned to duty as watch and division officers.

Warrant officers.
2 July, 1864, c. 219, s. 1, v. 13, p. 373.

SEC. 1491. The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service, to rank with ensigns, and after ten years' service to rank with masters.

Revenue-cutter officers serving as part of the Navy.
2 Mar., 1799, c. 22, s. 98, v. 1, pp. 699, 700.
16 July, 1862, c. 183, ss. 1, 11, v. 12, pp. 583, 585. 4 Feb., 1863, c. 20, s. 4, v. 12, p. 640.

SEC. 1492. The officers of the revenue-cutter service when serving, in accordance with law, as a part of the Navy, shall be entitled to relative rank, as follows: Captains, with and next after lieutenants commanding in the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after masters in line in the Navy; third lieutenants, with and next after ensigns in the Navy.

OF PROMOTION AND ADVANCEMENT.

Physical examination.
21 April, 1864, c. 63, s. 4, v. 13, p. 53.
28 July, 1866, c. 312, s. 1, v. 14, p. 344.

SEC. 1493. No officer shall be promoted to a higher grade on the active list of the Navy, except in the case provided in the next section, until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea.

Physical disqualification by wounds.

SEC. 1494. The provisions of the preceding section shall not exclude from the promotion to which he would otherwise be regularly entitled

any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

21 April, 1864, c. 63, s. 4, v. 13, p. 53. 28 July, 1866, c. 312, s. 1, v. 14, pp. 344, 345.

SEC. 1495. Officers subject to examination before promotion to a grade limited in number by law shall not be entitled to examination in such a sense as to give increase of pay until designated by the Secretary of the Navy to fill vacancies in the higher grade; and officers eligible for promotion to a grade not limited in number shall not be entitled to examination until ordered to present themselves for examination or until a class, in which they are included, has been so ordered by the Secretary of the Navy.

Examinations, when; and effect of.

3 Mar., 1873, c. 230, s. 1, v. 17, p. 555. 22 *June*, 1874, *c.* 392, *v.* 18, *p.* 191.

SEC. 1496. No line officer below the grade of commodore, and no officer not of the line, shall be promoted to a higher grade on the active list of the Navy until his mental, moral, and professional fitness to perform all his duties at sea have been established to the satisfaction of a board of examining officers appointed by the President.

Examination of professional fitness.

21 April, 1864, c. 63, s. 1, v. 13, p. 53.

SEC. 1497. In time of peace no person shall be promoted from the list of commodores to the grade of rear-admiral, on the active list, until his mental, moral, and professional fitness to perform all his duties at sea has been established as provided in the preceding section.

Promotion to rear-admiral in time of peace.

16 July, 1862, c. 183, s. 7, v. 12, p. 584. Amended by 21 April, 1864, c. 63, v. 13, p. 53.

SEC. 1498. Such examining board shall consist of not less than three officers, senior in rank to the officer to be examined.

Examining board.

21 April, 1864, c. 63, s. 2, v. 13, p. 53.

SEC. 1499. Said board shall have power to take testimony and to examine all matter on the files and records of the Navy Department relating to any officer whose case may be considered by them. The witnesses, when present, shall be sworn by the president of the board.

Powers of.

21 April, 1864, c. 63, s. 1, v. 13, p. 53.

SEC. 1500. Any officer whose case is to be acted upon by such examining board shall have the right to be present, if he so desires, and to submit a statement of his case on oath.

Officer may be present and make statement.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

SEC. 1501. The statement of such officer, if made, and the testimony of the witnesses and his examination shall be recorded.

Record.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

SEC. 1502. Any matter on the files and records of the Navy Department, touching each case, which may, in the opinion of the board, be necessary to assist them in making up their judgment, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding.

Revision by the President.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

SEC. 1503. No officer shall be rejected until after such public examination of himself and of the records of the Navy Department in his case, unless he fails, after having been duly notified, to appear before said board.

No officer to be rejected without examination.

21 April, 1864, c. 63, s. 3, v. 13, p. 53.

SEC. 1504. Such examining board shall report their recommendation of any officer for promotion in the following form: "We hereby certify that ——— ——— has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion."

Report of recommendation.

16 July, 1862, c. 183, s. 4, v. 12, p. 584. As amended by 21 April, 1864, c. 63, s. 4, v. 13, p. 53. 28 July, 1866, c. 312, s. 1, v. 14, pp. 344, 345.

SEC. 1505. Any officer of the Navy on the active list below the grade of commander, who, upon examination for promotion, is not found professionally qualified, shall be suspended from promotion for one year, with corresponding loss of date when he shall be re-examined, and in case of his failure upon such re-examination he shall be dropped from the service.

Failing in examination.

15 July, 1870, c. 295, s. 8, v. 16, p. 333.

SEC. 1506. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

Advancement in number.

21 April, 1864, c. 63, s. 6, v. 13, p. 54. 24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

Promotion when grade is full.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424. 22 *June*, 1874, c. 392, *v.* 18, *p.* 191.

SEC. 1507. Any officer who is nominated to a higher grade by the provisions of the preceding section, shall be promoted, notwithstanding the number of said grade may be full; but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

Officers receiving thanks of Congress.

16 July, 1862, c. 183, s. 9, v. 12, p. 584. 24 Jan., 1865, c. 19, s. 2, v. 13, p. 424. 25 July, 1866, c. 231, s. 1, v. 14, p. 222.

SEC. 1508. Any line officer, whether of volunteers or of the regular Navy, may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession.

Effect of vote of thanks.

1 July, 1870, Res. 96, s. 1, v. 16, p. 384.

SEC. 1509. A vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion.

Vacancies occasioned by death, &c., of officers thanked.

1 July, 1870, Res. 96, s. 1, v. 16, p. 384.

SEC. 1510. No promotion shall be made to fill a vacancy occasioned by the final retirement, death, resignation, or dismissal of an officer who has received a vote of thanks, unless the number of officers left in the grade where the vacancy occurs shall be less than the number authorized by law.

CHAPTER FIVE.

THE NAVAL ACADEMY.

Sec.
1511. Where established.
1512. Title of students.
1513. Number of cadet midshipmen.
1514. Nomination of candidates.
1515. Examination of candidates.
1516. Second recommendation.
1517. Qualifications.
1518. Appropriations, how applied.
1519. Cadet midshipmen found deficient.
1520. Academic course.
1521. Promotion to midshipmen.
1522. Cadet engineers.
1523. Number and appointment of.
1524. Academic course of.
1525. Examinations of.
1526. Studies not to be pursued on Sunday.
1527. Store-keeper at the Academy.
1528. Professors of ethics, Spanish, and drawing.

Where established.

21 May, 1864, c. 93, s. 4, v. 13, p. 85.

SEC. 1511. The Naval Academy shall be established at Annapolis, in the State of Maryland.

Title of students.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

SEC. 1512. The students at the Naval Academy shall be styled cadet midshipmen.

Number of cadet midshipmen.

2 Mar., 1867, c. 174, s. 8, v. 14, p. 517. 15 July, 1870, c. 295, s. 12, v. 16, p. 334.

SEC. 1513. There shall be allowed at said Academy one cadet midshipman for every Member or Delegate of the House of Representatives, one for the District of Columbia, and ten appointed annually at large.

Nomination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

Benjamin's Case, 10 C. Cls., 474.

SEC. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the first day of July of that year; but if it is not made by that time, the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.

Examination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585. 17 April, 1866, c. 45, s. 5, v. 14, p. 38

SEC. 1515. All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners.

Second recommendation.

SEC. 1516. When any candidate who has been nominated upon the recommendation of a Member or Delegate of the House of Representatives is found, upon examination, to be physically or mentally disqualified for admission, the Member or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of the preceding section.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.
17 July, 1866, c. 45, s. 5, v. 14, p. 38.

Qualifications.

SEC. 1517. Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated. And all candidates must, at the time of their examination for admission, be between the ages of fourteen and eighteen years, and physically sound, well formed, and of robust constitution.

14 July, 1862, c. 164, s. 9, v. 12, p. 565.
16 July, 1862, c. 183, s. 11, v. 12, p. 585.
1 April, 1864, c. 47, s. 2, v. 13, p. 39.

Appropriations, how applied.

SEC. 1518. No money appropriated for the support of the Naval Academy shall be applied to the support of any midshipman appointed otherwise than in strict conformance with the provisions of this chapter.

21 May, 1864, c. 93, s. 1, v. 13, p. 84.

Cadet midshipmen found deficient.

SEC. 1519. Cadet midshipmen found deficient at any examination shall not be continued at the Academy or in the service unless upon the recommendation of the academic board.

16 July, 1862, c. 183, s. 11, v. 12, p. 585. 23 *June*, 1874, *c.* 453, *v.* 18, *p.* 203.

Academic course.

SEC. 1520. The academic course of cadet midshipmen shall be six years.

3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

Promotion to midshipmen.

SEC. 1521. When cadet midshipmen shall have passed successfully the graduating examination at the Academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

Cadet engineers.

SEC. 1522. The Secretary of the Navy is authorized to make provision, by regulations issued by him, for educating at the Naval Academy, as naval constructors or steam engineers, such midshipmen and others as may show a peculiar aptitude therefor. He may, for this purpose, form a separate class at the Academy, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for said professions.

4 July, 1864, c. 252, s. 1, v. 13, p. 393.

Number and appointment of.

SEC. 1523. Cadet engineers shall be appointed by the Secretary of the Navy. They shall not at any time exceed fifty in number, and no persons, other than midshipmen, shall be eligible for appointment unless they shall first produce satisfactory evidence of mechanical skill and proficiency, and shall have passed an examination as to their mental and physical qualifications.

4 July, 1864, c. 252, ss. 3, 4, v. 13, p. 393.
2 Mar., 1867, c. 174, s. 2, v. 14, p. 516.
22 *June*, 1874, *c.* 392, *s.* 3, *v.* 18, *p.* 192.

Academic course of.

SEC. 1524. The course for cadet engineers shall be four years, including two years of service on naval steamers.

4 July, 1864, c. 252, s. 5, v. 13, p. 393. 3 Mar., 1873, c. 230, s. 1, v. 17, p. 555. 24 *Feb.*, 1874, *c.* 35, *v.* 18, *p.* 17.

Examinations of.

SEC. 1525. Cadet engineers shall be examined from time to time, according to regulations prescribed by the Secretary of the Navy, and if found deficient at any examination, or if dismissed for misconduct, they shall not be continued in the Academy or in the service except upon the recommendation of the academic board.

4 July, 1864, c. 252, s. 4, v. 13, p. 393.

Studies not to be pursued on Sunday.

SEC. 1526. The Secretary of the Navy shall arrange the course of studies and the order of recitations at the Naval Academy so that the students in said institution shall not be required to pursue their studies on Sunday.

15 July, 1870, c. 294, s. 21, v. 16, p. 319.

Store-keeper at the Academy.

SEC. 1527. The store-keeper at the Naval Academy shall be detailed from the Paymaster's Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessaries for the midshipmen and cadet engineers in the same manner as supplies are furnished to the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy.

2 Mar., 1867, c. 174, s. 4, v. 14, p. 516.

Professors of ethics, Spanish, and drawing.

SEC. 1528. Three professors of mathematics shall be assigned to duty at the Naval Academy, one as professor of ethics and English studies, one as professor of the Spanish language, and one as professor of drawing.

21 May, 1864, c. 93, s. 3, v. 13, p. 85.

CHAPTER SIX.

VESSELS AND NAVY-YARDS.

Sec.
1529. Four classes; their commanders.
1530. How rated.
1531. Rule for naming.
1532. Two vessels not to bear the same name.
1533. Names of purchased vessels.
1534. Vessels kept in service in time of peace.
1535. How officered and manned.
1536. Cruising to assist distressed navigators.
1537. Patented articles connected with marine engines.
1538. Repairs on hull and spars.
1539. Repairs on sails and rigging.
1540. Sale of vessels unfit to be repaired.
1541. Sale of unserviceable vessels and materials.
1542. Commandants of navy-yards.
1543. Master workmen.
1544. Laborers, how selected.
1545. Salaries; per diem compensation.
1546. Requiring contributions for political purposes at navy-yards.

Four classes; their commanders.

16 July, 1862, c. 183, s. 3, v. 12, p. 583.

SEC. 1529. The vessels of the Navy of the United States shall be divided into four classes, and shall be commanded as nearly as may be as follows:

First rates, by commodores; second rates, by captains; third rates, by commanders; fourth rates, by lieutenant-commanders.

How rated.

12 June, 1858, c. 153, s. 5, v. 11, p. 319.

SEC. 1530. Steamships of forty guns or more shall be classed as first rates, those of twenty guns and under forty as second rates, and all those of less than twenty guns as third rates.

Rule for naming.

3 Mar., 1819, c. 7, s. 1, v. 3, p. 538.

12 June, 1858, c. 153, s. 5, v. 11, p. 319.

SEC. 1531. The vessels of the Navy shall be named by the Secretary of the Navy, under the direction of the President, according to the following rule:

Sailing-vessels of the first class shall be named after the States of the Union, those of the second class after the rivers, those of the third class after the principal cities and towns, and those of the fourth class as the President may direct.

Steamships of the first class shall be named after the States of the Union, those of the second class after the rivers and principal cities and towns, and those of the third class as the President may direct.

Two vessels not to bear the same name.

SEC. 1532. Care shall be taken that not more than one vessel in the Navy shall bear the same name.

3 Mar., 1819, c. 7, s. 1, v. 3, p. 538. 12 June, 1858, c. 153, s. 5, v. 11, p. 319.

Names of purchased vessels.

SEC. 1533. The Secretary of the Navy may change the names of any vessels purchased for the Navy by authority of law.

5 Aug., 1861, c. 51, s. 2, v. 12, p. 316.

Vessels kept in service in time of peace.

21 April, 1806, c. 35, s. 2, v. 2, p. 390.

SEC. 1534. The President is authorized to keep in actual service in time of peace, such of the public armed vessels as, in his opinion, may be required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports.

How officered and manned.

21 April, 1806, c. 35, s. 3, v. 2, p. 390.

SEC. 1535. Vessels in actual service, in time of peace, shall be officered and manned as the President may direct, subject to the provisions of section fifteen hundred and twenty-nine.

Cruising to assist distressed navigators.

22 Dec., 1837, c. 1, v. 5, p. 208.

SEC. 1536. The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance.

Patented articles connected with marine engines.

18 July, 1861, c. 8, s. 3, v. 12, p. 268.

SEC. 1537. No patented article connected with marine engines shall hereafter be purchased or used in connection with any steam-vessels of war until the same shall have been submitted to a competent board of naval engineers, and recommended by such board, in writing, for purchase and use.

Repairs on hull and spars.

SEC. 1538. Not more than three thousand dollars shall be expended at any navy-yard in repairing the hull and spars of any vessel, until the

necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board, which shall be composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the yard where such vessel may be ordered for repairs, and two master workmen of said yard, or one master workman and an engineer of the Navy, according to the nature of the repairs to be made. Said master workmen and engineer shall be designated by the head of the Bureau of Construction and Repair.

21 Feb., 1861, c. 49, s. 1, v. 12, p. 147.

Repairs on sails and rigging.

SEC. 1539. Not more than one thousand dollars shall be expended in repairs on the sails and rigging of any vessel, until the necessity and expediency of such repairs and the estimated cost thereof have been ascertained and reported to the Navy Department by an examining board, which shall be composed of one naval officer, designated by the Secretary of the Navy, and the master rigger and the master sail-maker of the yard where such vessel may be ordered.

21 Feb., 1861, c. 49, s. 1, v. 12, p. 147.

Sale of vessels unfit to be repaired.

SEC. 1540. The President may direct any armed vessel of the United States to be sold when, in his opinion, such vessel is so much out of repair that it will not be for the interest of the United States to repair her.

21 April, 1806, c. 47, s. 3, v. 2, p. 402.

Sale of unserviceable vessels and materials.

SEC. 1541. The Secretary of the Navy is authorized and directed to sell, at public sale, such vessels and materials of the United States Navy as, in his judgment, cannot be advantageously used, repaired, or fitted out; and he shall, at the opening of each session of Congress, make a full report to Congress of all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

23 Mar., 1872, c. 195, s. 2, v. 17, p. 154.

Commandants of navy-yards.

SEC. 1542. The President may select the commandants of the several navy-yards from officers not below the grade of commander.

2 Aug., 1861, c. 36, v. 12, p. 285. 5 July, 1862, c. 134, s. 2, v. 12, p. 510.

Master workmen.

SEC. 1543. The persons employed at the several navy-yards to superintend the mechanical departments, and heretofore known as master mechanics, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sail-makers, master plumbers, master painters, master calkers, master masons, master boat-builders, master spar-makers, master block-makers, master laborers, and the superintendents of rope-walks shall be men skilled in their several duties and appointed from civil life, and shall not be appointed from the officers of the Navy.

17 June, 1868, c. 61, s. 1, v. 15, p. 69.

Laborers, how selected.

SEC. 1544. Laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

23 May, 1872, c. 195, s. 1, v. 17, p. 146.

Salaries; per diem compensation.

SEC. 1545. Salaries shall not be paid to any employés in any of the navy-yards, except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

14 July, 1862, c. 164, s. 1, v. 12, p. 564.

Requiring contributions for political purposes at navy-yards.

SEC. 1546. No officer or employé of the Government shall require or request any working man in any navy-yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

2 Mar., 1867, c. 172, s. 3, v. 14, p. 492.

CHAPTER SEVEN.

GENERAL PROVISIONS RELATING TO THE NAVY.

Sec.
1547. Regulations.
1548. Copy to be furnished to officers.
1549. Regulations of supplies.
1550. Appointment of persons to disburse money on foreign stations.
1551. Insane of the Navy.
1552. Coal-depots.
1553. Enticing persons to desert.
1554. Captured flags.
1555. Preservation of, in some public place.

Regulations.

14 July, 1862, c. 164, s. 5, v. 12, p. 565.

SEC. 1547. The orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to alterations adopted in the same manner.

Copy to be furnished to officers.

17 July, 1862, c. 204, s. 19, v. 12, p. 610.

SEC. 1548. The Secretary of the Navy shall cause each commissioned or warrant officer of the Navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the Navy Department then in force, and thereafter with a copy of all such as may be issued.

Regulations of supplies.

26 Aug., 1842, c. 206, s. 2, v. 5, p. 535. 3 Mar., 1847, c. 48, s. 1, v. 9, p. 171.

SEC. 1549. It shall be the duty of the President to make, subject to the provisions of law concerning supplies, such regulations for the purchase, preservation, and disposition of all articles, stores, and supplies for persons in the Navy, as may be necessary for the safe and economical administration of that branch of the public service.

Appointment of persons to disburse money on foreign stations.

17 June, 1844, c. 107, s. 4, v. 5, p. 703.

SEC. 1550. No person shall be employed or continued abroad, to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

Insane of the Navy.

3 Aug., 1848, c. 121, s. 13, v. 9, p. 272. 2 July, 1864, c. 210, s. 2, v. 13, p. 348.

SEC. 1551. The Secretary of the Navy may cause persons in the naval service or Marine Corps, who become insane while in the service, to be placed in such hospital for the insane as, in his opinion, will be most convenient and best calculated to promise a restoration of reason. And he may pay to any such hospital, other than the Government Hospital for the Insane in the District of Columbia, the pay which may from time to time be due to such insane person, and he may, in addition thereto, pay to such institution, from the annual appropriation for the naval service, under the head of contingent enumerated, any deficiency of a reasonable expense, not exceeding one hundred dollars per annum.

Coal-depots.

31 Aug., 1842, c. 279, s. 7, v. 5, p. 577.

SEC. 1552. The Secretary of the Navy may establish, at such places as he may deem necessary, suitable depots of coal, and other fuel, for the supply of steamships of war.

Enticing persons to desert.

1 July, 1864, c. 204, v. 13, p. 343.

SEC. 1553. Any person who shall entice or procure, or attempt to entice or procure, any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in anywise aid or assist any such seaman or other person in deserting, or in attempting to desert from such service, or who shall harbor, conceal, protect, or in anywise assist any such seaman or other person who may have deserted from said service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the demand of an officer authorized to receive him, shall be punished by imprisonment for not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction.

Captured flags.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

SEC. 1554. The Secretary of the Navy shall cause to be collected and transmitted to him, at the seat of Government of the United States, all such flags, standards, and colors as shall have been or may hereafter be taken by the Navy from enemies.

Preservation of, in some public place.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

SEC. 1555. All flags, standards, and colors of the description mentioned in the foregoing section, which are now in the possession of the Navy Department, or may hereafter be transmitted to it, shall be delivered to the President, for the purpose of being, under his direction, preserved and displayed in such public place as he may deem proper.

CHAPTER EIGHT.

PAY, EMOLUMENTS, AND ALLOWANCES.

Sec.
1556. General rule.
1557. Furlough pay.
1558. No additional allowances except as herein specified.
1559. Volunteer service.
1560. Commencement of pay, original entry.
1561. Commencement of pay of promoted officers.
1562. In cases of delayed examination.
1563. Advances to persons on distant stations.
1564. Person acting as paymaster when office vacant, in ship at sea.
1565. Chiefs of Bureau.
1566. Mileage.
1567. Officers serving as store-keepers on foreign stations.
1568. Civilians, store-keepers on foreign stations.
1569. Enlisted men.
1570. Additional pay for serving as firemen and coal-heavers.
1571. Sea-service.
1572. Detention beyond term of enlistment.
1573. Bounty pay for re-enlisting.
1574. Crews of wrecked or lost vessels.
1575. Crews of vessels taken by an enemy.
1576. Assignment of wages.
1577. Rations of midshipmen.
1578. Rations of other officers.
1579. When rations not allowed.
1580. Navy ration; constituents of.
1581. Substitutions in.
1582. Short allowance.
1583. Rations stopped for the sick.
1584. Additional ration.
1585. Commutation price of ration.
1586. Medicines and medical attendance.
1587. Funeral expenses.
1588. Pay of retired officers.
1589. Rear-admirals.
1590. Third assistant engineers.
1591. Pay not increased by promotion.
1592. Pay on active duty.
1593. Officers retired on furlough pay.
1594. Transfer from furlough to retired pay.
1595. Rations.

General rule.

Officers of the line.

SEC. 1556. The commissioned officers and warrant officers on the active list of the Navy of the United States, and the petty officers, seamen, ordinary seamen, firemen, coal-heavers, and employés in the Navy, shall be entitled to receive annual pay at the rates herein stated after their respective designations:

20 *Feb.*, 1874, *c.* 35, *v.* 18, *p.* 17.

The Admiral.

The Admiral, thirteen thousand dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Vice-Admiral.

The Vice-Admiral, when at sea, nine thousand dollars; on shore duty, eight thousand dollars; on leave, or waiting orders, six thousand dollars.

Rear-admirals.

Rear-admirals, when at sea, six thousand dollars; on shore duty, five thousand dollars; on leave, or waiting orders, four thousand dollars.

Commodores.

Commodores, when at sea, five thousand dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.

Captains.

Captains, when at sea, four thousand five hundred dollars; on shore duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars.

Commanders.

Commanders, when at sea, three thousand five hundred dollars; on shore duty, three thousand dollars; on leave, or waiting orders, two thousand three hundred dollars.

Lieutenant-commanders.

Lieutenant-commanders, during the first four years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; after four years from such date, when at sea, three thousand dollars; on shore duty, two thousand six hundred dollars; on leave, or waiting orders, two thousand two hundred dollars.

Lieutenants.

Lieutenants, during the first five years after date of commission, when at sea, two thousand four hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand six hundred dollars; on shore duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars.

Masters.

Masters, during the first five years after date of commission, when at sea, one thousand eight hundred dollars; on shore duty, one thousand five hundred dollars; on leave, or waiting orders, one thousand two hundred dollars; after five years from such date, when at sea, two thousand dollars; on shore duty, one thousand seven hundred dollars; on leave, or waiting orders, one thousand four hundred dollars.

Ensigns.

Ensigns, during the first five years after date of commission, when at sea, one thousand two hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; after five years from such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand two hundred dollars; on leave, or waiting orders, one thousand dollars.

Midshipmen.

Midshipmen, after graduation, when at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

Cadet midshipmen.

Cadet midshipmen, five hundred dollars.

16 July, 1862, c. 183, s. 15, v. 12, p. 586. 15 July, 1870, c. 295, s. 12, v. 16, p. 334.

Mates.

Mates, when at sea, nine hundred dollars; on shore duty, seven hundred dollars; on leave, or waiting orders, five hundred dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Fleet-officers.

Fleet-surgeons, fleet-paymasters, and fleet-engineers, four thousand four hundred dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Medical directors and inspectors; pay directors and inspectors.

Medical directors, medical inspectors, pay directors, and pay inspectors, and chief engineer having the same rank as pay director and pay inspector, when on duty at sea, four thousand four hundred dollars.

When not at sea, the same as surgeons and paymasters, respectively.

15 July, 1870, c. 295, s. 3, v. 16, p. 331. 3 Mar., 1871, c. 117, ss. 5, 6, v. 16, pp. 535, 536. 3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

Surgeons, paymasters, and chief engineers.

Surgeons, paymasters, and chief engineers who have the same rank with paymasters, during the first five years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; during the second five years after such date, when at sea, three thousand two hundred dollars; on shore duty, two thousand eight hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when at sea, three thousand five hundred dollars; on shore duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand six hundred dollars; during the fourth five years after such date, when at sea, three thousand seven hundred dollars; on shore duty, three thousand six hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars; after twenty years from such date, when at sea, four thousand two hundred dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Passed assistant surgeons, passed assistant paymasters, and first assistant engineers.

Passed assistant surgeons, passed assistant paymasters, and first assistant engineers, during the first five years after date of appointment, when at sea, two thousand dollars; on shore duty, one thousand eight hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; after five years from such date, when at sea, two thousand two hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand seven hundred dollars.

Assistant surgeons, assistant paymasters, second assistant engineers.

Assistant surgeons, assistant paymasters, and second assistant engineers, during the first five years after date of appointment, when at sea, one thousand seven hundred dollars; on shore duty, one thousand four hundred dollars; on leave, or waiting orders, one thousand dollars; after five years from such date, when at sea, one thousand nine hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Assistant surgeons qualified for promotion.

Assistant surgeons of three years' service, who have been found qualified for promotion by a medical board of examiners, the pay of passed assistant surgeons.

3 Mar., 1871, c. 117, s. 5, v. 16, p. 535.

Naval constructors.

Naval constructors, during the first five years after date of appointment, when on duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand two hundred dollars; during the second five years after such date, when on duty, three thousand four hundred

15 July, 1870, c. 295, s. 3, v. 16, p. 331.

dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when on duty, three thousand seven hundred dollars; on leave, or waiting orders, two thousand seven hundred dollars; during the fourth five years after such date, when on duty, four thousand dollars; on leave, or waiting orders, three thousand dollars; after twenty years from such date, when on duty, four thousand two hundred dollars; on leave, or waiting orders, three thousand two hundred dollars.

Assistant naval constructors.

Assistant naval constructors, during the first four years after date of appointment, when on duty, two thousand dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second four years after such date, when on duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand seven hundred dollars; after eight years from such date, when on duty, two thousand six hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Chaplains.

Chaplains, during the first five years after date of commission, when at sea, two thousand five hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand eight hundred dollars; on shore duty, two thousand three hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Professors of mathematics and civil engineers.

Professors of mathematics and civil engineers, during the first five years after date of appointment, when on duty, two thousand four hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second five years after such date, when on duty, two thousand seven hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars; during the third five years after such date, when on duty, three thousand dollars; on leave, or waiting orders, two thousand one hundred dollars; after fifteen years from such date, when on duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand six hundred dollars.

Warrant officers.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Boatswains, gunners, carpenters, and sail-makers, during the first three years after date of appointment, when at sea, one thousand two hundred dollars; on shore duty, nine hundred dollars; on leave, or waiting orders, seven hundred dollars; during the second three years after such date, when at sea, one thousand three hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; during the third three years after such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, nine hundred dollars; during the fourth three years after such date, when at sea, one thousand six hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, one thousand dollars; after twelve years from such date, when at sea, one thousand eight hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Secretaries.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Secretaries to the Admiral and the Vice-Admiral, each two thousand five hundred dollars.

Secretaries to commanders of squadrons, two thousand dollars.

Secretary of the Naval Academy, one thousand eight hundred dollars.

Clerks to commanders of squadrons, &c.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to commanders of squadrons and commanders of vessels, seven hundred and fifty dollars.

Clerks to commandants of yards and stations.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

First clerks to commandants of navy-yards, one thousand five hundred dollars.

Second clerks to commandants of navy-yards, one thousand two hundred dollars.

Clerk to commandant of navy-yard at Mare Island, one thousand eight hundred dollars.

Clerks to commandants of naval stations, one thousand five hundred dollars.

Clerks to paymasters of yards and stations.

Clerks to paymasters at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; Kittery, Norfolk, and Pensacola, one thousand four hundred dollars; Mare Island, one thousand eight hundred dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to paymasters, at other stations, one thousand three hundred dollars.

Clerks to paymasters of receiving-ships, &c.

Clerks to paymasters of receiving-ships at Boston, New York, and Philadelphia, one thousand six hundred dollars; at Mare Island, one thousand eight hundred dollars; of other receiving-ships, one thousand three hundred dollars.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters of vessels.

Clerks to paymasters on vessels of the first rate, one thousand three hundred dollars; on vessels of the second rate, one thousand one hundred dollars; on vessels of the third rate, and supply-vessels and storeships, one thousand dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to fleet paymasters.

Clerks to fleet paymasters, one thousand one hundred dollars.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters at Asylum and Academy.

Clerks to paymasters at the Naval Academy and Naval Asylum, one thousand three hundred dollars.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to inspectors.

Clerks to inspectors in charge of provisions and clothing, at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; to inspectors in like charge at other inspections, one thousand three hundred dollars.

16 July, 1862, c. 183, s. 15, v. 12, p. 586.

Cadet engineers: before final academic examination, five hundred dollars;

4 July, 1864, c. 252, s. 5, v. 13, p. 393.

After final academic examination, and until warranted as assistant engineers, when on duty at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

3 Mar., 1865, c. 124, s. 1, v. 13, p. 539.

15 July, 1870, c. 295, v. 16, p. 332. 15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Furlough pay.

SEC. 1557. Officers on furlough shall receive only one-half of the pay to which they would have been entitled if on leave of absence.

3 Mar., 1835, c. 27, s. 1, v. 4, p. 756.

3 Mar., 1845, c. 77, s. 6, v. 5, p. 794. 1 June, 1860, c. 67, s. 4, v. 12, p. 27.

No additional allowances, except as herein specified.

SEC. 1558. The pay prescribed in the two preceding sections shall be the full and entire compensation of the several officers therein named, and no additional allowance shall be made in favor of any of said officers on any account whatever, except as hereinafter provided.

15 July, 1870, c. 295, s. 4, v. 16, p. 332.

Volunteer service.

SEC. 1559. When a volunteer naval service is authorized by law, the officers therein shall be entitled to receive the same pay as officers of the same grades, respectively, in the Regular Navy.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

Commencement of pay, original entry.

SEC. 1560. The pay of an officer of the Navy, upon his original entry into the service, except where he is required to give an official bond, shall commence upon the date of his acceptance of his appointment; but where he is required to give such bond his pay shall commence upon the date of the approval of his bond by the proper authority.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

Commencement of pay of promoted officers.

SEC. 1561. When an officer is promoted in course to fill a vacancy, and is in the performance of the duties of the higher grade from the date he is to take rank, he may be allowed the increased pay from such date.

15 July, 1870, c. 295, s. 7, v. 16, p. 333. 5 June, 1872, c. 306, s. 1, v. 17, p. 226.

In cases of delayed examination.

SEC. 1562. If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence, or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterward be examined and found qualified, the increased rate of pay to which his promotion would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulation; and this rule shall apply to any cases of this description which may have heretofore occurred. And in every such case the period of service of the party, in the grade to which he was promoted, shall, in reference to the rate of his pay, be considered to have commenced from the date when he was so entitled to take rank.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

Advances to persons on distant stations.

SEC. 1563. The President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the naval service as may be employed on distant stations where the discharge of the pay and emoluments to which they are entitled cannot be regularly effected.

31 Jan., 1823, c. 9, s. 1, v. 3, p. 723.

Person acting as paymaster, when office vacant in ship at sea.

SEC. 1564. Any person performing the duties of paymaster, acting assistant paymaster, or assistant paymaster, in a ship at sea, or on a foreign station, or on the Pacific coast of the United States, by appointment of the senior officer present, in case of vacancy of such office, in accordance with the provisions of section thirteen hundred and eighty-one, and not otherwise, shall be entitled to receive the pay of such grade while so acting.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

Chiefs of Bureau.

SEC. 1565. The pay of chiefs of Bureau in the Navy Department shall be the highest pay of the grade to which they belong, but not below that of commodore.

3 Mar., 1871, c. 117, s. 12, v. 16, p. 537.

Mileage.

SEC. 1566. An allowance of ten cents a mile may be made to officers in the naval service, and store-keepers on foreign stations for traveling expenses when under orders. And an allowance may be made to officers traveling in foreign countries under orders, for expenses of transportation of baggage necessarily incurred. And no officer shall be paid mileage, except for travel actually performed at his own expense and in obedience to orders.

3 Mar., 1835, c. 27, s. 2, v. 4, p. 757. 17 July, 1862, c. 200, s. 7, v. 12, p. 595. 15 July, 1870, c. 295, s. 4, v. 16, p. 332. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72. 3 *Mar.*, 1875, *c.* 133, *v.* 18, *p.* 452.

Officers serving as store-keepers on foreign stations.

SEC. 1567. Officers who are ordered to take charge of naval stores for foreign squadrons, in the place of naval store-keepers, shall be entitled to receive, while so employed, the shore-duty pay of their grades; and when the same is less than fifteen hundred dollars a year, they may be allowed compensation, including such shore-duty pay, at a rate not exceeding fifteen hundred dollars a year.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

Civilians, store-keepers on foreign stations.

SEC. 1568. Civilians appointed as store-keepers on foreign stations shall receive compensation for such services, at a rate not exceeding fifteen hundred dollars a year.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701. 3 Mar., 1847, c. 48, s. 3, v. 9, pp. 172, 173.

Enlisted men.

SEC. 1569. The pay to be allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal-heavers, in the naval service, shall be fixed by the President: *Provided*, That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and for the said bounties upon enlistments shall not exceed, for any one year, the amount which may, in such year, be appropriated for such purposes.

18 Apr., 1814, c. 84, s. 1, v. 3, p. 136. 3 Mar., 1847, c. 48, s. 4, v. 9, p. 173. 1 July, 1864, c. 201, s. 4, v. 13, p. 342. 3 Mar., 1865, c. 124, s. 2, v. 13, p. 539.

Additional pay for serving as firemen and coal-heavers.

SEC. 1570. Every seaman, ordinary seaman, or landsman who performs the duty of a fireman or coal-heaver on board of any vessel of war shall be entitled to receive, in addition to his compensation as seaman, ordinary seaman, or landsman, a compensation at the rate of thirty-three cents a day for the time he is employed as fireman or coal-heaver.

1 Mar., 1869, c. 48, s. 2, v. 15, p. 280.

Sea-service.

SEC. 1571. No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a Department and in vessels employed by authority of law.

1 June, 1860, c. 67, s. 3, v. 12, p. 27.

Detention beyond term of enlistment.

SEC. 1572. All petty officers and persons of inferior ratings who are detained beyond the terms of service, according to the provisions of section fourteen hundred and twenty-two, or who, after the termination of their service, voluntarily re-enter, to serve until the return to an Atlantic port of the vessel to which they belong, and until their regular discharge therefrom, shall, for the time during which they are so detained or so serve beyond their original terms of service, receive an addition of one-fourth of their former pay.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Bounty-pay for re-enlisting.

SEC. 1573. If any seaman, ordinary seaman, landsman, fireman, coal-heaver, or boy, being honorably discharged, shall re-enlist for three years, within three months thereafter, he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss,

2 Mar., 1855, c. 136, s. 2, v. 10, p. 627.

7 June, 1864, c. 111, v. 13, p. 120.

be entitled to pay, during the said three months, equal to that to which he would have been entitled if he had been employed in actual service.

Crews of wrecked or lost vessels.

17 July, 1862, c. 204, s. 14, v. 12, pp. 608, 609.

SEC. 1574. When the crew of any vessel of the United States are separated from such vessel, by means of her wreck, loss, or destruction, the pay and emoluments of such of the officers and men as shall appear to the Secretary of the Navy, by the sentence of a court-martial or court of inquiry, or by other satisfactory evidence, to have done their utmost to preserve her, and, after said wreck, loss, or destruction, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid them until their discharge or death.

Crews of vessels taken by an enemy.

17 July, 1862, c. 204, s. 15, v. 12, p. 609.

SEC. 1575. The pay and emoluments of the officers and men of any vessel of the United States taken by an enemy who shall appear, by the sentence of a court-martial or otherwise, to have done their utmost to preserve and defend their vessel, and, after the taking thereof, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid to them until their exchange, discharge, or death.

Assignments of wages.

30 June, 1864, c. 174, s. 12, v. 13, p. 310.

SEC. 1576. Every assignment of wages due to persons enlisted in the naval service, and all powers of attorney, or other authority to draw, receipt for, or transfer the same, shall be void, unless attested by the commanding officer and paymaster. The assignment of wages must specify the precise time when they commence.

Rations of midshipmen.

SEC. 1577. Midshipmen and acting midshipmen in the Navy shall be entitled to one ration, or to commutation therefor.

28 July, 1866, c. 296, s. 8, v. 14, p. 322. 28 Feb., 1867, c. 100, s. 2, v. 14, p. 416.—Philbrook's Case, 8 C. Cls., 523.

Rations of other officers.

SEC. 1578. All officers shall be entitled to one ration, or to commutation therefor, while at sea or attached to a sea-going vessel.

3 Mar., 1851, c. 34, s. 1, v. 9, p. 621. 16 July, 1862, c. 183, s. 19, v. 12, p. 587.

When rations not allowed.

3 Mar., 1851, c. 34, s. 1, v. 9, p. 621. 28 July, 1866, c. 296, s. 8, v. 14, p. 322. 28 Feb., 1867, c. 100, s. 2, v. 14, p. 416.

SEC. 1579. No person not actually attached to and doing duty on board a sea-going vessel, except the petty officers, seamen, and ordinary seamen attached to receiving-ships or to the ordinary of a navy-yard, and midshipmen, shall be allowed a ration.

Navy ration, constituents of.

18 July, 1861, c. 7, s. 1, v. 12, p. 264. 14 July, 1862, c. 164, s. 4, v. 12, p. 565.

SEC. 1580. The Navy ration shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour and two ounces of dried apples, or other dried fruit; or three-quarters of a pound of preserved meat, with a half pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three-quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potatoes; together with fourteen ounces of biscuit, one-quarter of an ounce of tea, or one ounce of coffee or cocoa, and two ounces of sugar; and a weekly allowance of half a pint of pickles, half a pint of molasses, and half a pint of vinegar.

Substitutions in.

18 July, 1861, c. 7, ss. 2, 3, 4, v. 12, p. 265. 17 April, 1862, c. 57, s. 4, v. 12, p. 381.

SEC. 1581. The following substitution for the components of the ration may be made when it is deemed necessary by the senior officer present in command: For one pound of salt beef or pork, one pound and a quarter of fresh meat or three-quarters of a pound of preserved meat; for any or all of the articles usually issued with the salted meats, vegetables equal to the same in value; for fourteen ounces of biscuit, one pound of soft bread, or one pound of flour, or half a pound of rice; for half a pint of beans or peas, half a pound of rice, and for half a pound of rice, half a pint of beans or peas. And the Secretary of the Navy may substitute for the ration of coffee and sugar the extract of coffee combined with milk and sugar, if he shall believe such substitution to be conducive to the health and comfort of the Navy, and not to be more expensive to the Government than the present ration: *Provided*, That the same shall be acceptable to the men.

Short allowance.

18 July, 1861, c. 7, s. 4, v. 12, p. 265.

SEC. 1582. In case of necessity the daily allowance of provisions may be diminished at the discretion of the senior officer present in command;

but payment shall be made to the persons whose allowance is thus diminished, according to the scale of prices for the same established at the time of such diminution. And every commander who makes any diminution or variation shall give to the paymaster written orders therefor, specifying particularly the diminution or variation which is to be made, and shall report to his commanding officer, or to the Navy Department, the necessity for the same.

Rations stopped for the sick.

SEC. 1583. Rations stopped for the sick on board vessels shall remain and be accounted for by the paymaster as a part of the provisions of the vessels.

3 Mar., 1851, c. 34, s. 1, v. 9, p. 621. 22 June, 1860, c. 181, s. 3, v. 12, p. 83.

Additional ration.

SEC. 1584. An additional ration of tea or coffee and sugar shall be hereafter allowed to each seaman, to be provided at his first "turning out."

23 May, 1872, c. 195, s. 1, v. 17, p. 151.

Commutation price of ration.

SEC. 1585. Thirty cents shall in all cases be deemed the commutation price of Navy ration.

15 July, 1870, c. 295, s. 4, v. 16, p. 333.

Medicines and medical attendance.

SEC. 1586. Expenses incurred by any officer of the Navy for medicines and medical attendance shall not be allowed unless they were incurred when he was on duty, and the medicines could not have been obtained from naval supplies, or the attendance of a naval medical officer could not have been had.

15 July, 1870, c. 295, s. 17, v. 16, p. 334.

Funeral expenses.

SEC. 1587. No funeral expense of a naval officer who dies in the United States, nor expenses for travel to attend the funeral of an officer who dies there, shall be allowed. But when an officer on duty dies in a foreign country the expenses of his funeral, not exceeding his sea-pay for one month, shall be defrayed by the Government, and paid by the paymaster upon whose books the name of such officer was borne for pay.

15 July, 1870, c. 295, s. 17, v. 16, p. 334.

Pay of retired officers.

SEC. 1588. The pay of all officers of the Navy who have been retired after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to seventy-five per centum of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement.

15 July, 1870, c. 295, s. 5, v. 16, p. 333. 3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

Rear-admirals.

SEC. 1589. Rear-admirals on the retired list of the Navy, who were retired as captains when the highest grade in the Navy was captain, at the age of sixty-two years, or after forty-five years' service, and who, after their retirement, were promoted to the grade of rear-admiral, and performed the duties of that grade in time of war, shall be considered as having been retired as rear-admirals.

5 June, 1872, c. 307, s. 1, v. 17, p. 226. 3 Mar., 1873, c. 230, s. 1, v. 17, p. 555.

Third assistant engineers.

SEC. 1590. Officers who have been retired as third assistant engineers shall continue to receive pay at the rate of four hundred dollars a year.

3 Mar., 1859, c. 76, s. 2, v. 11, p. 407. 3 Aug., 1861, c. 42, s. 22, v. 12, p. 290. 16 July, 1862, c. 183, s. 20, v. 12, p. 587. 21 April, 1864, c. 63, s. 7, v. 13, p. 54. 15 July, 1870, c. 295, s. 5, v. 16, p. 333.

Pay not increased by promotion.

SEC. 1591. No officer heretofore or hereafter promoted upon the retired list, shall, in consequence of such promotion, be entitled to any increase of pay.

2 Mar., 1867, c. 174, s. 9, v. 14, p. 517. 15 July, 1870, c. 295, s. 5, v. 16, p. 333.

Pay on active duty.

SEC. 1592. Officers on the retired list, when on active duty, shall receive the full pay of their respective grades.

1 June, 1860, c. 67, s. 5, v. 12, p. 27. 2 Mar., 1867, c. 174, s. 9, v. 14, p. 517.

Officers retired on furlough pay.

SEC. 1593. Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list.

3 Mar., 1835, c. 27, s. 1, v. 4, pp. 756, 757. 28 Feb., 1855, c. 127, s. 2, v. 10, p. 616. 16 Jan., 1857, c. 12, s. 1, v. 11, p. 154. 3 Aug., 1861, c. 42, s. 23, v. 12, p. 291. 28 July, 1866, c. 312, s. 2, v. 14, p. 345. 30 *Jan.*, 1875, *c.* 30, *v.* 18, *p.* 304.

Transfer from furlough to retired pay.

SEC. 1594. The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired-pay list.

16 Jan., 1857, c. 12, s. 3, v. 11, p. 154. 16 July, 1862, c. 183, s. 20, v. 12, p. 587. 30 *Jan.*, 1875, *c.* 30, *v.* 18, *p.* 304.

Rations.

SEC. 1595. Rations shall not be allowed to officers on the retired list.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

CHAPTER NINE.

THE MARINE CORPS.

Sec.
1596. Number of.
1597. What commissions and promotions not affected by number fixed.
1598. Staff.
1599. Qualifications for appointment.
1600. Credit for volunteer service.
1601. Rank of commandant.
1602. Staff rank.
1603. Relative rank with the Army.
1604. Brevets.
1605. Advancement in number.
1606. Promotion when grade is full.
1607. Promotion for gallantry.
1608. Enlistments.
1609. Oath.
1610. Exemption from arrest.
1611. Companies and detachments.
1612. Pay of Marine Corps.
1613. Marine band.
1614. Deduction for hospitals.
1615. Rations of enlisted men.
1616. Service on armed vessels.
1617. Marine officers not to command navy-yards or vessels.
1618. Marines substituted for landsmen.
1619. Duty on shore.
1620. Regulations.
1621. Subject to laws governing the Navy, except when serving with the Army.
1622. Retirement.
1623. Retiring-board, how composed.

Number of.

SEC. 1596. The Marine Corps of the United States shall consist of one commandant, with the rank of brigadier-general, one colonel, two lieutenant-colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for a band, sixty drummers, sixty fifers, and twenty-five hundred privates.

25 July, 1861, c. 19, s. 7, v. 12, p. 275. 2 Mar., 1867, c. 174, s. 7, v. 12, p. 517.

What commissions and promotions not affected by number fixed.

SEC. 1597. The provisions of the preceding section shall not preclude the advancement of any officer to a higher grade for distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession, as authorized by sections sixteen hundred and five and sixteen hundred and seven.

25 July, 1861, c. 19, s. 2, v. 12, p. 275. 16 July, 1862, c. 183, s. 9, v. 12, p. 584. 24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Staff.

SEC. 1598. The staff of the Marine Corps shall be separate from the line.

30 June, 1834, c. 132, s. 6, v. 4, p. 713. 2 Mar., 1847, c. 40, s. 3, v. 9, p. 154.

Qualifications for appointment.

SEC. 1599. No person under twenty or over twenty-five years of age shall be appointed from civil life as a commissioned officer of the Marine Corps, nor shall any person be so appointed until his qualifications for such service have been examined and approved, under the directions of the Secretary of the Navy.

25 July, 1861, c. 19, s. 3, v. 12, p. 275.

Credit for volunteer service.

SEC. 1600. All marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States.

2 Mar., 1867, c. 174, s. 3, v. 14, p. 516.

Rank of commandant.

SEC. 1601. The commandant of the Marine Corps shall have the rank of a brigadier-general of the Army.

2 Mar., 1867, c. 174, s. 7, v. 14, p. 517. 6 *June*, 1874, *c.* 216, *v.* 18, *p.* 58.

Staff rank.

SEC. 1602. The adjutant and inspector, the paymaster, and the quartermaster shall have the rank of major; [*the*] [each] assistant quartermaster shall have the rank of captain.

2 Mar., 1847, c. 40, s. 3, v. 9, p. 154. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Relative rank with the Army.

SEC. 1603. The officers of the Marine Corps shall be, in relation to rank, on the same footing as officers of similar grades in the Army.

30 June, 1834, c. 132, s. 4, v. 4, p. 713.

Brevets.

SEC. 1604. Commissions by brevet may be conferred upon commissioned officers of the Marine Corps in the same cases, upon the same conditions, and in the same manner as are or may be provided by law for officers of the Army.

6 July, 1812, c. 137, s. 4, v. 2, p. 785. 16 April, 1814, c. 58, s. 3, v. 3, p. 124. 16 April, 1818, c. 64, s. 2, v. 3, p. 427. 30 June, 1834, c. 132, s. 9, v. 4, p. 713. 1 Mar., 1869, c. 52, s. 2, v. 15, p. 281. 3 Mar., 1869, c. 124, s. 7, v. 15, p. 318. 15 July, 1870, c. 294, s. 16, v. 16, p. 319.

Advancement in number.

SEC. 1605. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

21 Apr., 1864, c. 63, s. 6, v. 13, p. 54. 24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

Promotion when grade is full.

SEC. 1606. Any officer who is nominated to a higher grade by the provisions of the preceding section shall be promoted, notwithstanding the number of said grade may be full, but no further promotion shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Promotion for gallantry.

SEC. 1607. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession.

16 July, 1862, c. 183, s. 9, v. 12, p. 584. 24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Enlistments.

SEC. 1608. Enlistments into the Marine Corps shall be for a period not less than five years.

11 July, 1870, Res. 106, v. 16, p. 387.

Oath.

SEC. 1609. The officers and enlisted men of the Marine Corps shall take the same oaths, respectively, which are provided by law for the officers and enlisted men of the Army.

11 July, 1798, c. 72, s. 4, v. 1, p. 595.

Exemption from arrest.

SEC. 1610. Marines shall be exempt, while enlisted in said service, from all personal arrest for debt or contract.

11 July, 1798, c. 72, s. 5, v. 1, pp. 595, 596. 30 June, 1834, c. 132, s. 3, v. 4, p. 713.

Companies and detachments.

SEC. 1611. The Marine Corps may be formed into as many companies or detachments as the President may direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment.

11 July, 1798, c. 72, s. 1, v. 1, p. 594.

Pay of Marine Corps.

SEC. 1612. The officers of the Marine Corps shall be entitled to receive the same pay and allowances, and the enlisted men shall be entitled to receive the same pay and bounty for re-enlisting, as are or may be provided by or in pursuance of law for the officers and enlisted men of like grades in the infantry of the Army.

30 June, 1834, c. 132, s. 5, v. 4, p. 713. 5 Aug., 1854, c. 268, s. 1, v. 10, p. 586.

Marine band.

SEC. 1613. The marines who compose the corps of musicians known as the "Marine band" shall be entitled to receive at the rate of four dollars a month, each, in addition to their pay as non-commissioned officers, musicians, or privates of the Marine Corps, so long as they shall perform, by order of the Secretary of the Navy, or other superior officer, on the Capitol grounds or the President's grounds.

5 Aug., 1854, c. 268, s. 1, v. 10, p. 586. 18 Aug., 1856, c. 162, s. 5, v. 11, p. 118.

Deduction for hospitals.

SEC. 1614. The Secretary of the Navy shall deduct from the pay due each of the officers and enlisted men of the Marine Corps at the rate of

2 Mar., 1799, c. 36, s. 2, v. 1, p. 729. 26 Feb., 1811, c. 26, s. 1, v. 2, p. 650.

twenty cents per month for every officer and marine, to be applied to the fund for Navy hospitals.

Rations of enlisted men.

SEC. 1615. The non-commissioned officers, privates, and musicians of the Marine Corps shall, each, be entitled to receive one Navy ration daily.

1 July, 1797, c. 7, s. 6, v. 1, p. 524. 11 July, 1798, c. 72, s. 2, v. 1, p. 595.

Service on armed vessels.

SEC. 1616. Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint, for service on said vessels, such of the officers of said corps as he may deem necessary.

1 July, 1797, c. 7, s. 4, v. 1, p. 523. 11 July, 1798, c. 72, ss. 1, 3, v. 1, p. 595.

Marine officers not to command navy-yards or vessels.

SEC. 1617. No officer of the Marine Corps shall exercise command over any navy-yard or vessel of the United States.

30 June, 1834, c. 132, s. 4, v. 4, p. 713.

Marines substituted for landsmen.

SEC. 1618. The President may substitute marines for landsmen in the Navy, as far as he may deem it for the good of the service.

3 Mar., 1849, c. 103, s. 1, v. 9, p. 377.

Duty on shore.

SEC. 1619. The Marine Corps shall be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, may direct.

11 July, 1798, c. 72, s. 6, v. 1, p. 596.

Regulations.

SEC. 1620. The President is authorized to prescribe such military regulations for the discipline of the Marine Corps as he may deem expedient.

30 June, 1834, c. 132, s. 8, v. 4, p. 713.

Subject to laws governing the Navy, except when serving with the Army.

SEC. 1621. The Marine Corps shall, at all times, be subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President; and when so detached they shall be subject to the rules and articles of war prescribed for the government of the Army.

11 July, 1798, c. 72, s. 4, v. 1, p. 595. 30 June, 1834, c. 132, s. 2, v. 4, p. 713.

Retirement.

SEC. 1622. The commissioned officers of the Marine Corps shall be retired in like cases, in the same manner, and with the same relative conditions, in all respects, as are provided for officers of the Army, except as is otherwise provided in the next section.

3 Aug., 1861, c. 42, ss. 15, 16, 17, v. 12, p. 289. 17 July, 1862, c. 200, s. 12, v. 12, p. 596. 21 Jan., 1870, c. 9, s. 1, v. 16, p. 62. 15 July, 1870, c. 294, s. 4, v. 16, p. 317. 10 June, 1872, c. 419, s. 1, v. 17, p. 378.

Retiring-board, how composed.

SEC. 1623. In case of an officer of the Marine Corps, the retiring-board shall be selected by the Secretary of the Navy, under the direction of the President. Two-fifths of the board shall be selected from the Medical Corps of the Navy, and the remainder shall be selected from officers of the Marine Corps, senior in rank, so far as may be, to the officer whose disability is to be inquired of.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 289.

CHAPTER TEN.

ARTICLES FOR THE GOVERNMENT OF THE NAVY.

Sec.
1624. Articles established.

Art.
1. Commander's duties of supervision and correction.
2. Divine service.
3. Irreverent behavior.
4. Offenses punishable by death:
   1. Mutiny.
   2. Disobedience of orders.
   3. Striking superior officer.
4. Intercourse with an enemy.
5. Messages from an enemy.
6. Desertion in time of war.
7. Deserting trust.
8. Sleeping on watch.
9. Leaving station.
10. Willful stranding or injury of vessel.
11. Unlawful destruction of public property.
12. Striking flag or treacherously yielding.

Art.
13. Cowardice in battle.
14. Deserting duty in battle.
15. Neglecting orders to prepare for battle.
16. Neglecting to clear for action.
17. Neglecting to join on signal for battle.
18. Failing to encourage the men to fight.
19. Failing to seek encounter.
20. Failing to afford relief in battle.
5. Spies.
6. Murder.
7. Imprisonment in penitentiary.
8. Offenses punishable at discretion of court-martial:
1. Profanity, falsehood, &c.
2. Cruelty.
3. Quarreling.
4. Fomenting quarrels.
5. Duels.
6. Contempt of superior officer.
7. Combinations against superior officer.
8. Mutinous words.
9. Neglect of orders.
10. Preventing destruction of public property.
11. Negligent stranding.
12. Negligence in convoy service.
13. Receiving articles for freight.
14. False muster.
15. Waste of public property, &c.
16. Plundering on shore.
17. Refusing to apprehend offenders.
18. Refusing to receive prisoners.
19. Absence from duty without leave.
20. Violating general orders or regulations.
21. Desertion in time of peace.
22. Harboring deserters.
9. Officers absent without leave may be reduced.
10. Desertion by resignation.
11. Dealing in supplies on private account.
12. Importing dutiable goods in public vessels.
13. Distilled spirits only as medical stores.
14. Certain crimes of fraud against the United States.
15. List of persons claiming prize-money.
16. Removing property from a prize.
17. Maltreating persons taken on a prize.
18. Returning fugitives from service.
19. Enlisting deserters, minors, &c.
20. Duties of commanding officers:
1. Men received on board.
2. List of officers, men, and passengers.
3. Deaths and desertions.
4. Property of deceased persons.
5. Accounts of men received.
6. Accounts of men sent from the ship.
7. Inspection of provisions.
8. Health of the crew.
9. Attendance at final payment of the crew.
10. Articles for the government of the Navy. Punishment for offending against this article.
21. Authority of officers after loss of vessel.
22. Offenses not specified.
23. Offenses committed on shore.
24. Punishments by order of commander.
25. Punishment by officer temporarily commanding.
26. Summary courts-martial.
27. Constitution of summary courts-martial.
28. Oath of members and recorder.
29. Testimony.
30. Punishments by summary courts.
31. Disrating for incompetency.
32. Execution of sentence of summary court.
33. Remission of sentence.
34. Manner of conducting proceedings.
35. Same punishments by general court-martial.
36. Dismissal of officers.
37. Officer dismissed by the President may demand trial.
38. General courts-martial, by whom convened.
39. Constitution of.
40. Oaths of members and judge-advocate.
41. Oath of witness.
42. Contempts of court.
43. Charges.
44. Duty of officer arrested.
45. Suspension of proceedings.
46. Absence of members.
47. Witnesses examined in absence of a member.
48. Suspension of pay.
49. Flogging, branding, &c.
50. Sentences, how determined.
51. Adequate punishment; recommendation to mercy.
52. Authentication of judgment.
53. Confirmation of sentence.
54. Remission and mitigation of sentence.
55. Courts of inquiry, by whom ordered.
56. Constitution of.
57. Powers of.
58. Oath of members and judge-advocate.
59. Rights of party inquired of.
60. Proceedings, how authenticated and used as evidence.

Articles established.

SEC. 1624. The Navy of the United States shall be governed by the following articles:

17 July, 1862, c. 204, s. 1, v. 12, p. 600.

Commanders' duty of supervision and correction.

ARTICLE 1. The commanders of all fleets, squadrons, naval stations, and vessels belonging to the Navy, are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and any such commander who offends against this article shall be punished as a court-martial may direct.

Id., art. 1.

Divine service.

ART. 2. The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and

Id., art. 2.

it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God.

Irreverent behavior.

ART. 3. Any irreverent or unbecoming behavior during divine service shall be punished as a general or summary court-martial may direct.

Id., art. 2.

Offenses punishable by death.

ART. 4. The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service—

Id., art. 3.

Mutiny.

First. Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or, knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer;

Disobedience of orders.

Second. Or disobeys the lawful orders of his superior officer;

Striking superior officer.

Third. Or strikes or assaults, or attempts or threatens to strike or assault, his superior officer while in the execution of the duties of his office;

Intercourse with an enemy.

Fourth. Or gives any intelligence to, or holds or entertains any intercourse with, an enemy or rebel, without leave from the President, the Secretary of the Navy, the commander-in-chief of the fleet, the commander of the squadron, or, in case of a vessel acting singly, from his commanding officer;

Messages from an enemy.

Fifth. Or receives any message or letter from an enemy or rebel, or, being aware of the unlawful reception of such message or letter, fails to take the earliest opportunity to inform his superior or commanding officer thereof;

Desertion in time of war.

Sixth. Or, in time of war, deserts or entices others to desert;

[See §§ 1996, 1998.]

23 April, 1800, c. 33, art. 17, v. 2, p. 47.

Deserting trust.

Seventh. Or, in time of war, deserts or betrays his trust, or entices or aids others to desert or betray their trust;

Sleeping on watch.

Eighth. Or sleeps upon his watch;

Leaving station.

Ninth. Or leaves his station before being regularly relieved;

Willful stranding or injury of vessel.

Tenth. Or intentionally or willfully suffers any vessel of the Navy to be stranded, or run upon rocks or shoals, or improperly hazarded; or maliciously or willfully injures any vessel of the Navy, or any part of her tackle, armament, or equipment, whereby the safety of the vessel is hazarded or the lives of the crew exposed to danger;

Unlawful destruction of public property.

Eleventh. Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel;

Striking flag or treacherously yielding.

Twelfth. Or strikes or attempts to strike the flag to an enemy or rebel, without proper authority, or, when engaged in battle, treacherously yields or pusillanimously cries for quarters;

Cowardice in battle.

Thirteenth. Or, in time of battle, displays cowardice, negligence, or disaffection, or withdraws from or keeps out of danger to which he should expose himself;

Deserting duty in battle.

Fourteenth. Or, in time of battle, deserts his duty or station, or entices others to do so;

Neglecting orders to prepare for battle.

Fifteenth. Or does not properly observe the orders of his commanding officer, and use his utmost exertions to carry them into execution, when ordered to prepare for or join in, or when actually engaged in, battle, or while in sight of an enemy;

Neglecting to clear for action.

Sixteenth. Or, being in command of a fleet, squadron, or vessel acting singly, neglects, when an engagement is probable, or when an armed vessel of an enemy or rebel is in sight, to prepare and clear his ship or ships for action;

Neglecting to join on signal for battle.

Seventeenth. Or does not, upon signal for battle, use his utmost exertions to join in battle;

Failing to encourage the men to fight.

Eighteenth. Or fails to encourage, in his own person, his inferior officers and men to fight courageously;

Nineteenth. Or does not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter; — Failing to seek encounter.

Twentieth. Or does not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle. — Failing to afford relief in battle.

ART. 5. All persons who, in time of war, or of rebellion against the supreme authority of the United States, come or are found in the capacity of spies, or who bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the Navy to betray his trust, shall suffer death, or such other punishment as a court-martial may adjudge. — Spies.

17 July, 1862, c. 204, s. 1, v. 12, p. 602, art. 4.
13 Feb., 1862, c. 25, s. 4, v. 12, p. 340.
3 Mar., 1863, c. 75, s. 38, v. 12, p. 737.

ART. 6. If any person belonging to any public vessel of the United States commits the crime of murder without the territorial jurisdiction thereof, he may be tried by court-martial and punished with death. — Murder.

17 July, 1862, c. 204, s. 1, v. 12, p. 602, art. 5.

ART. 7. A naval court-martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor, in any case where it is authorized to adjudge the punishment of death; and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or which the United States may be allowed, by the legislature of any State, to use; and persons so imprisoned in the prison or penitentiary of any State or Territory shall be subject, in all respects, to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which the same may be situated. — Imprisonment in a penitentiary.

Id., art. 6.

ART. 8. Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy— — Offenses punishable at discretion of court-martial.

Id., art. 7.

First. Who is guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals; — Profanity, falsehood, &c.

Second. Or is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders; — Cruelty.

Third. Or quarrels with, strikes, or assaults, or uses provoking or reproachful words, gestures, or menaces toward, any person in the Navy; — Quarreling.

Fourth. Or endeavors to foment quarrels between other persons in the Navy; — Fomenting quarrels.

Fifth. Or sends or accepts a challenge to fight a duel or acts as a second in a duel; — Duels.

Sixth. Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while in the execution of his office; — Contempt of superior officer.

Seventh. Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer; — Combinations against superior officer.

Eighth. Or utters any seditious or mutinous words; — Mutinous words.

23 April, 1800, c. 33, art. 13, v. 2, p. 47.

Ninth. Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty; — Neglect of orders.

Tenth. Or does not use his best exertions to prevent the unlawful destruction of public property by others; — Preventing destruction of public property.

23 April, 1800, c. 33, art. 25, v. 2, p. 48.

Eleventh. Or, through inattention or negligence, suffers any vessel of the Navy to be stranded, or run upon a rock or shoal, or hazarded; — Negligent stranding.

Twelfth. Or, when attached to any vessel appointed as convoy to any merchant or other vessels, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessel; — Negligence in convoy service.

Thirteenth. Or takes, receives, or permits to be received, on board the vessel to which he is attached, any goods or merchandise, for freight, — Receiving articles for freight.

sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President or Secretary of the Navy;

False muster.

Fourteenth. Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster;

Waste of public property, &c.

Fifteenth. Or wastes any ammunition, provisions, or other public property, or, having power to prevent it, knowingly permits such waste;

Plundering on shore.

Sixteenth. Or, when on shore, plunders, abuses, or maltreats any inhabitant, or injures his property in any way;

Refusing to apprehend offenders.

Seventeenth. Or refuses, or fails to use, his utmost exertions to detect, apprehend, and bring to punishment all offenders, or to aid all persons appointed for that purpose;

Refusing to receive prisoners.

Eighteenth. Or, when rated or acting as master-at-arms, refuses to receive such prisoners as may be committed to his charge, or, having received them, suffers them to escape, or dismisses them without orders from the proper authority;

Absence from duty without leave.

Nineteenth. Or is absent from his station or duty without leave, or after his leave has expired;

Violating general orders or regulations.

Twentieth. Or violates or refuses obedience to any lawful general order or regulation issued by the Secretary of the Navy;

Desertion in time of peace.

Twenty-first. Or, in time of peace, deserts or attempts to desert, or aids and entices others to desert; [See §§ 1996-1998.]

Harboring deserters.

Twenty-second. Or receives or entertains any deserter from any other vessel of the Navy, knowing him to be such, and does not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron.

23 April, 1800, c. 33, art. 17, v. 2, p. 47.

Officer absent without leave may be reduced.

ART. 9. Any officer who absents himself from his command without leave, may, by the sentence of a court-martial, be reduced to the rating of an ordinary seaman.

16 May, 1864, c. 86, s. 2, v. 13, p. 75.

Desertion by resignation.

ART. 10. Any commissioned officer of the Navy or Marine Corps who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter.

5 Aug., 1861, c. 54, s. 2, v. 12, pp. 316, 317.

Dealing in supplies on private account.

ART. 11. No person in the naval service shall procure stores or other articles or supplies for, and dispose thereof to, the officers or enlisted men on vessels of the Navy, or at navy-yards or naval stations, for his own account or benefit.

26 Aug., 1842, c. 206, s. 1, v. 5, p. 535.

Importing dutiable goods in public vessels.

ART. 12. No person connected with the Navy shall, under any pretense, import in a public vessel any article which is liable to the payment of duty.

30 July, 1846, c. 74, s. 10, v. 9, p. 44.

Distilled spirits only as medical stores.

ART. 13. Distilled spirits shall be admitted on board of vessels of war only upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes.

14 July, 1862, c. 164, s. 4, v. 12, p. 565.

Certain crimes of fraud against the United States.

ART. 14. Fine and imprisonment, or such other punishment as a court-martial may adjudge, shall be inflicted upon any person in the naval service of the United States—

2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.

Presenting false claims.

Who presents or causes to be presented to any person in the civil, military, or naval service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Agreement to obtain payment of false claim.

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

False papers.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Perjury.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Forgery.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Delivering less property than receipt calls for.

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the naval service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Giving receipts without knowing truth of.

Who, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States, furnished or intended for the naval service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Stealing, wrongfully selling, &c.

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money or other property of the United States, furnished or intended for the military or naval service thereof; or

Buying public military property.

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any other person who is a part of or employed in said service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such other person not having lawful right to sell or pledge the same; or

17 July, 1862, c. 204, art. 7, v. 12, p. 602.

Who executes, attempts, or countenances any other fraud against the United States.

2 Mar., 1863, c. 67, s. 2, v. 12, p. 697.

And if any person, being guilty of any of the offenses described in this article while in the naval service, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

List of persons claiming prize-money.

ART. 15. The commanding officer of every vessel in the Navy entitled to or claiming an award of prize-money shall, as soon as it may be practicable after the capture, transmit to the Navy Department a complete list of the officers and men of his vessel entitled to share, stating therein the quality of each person rating; and every commanding officer who offends against this article shall be punished as a court-martial may direct. [See § 4615.]

17 July, 1862, c. 204, s. 5, v. 12, p. 607.

Removing property from a prize.

ART. 16. No person in the Navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or unless such articles are absolutely needed for the use of any of the vessels or armed forces of the United States, before the same are adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, in order that judgment may be passed thereon; and every person who offends against this article shall be punished as a court-martial may direct.

Id., s. 7.

Maltreating persons taken on a prize.

ART. 17. If any person in the Navy strips off the clothes of, or pillages, or in any manner maltreats, any person taken on board a prize, he shall suffer such punishment as a court-martial may adjudge.

Id., s. 8.—Lively and Cargo. 1 Gallis., 314.

Returning fugitives from service.
13 Mar., 1862, c. 40, s. 1, v. 12, p. 354.

ART. 18. If any officer or person in the naval service employs any of the forces under his command for the purpose of returning any fugitive from service or labor, he shall be dismissed from the service.

Enlisting deserters, minors, &c.
3 Mar., 1865, c. 79, s. 18, v. 13, p. 490.

ART. 19. Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, shall be dishonorably dismissed from the service of the United States. [See §§ 1418, 1419.]

Duties of commanding officers.
17 July, 1862, c. 204, s. 16, v. 12, p. 609.

ART. 20. Every commanding officer of a vessel in the Navy shall obey the following rules:

Men received on board.

First. Whenever a man enters on board, the commanding officer shall cause an accurate entry to be made in the ship's books, showing his name, the date, place, and term of his enlistment, the place or vessel from which he was received on board, his rating, his descriptive list, his age, place of birth, and citizenship, with such remarks as may be necessary.

List of officers, men, and passengers.

Second. He shall, before sailing, transmit to the Secretary of the Navy a complete list of the rated men under his command, showing the particulars set forth in rule one, and a list of officers and passengers, showing the date of their entering. And he shall cause similar lists to be made out on the first day of every third month and transmitted to the Secretary of the Navy as opportunities occur, accounting therein for any casualty which may have happened since the last list.

Deaths and desertion.

Third. He shall cause to be accurately minuted on the ship's books the names of any persons dying or deserting, and the times at which such death or desertion occurs.

Property of deceased persons.

Fourth. In case of the death of any officer, man, or passenger on said vessel, he shall take care that the paymaster secures all the property of the deceased, for the benefit of his legal representatives.

Accounts of men received.

Fifth. He shall not receive on board any man transferred from any other vessel or station to him, unless such man is furnished with an account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry on said vessel or at said station, the period and term of his service, the sums paid him, the balance due him, the quality in which he was rated, and his descriptive list.

Accounts of men sent from the ship.

Sixth. He shall, whenever officers or men are sent from his ship, for whatever cause, take care that each man is furnished with a complete statement of his account, specifying the date of his enlistment, the period and term of his service, and his descriptive list. Said account shall be signed by the commanding officer and paymaster.

Inspection of provisions.

Seventh. He shall cause frequent inspections to be made into the condition of the provisions on his ship, and use every precaution for their preservation.

Health of crew.

Eighth. He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health. And he shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon so advises, and shall direct that some of the crew attend them and keep the place clean.

Attendance at final payment of crew.

Ninth. He shall attend in person, or appoint a proper officer to attend, when his crew is finally paid off, to see that justice is done to the men and to the United States in the settlement of the accounts.

Articles for the government of the Navy.

Tenth. He shall cause the articles for the government of the Navy to be hung up in some public part of the ship and read once a month to his ship's company.

Punishment for offending against this article.

Every commanding officer who offends against the provisions of this article shall be punished as a court-martial may direct.

Authority of officers after loss of vessel.

ART. 21. When the crew of any vessel of the United States are separated from their vessel by means of her wreck, loss, or destruction, all the command and authority given to the officers of such vessel shall

remain in full force until such ship's company shall be regularly discharged from or ordered again into service, or until a court-martial or court of inquiry shall be held to inquire into the loss of said vessel. And if any officer or man, after such wreck, loss, or destruction, acts contrary to the discipline of the Navy, he shall be punished as a court-martial may direct.

Id., s. 14.

ART. 22. All offenses committed by persons belonging to the Navy which are not specified in the foregoing articles shall be punished as a court-martial may direct.

Offenses not specified.

Id., art. 8.

ART. 23. All offenses committed by persons belonging to the Navy while on shore shall be punished in the same manner as if they had been committed at sea.

Offenses committed on shore.

Id., art. 9.

ART. 24. No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period is necessary to bring the offender to trial by a court-martial; nor shall he inflict, or cause to be inflicted, upon any petty officer, or person of inferior rating, or marine, for a single offense, or at any one time, any other than one of the following punishments, namely:

Punishments by order of commander.

Id., art. 10.

Wilkes *v.* Dinsman, 7 How., 89.

Dinsman *v.* Wilkes, 12 How., 390.

First. Reduction of any rating established by himself.

Second. Confinement, with or without irons, single or double, not exceeding ten days, unless further confinement be necessary, in the case of a prisoner to be tried by court-martial.

Third. Solitary confinement, on bread and water, not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punishment shall be permitted on board of vessels belonging to the Navy, except by sentence of a general or summary court-martial. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log.

ART. 25. No officer who may command by accident, or in the absence of the commanding officer, except when such commanding officer is absent for a time by leave, shall inflict any other punishment than confinement.

Punishment by officer temporarily commanding.

23 Apr., 1800, c. 33, s. 1, v. 2, p. 49, art. 30.

ART. 26. Summary courts-martial may be ordered upon petty officers and persons of inferior ratings, by the commander of any vessel, or by the commandant of any navy-yard, naval station, or marine barracks to which they belong, for the trial of offenses which such officer may deem deserving of greater punishment than such commander or commandant is authorized to inflict, but not sufficient to require trial by a general court-martial.

Summary courts-martial.

2 Mar., 1855, c. 136, s. 4, v. 10, p. 627.

15 July, 1870, c. 295, s. 14, v. 16, p. 334.

ART. 27. A summary court-martial shall consist of three officers not below the rank of ensign, as members, and of a recorder. The commander of a ship may order any officer under his command to act as such recorder.

Constitution of summary courts-martial.

Id., s. 6.

ART. 28. Before proceeding to trial the members of a summary court-martial shall take the following oath or affirmation, which shall be administered by the recorder: "I, A B, do swear (or affirm) that I will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience." After which the recorder of the court shall take the following oath or affirmation, which shall be administered by the senior member of the court: "I, A B, do swear (or affirm) that I will keep a true record of the evidence which shall be given before this court and of the proceedings thereof."

Oath of members and recorder.

Id., s. 5.

ART. 29. All testimony before a summary court-martial shall be given orally, upon oath or affirmation, administered by the senior member of the court.

Testimony.

Id., s. 7.

Punishments by summary courts.

Id., s. 7

ART. 30. Summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, namely:

First. Discharge from the service with bad conduct discharge; but the sentence shall not be carried into effect in a foreign country.

Second. Solitary confinement, not exceeding thirty days, in irons, single or double, on bread and water, or on diminished rations.

Third. Solitary confinement in irons, single or double, not exceeding thirty days.

Fourth. Solitary confinement not exceeding thirty days.

Fifth. Confinement not exceeding two months.

Sixth. Reduction to next inferior rating.

Seventh. Deprivation of liberty on shore on foreign station.

Eighth. Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments.

Disrating for incompetency.

ART. 31. A summary court-martial may disrate any rated person for incompetency.

17 July, 1862, c. 204, s. 1, art. 10, v. 12, p. 603.

Execution of sentence of summary court.

2 Mar., 1855, c. 136, s. 8, v. 10, p. 628.

2 Mar., 1867, c. 174, s. 5, v. 14, p. 516.

ART. 32. No sentence of a summary court-martial shall be carried into execution until the proceedings and sentence have been approved by the officer ordering the court and by the commander-in-chief, or, in his absence, by the senior officer present. And no sentence of such court which involves loss of pay shall be carried into execution until the proceedings and sentence have been approved by the Secretary of the Navy.

Remission of sentence.

2 Mar., 1855, c. 136, s. 8, v. 10, p. 628.

ART. 33. The officer ordering a summary court-martial shall have power to remit, in part or altogether, but not to commute, the sentence of the court. And it shall be his duty either to remit any part or the whole of any sentence, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce serious injury to the health of the person sentenced, or to submit the case again, without delay, to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment and to assign some other of the authorized punishments in the place thereof.

Manner of conducting proceedings.

Id., s. 9.

ART. 34. The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President; and all such proceedings shall be transmitted, in the usual mode, to the Navy Department.

Same punishments by general court-martial.

Id., s. 10.

ART. 35. Any punishment which a summary court-martial is authorized to inflict may be inflicted by a general court-martial.

Dismissal of officers.

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof.

Officer dismissed by the President may demand trial.

3 Mar., 1865, c. 79, s. 12, v. 13, p. 489.

ART. 37. When any officer, dismissed by order of the President since 3d March, 1865, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

General courts-martial, by whom convened.

17 July, 1862, c. 204, s. 1, art. 11, v. 12, p. 603

ART. 38. General courts-martial may be convened by the President, the Secretary of the Navy, or the commander-in-chief of a fleet or squadron; but no commander of a fleet or squadron in the waters of the United States shall convene such court without express authority from the President.

Constitution of.

ART. 39. A general court-martial shall consist of not more than thirteen nor less than five commissioned officers as members; and as many officers, not exceeding thirteen, as can be convened without injury to the service, shall be summoned on every such court. But in no case, where it can be avoided without injury to the service, shall more than one-half, exclusive of the president, be junior to the officer to be tried. The senior officer shall always preside and the others shall take place according to their rank.

Id., art. 11.

Wise *v.* Withers, 3 Cr., 337.
Dynes *v.* Hoover, 20 How., 81, 84.

Oaths of members and judge-advocate.

ART. 40. The president of the general court-martial shall administer the following oath or affirmation to the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; that I will not divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

Id., art. 12.

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will truly try without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the Navy, and my own conscience; that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

Oath of witness.

ART. 41. An oath or affirmation in the following form, shall be administered to all witnesses, before any court-martial, by the president thereof:

Id., art. 14.

"You do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges. So help you God; (or 'this you do under the pains and penalties of perjury.')"

Contempts of court.

ART. 42. Whenever any person refuses to give his evidence or to give it in the manner provided by these articles, or prevaricates, or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months.

Id., art. 13.

Charges.

ART. 43. The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; and no other charges than those so furnished shall be urged against him at the trial, unless it shall appear to the court that intelligence of such other charge had not reached the officer ordering the court when the accused was put under arrest, or that some witness material to the support of such charge was at that time absent and can be produced at the trial; in which case reasonable time shall be given to the accused to make his defense against such new charge.

Id., art. 15.

Duty of officer arrested.

ART. 44. Every officer who is arrested for trial shall deliver up his sword to his commanding officer and confine himself to the limits assigned him, on pain of dismissal from the service.

Id., art. 15.

Suspension of proceedings.

ART. 45. When the proceedings of any general court-martial have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more are assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence is given, unless temporarily adjourned by the authority which convened it.

Id., art. 16.

Absence of members.

ART. 46. No member of a general court-martial shall, after the proceedings are begun, absent himself therefrom, except in case of sickness, or of an order to go on duty from a superior officer, on pain of being cashiered.

Id., art. 16.

Witnesses examined in absence of a member.
Id., art. 17.

ART. 47. Whenever any member of a court-martial, from any legal cause, is absent from the court after the commencement of a case, all the witnesses who have been examined during his absence must, when he is ready to resume his seat, be recalled by the court, and the recorded testimony of each witness so examined must be read over to him, and such witness must acknowledge the same to be correct and be subject to such further examination as the said member may require. Without a compliance with this rule, and an entry thereof upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case.

Suspension of pay.
Id., art. 18.

ART. 48. Whenever a court-martial sentences an officer to be suspended, it may suspend his pay and emoluments for the whole or any part of the time of his suspension.

Flogging, branding, &c.
Id., art. 8.
6 June, 1872, c. 316, s. 2, v. 17, p. 261.

ART. 49. In no case shall punishment by flogging, or by branding, marking, or tattooing on the body be adjudged by any court-martial or be inflicted upon any person in the Navy.

Sentences, how determined.
Id., art. 19.

ART. 50. No person shall be sentenced by a court-martial to suffer death, except by the concurrence of two-thirds of the members present, and in the cases where such punishment is expressly provided in these articles. All other sentences may be determined by a majority of votes.

Adequate punishment; recommendation to mercy.
Id., art. 21.

ART. 51. It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense; but the members thereof may recommend the person convicted as deserving of clemency, and state, on the record, their reasons for so doing.

Authentication of judgment.
Id., art. 22.

ART. 52. The judgment of every court-martial shall be authenticated by the signature of the president, and of every member who may be present when said judgment is pronounced, and also of the judge-advocate.

Confirmation of sentence.
Id., art. 19.

ART. 53. No sentence of a court-martial, extending to the loss of life, or to the dismissal of a commissioned or warrant officer, shall be carried into execution until confirmed by the President. All other sentences of a general court-martial may be carried into execution on confirmation of the commander of the fleet or officer ordering the court.

Remission and mitigation of sentence.
Id., art. 20.

ART. 54. Every officer who is authorized to convene a general court-martial shall have power, on revision of its proceedings, to remit or mitigate, but not to commute, the sentence of any such court which he is authorized to approve and confirm.

Courts of inquiry, by whom ordered.
Id., art. 23.

ART. 55. Courts of inquiry may be ordered by the President, the Secretary of the Navy, or the commander of a fleet or squadron.

Constitution of.
Id., art. 23.

ART. 56. A court of inquiry shall consist of not more than three commissioned officers as members, and of a judge-advocate, or person officiating as such.

Powers of.
Id., art. 23.

ART. 57. Courts of inquiry shall have power to summon witnesses, administer oaths, and punish contempts, in the same manner as courts-martial; but they shall only state facts, and shall not give their opinion, unless expressly required so to do in the order for convening.

Oath of members and judge-advocate.
Id., art. 25.

ART. 58. The judge-advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality." After which the president shall administer to the judge-advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affim) truly to record the proceedings of this court and the evidence to be given in the case in hearing."

Rights of party inquired of.
Id., art. 23.

ART. 59. The party whose conduct shall be the subject of inquiry, or his attorney, shall have the right to cross-examine all the witnesses.

Proceedings, how authenticated and used as evidence.
Id., art. 24.

ART. 60. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge-advocate, and shall, in all cases not capital, nor extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony cannot be obtained.

TITLE XVI.

THE MILITIA.

Sec.
1625. Who to be enrolled in the militia.
1626. Enrollment, by whom.
1627. Notice of enrollment.
1628. Arms and accouterments.
1629. Persons exempt.
1630. Arrangement into divisions, brigades, &c.
1631. Militia, how officered.
1632. Artillery and cavalry.
1633. Regimental colors.
1634. Adjutant-general in each State; his duty.
1635. Returns.
1636. Returns to the President.
1637. Discipline.
1638. Officers, how to take rank.
1639. Care of the wounded.
1640. Brigade-inspector's duty.
1641. Privileges of certain corps.
1642. Orders of President in case of invasion.
1643. Militia, how apportioned.
1644. Subject to rules of war.
Sec.
1645. Organization.
1646. How formed.
1647. How composed.
1648. When called forth, term of service to be specified.
1649. Disobedience of orders, penalty.
1650. Pay, rations, &c.
1651. When pay to commence.
1652. Traveling allowance.
1653. Forage and use of horses.
1654. Expenses of march to rendezvous.
1655. Addition to ration.
1656. Provision for widows, &c., of those who die in service.
1657. Volunteers, &c., to suppress Indian depredations in Florida, benefits to.
1658. Courts-martial, how composed.
1659. Fines assessed, how to be levied.
1660. To be paid into the Treasury of United States.
1661. Appropriation for arms, and equipments.

Who to be enrolled in the militia.

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of eighteen years, and under the age of forty-five years, shall be enrolled in the militia.

8 May, 1792, c. 33, s. 1, v. 1, p. 271. 17 July, 1862, c. 201, s. 1, v. 12, p. 597. 2 Mar., 1867, c. 145, s. 6, v. 14, p. 423.—Houston v. Moore, 5 Wh., 1.

Enrollment, by whom.

SEC. 1626. It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may, from to time, arrive at the age of eighteen years, or who, being of the age of eighteen years and under the age of forty-five years, come to reside within his bounds.

8 May, 1792, c. 33, s. 1, v. 1, p. 271.

Notice of enrollment.

SEC. 1627. Each captain or commanding officer shall, without delay, notify every such citizen of his enrollment, by a proper non-commissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled, to attend a company, battalion, or regimental muster, which is according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

8 May, 1792, c. 33, s. 1, v. 1, p. 271. 2 Mar., 1803, c. 15, s. 2, v. 2, p. 207.

Arms and accouterments.

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

8 May, 1792, c. 33, s. 1, v. 1, p. 271. 2 Mar., 1803, c. 15, s. 2, v. 2, p. 207.

Persons exempt.

SEC. 1629. The Vice-President of the United States; the officers judicial and executive of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers with their clerks; all postmasters and persons em-

8 May, 1792, c. 33, s. 2, v. 1, p. 272. 7 May, 1800, c. 46, s. 4, v. 2, p. 62.

30 April, 1810, c. 37, s. 33, v. 2, p. 603.

ployed in the transportation of the mail; all ferrymen employed at any ferry on post-roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Arrangement into divisions, brigades, &c.

8 May, 1792, c. 33, s. 3, v. 1, p. 272.

SEC. 1630. The militia of each State shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct. Each brigade may consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. Each division, brigade, and regiment shall be numbered at the formation thereof; and a record of such numbers shall be made in the adjutant-general's office of the State. When in the field, or in service in the State, each division, brigade, and regiment shall respectively take rank according to its number, reckoning the first or lowest number highest in rank.

Militia, how officered.

8 May, 1792, c. 33, s. 3, v. 1, p. 272.
2 Mar., 1803, c. 15, s. 3, v. 2, p. 207.
18 April, 1814, c. 80, v. 3, p. 134.
20 April, 1816, c. 64, v. 3, p. 295.

SEC. 1631. The militia shall be officered by the respective States as follows: To the militia of each State, one quartermaster-general; to each division, one major-general, two aids-de-camp with the rank of major, one division-inspector with the rank of lieutenant-colonel, and one division-quartermaster with the rank of major; to each brigade, one brigadier-general, one brigade-inspector, to serve also as brigade-major with the rank of major, one quartermaster of brigade with the rank of captain, and one aid-de-camp with the rank of captain; to each regiment of two battalions, one colonel, one lieutenant-colonel, one major, and one chaplain; to only one battalion, a major, who shall command the same; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. And there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one drum-major, and one fife-major.

Artillery and cavalry.

8 May, 1792, c. 33, s. 4, v. 1, p. 272.
2 Mar., 1803, c. 15, s. 2, v. 2, p. 207.

SEC. 1632. There shall be formed for each battalion at least one company of grenadiers, light infantry, or riflemen, and for each division at least one company of artillery and one troop of horse. For each company of artillery there shall be one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers shall be armed with a sword or hanger, a fusee, bayonet, and belt, with a cartridge-box to contain twelve cartridges; and each private shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. For each troop of horse there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers shall furnish themselves with good horses of at least fourteen hands and a half high, and shall be armed with a sword and pair of pistols, the holsters to be covered with bearskin caps. Each dragoon shall furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail-pillion, and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a saber, and a cartridge-box, to contain twelve cartridges for pistols. Each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander-in-chief of the State, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

Regimental colors.

8 May, 1792, c. 33, s. 5, v. 1, p. 273.

SEC. 1633. Each battalion and regiment shall be provided with the State and regimental colors by the field-officers, and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective States may direct.

Adjutant-general in each State, his duty.

8 May, 1792, c. 33, s. 6, v. 1, p. 273.

SEC. 1634. There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander-in-chief of the State to the several corps; to attend all musters when the commander-in-chief of the State reviews the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State returns of the militia, under their command; and to make proper abstracts from such returns, and lay the same annually before the commander-in-chief of the State.

Returns.

8 May, 1792, c. 33, s. 6, v. 1, p. 273.

SEC. 1635. The several officers of the divisions, brigades, regiments, and battalions, shall report, in their returns of the corps under their command, the actual condition of their arms, accouterments, and ammunition, their delinquencies, and every other particular relating to the general advancement of good order and discipline, and shall make the same in the usual manner.

Returns to the President.

2 Mar., 1803, c. 15, s. 1, v. 2, p. 207.

SEC. 1636. It shall be the duty of the adjutant-general in each State to make return of the militia of the State, with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States, annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War, from time to time, to give such directions to the adjutant-generals of the militia as may, in his opinion, be necessary to produce a uniformity in such returns.

Discipline.

12 May, 1820, c. 97, s. 1, v. 3, p. 577.

SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army, shall also be observed in such corps, respectively, of the militia.

Officers, how to take rank.

8 May, 1792, c. 33, s. 8, v. 1, p. 273.

SEC. 1638. All commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, their rank shall be determined by lot to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Care of the wounded.

8 May, 1792, c. 33, s. 9, v. 1, p. 273.

SEC. 1639. If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Brigade-inspector's duty.

8 May, 1792, c. 33, s. 10, v. 1, p. 273.

SEC. 1640. It shall be the duty of the brigade-inspector to attend the regimental and battalion meetings of the militia composing the several brigades, during the time when they are under arms, to inspect their arms, ammunition, and accouterments; to superintend their exercise and maneuvers, and introduce throughout the brigade the system of military discipline prescribed by law, and such orders as they receive from the commander-in-chief of the State; and to make returns to the adjutant-general of the State, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual condition of the arms, accouterments, and ammunition of the several corps, and every other particular which, in his judgment, may relate to their government and the general advancement of good order and military discipline.

Privileges of certain corps.

8 May, 1792, c. 33, s. 11, v. 1, p. 274.

SEC. 1641. All corps of artillery, cavalry, and infantry, now existing in any State, which, by any law, custom, or usage thereof, have not been incorporated with the militia, or are not governed by the general regulations thereof, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

Orders of President in case of invasion.

28 Feb., 1795, c. 36, s. 1, v. 1, p. 424.

Martin *v.* Mott, 12 Wh., 19.

McCall's Case, 5 Phila., 259.

SEC. 1642. Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States, most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Militia, how apportioned.
17 July, 1862, c. 201, s. 1, v. 12, p. 597.

SEC. 1643. When the militia of more than one State is called into the actual service of the United States by the President, he shall apportion them among such States according to representative population.

Subject to rules of war.
28 Feb., 1795, c. 36, s. 4, v. 1, p. 424.
29 July, 1861, c. 25, s. 3, v. 12, p. 282.

SEC. 1644. The militia, when called into the actual service of the United States for the suppression of rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States. Martin *v.* Mott, 12 Wh., 19.

Organization.
17 July, 1862, c. 201, s. 2, v. 12, p. 598.

SEC. 1645. The militia, when called into actual service, shall be organized as prescribed in the two sections following.

How formed.
22 July, 1861, c. 9, s. 2, v. 12, p. 269.
2 July, 1862, c. 127, s. 3, v. 12, p. 502.
17 July, 1862, c. 200, s. 5, v. 12, p. 594.

SEC. 1646. They shall be formed, by the President, into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon and two assistant surgeons, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital-steward, and two principal musicians, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

How composed.
22 July, 1861, c. 9, s. 3, v. 12, p. 269.
17 July, 1862, c. 200, s. 6, v. 12, p. 594.

SEC. 1647. They shall be further organized into divisions of three or more brigades each; and each division shall have a major-general, three aids-de-camp, and one assistant adjutant-general with the rank of major. Each brigade shall be composed of four or more regiments, and shall have one brigadier-general, two aids-de-camp, one assistant adjutant-general with the rank of captain, one surgeon, one assistant-quartermaster, one commissary of subsistence, and sixteen musicians as a band.

When called forth, term of service to be specified.
17 July, 1862, c. 201, s. 1, v. 12, p. 597.

SEC. 1648. Whenever the President calls forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the militia so called shall be mustered in and continued to serve during the term so specified, unless sooner discharged by command of the President.

Disobedience of orders, penalty.
28 Feb., 1795, c. 36, s. 5, v. 1, p. 424.
29 July, 1861, c. 25, s. 4, v. 12, p. 282.
Wise *v.* Withers, 2 Cr., 331; Houston *v.* Moore, 5 Wh., 1; Martin *v.* Mott, 12 Wh., 19; Meade's Case, 1 Brock., 324.

SEC. 1649. Every officer, non-commissioned officer, or private of the militia, who fails to obey the orders of the President when he calls out the militia into the actual service of the United States, shall forfeit of his pay a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months; and such non-commissioned officer and private shall be liable to imprisonment, by a like sentence, on failure to pay the fines adjudged against him, for one calendar month for every twenty-five dollars of such fine.

Pay, rations, &c.
19 Mar., 1836, c. 44, s. 1, v. 5, p. 7.
29 July, 1861, c. 25, s. 3, v. 12, p. 282.

SEC. 1650. The militia when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay, rations, clothing, and camp equipage as may be provided by law for the Army of the United States.

When pay to commence.
2 Jan., 1795, c. 9, s. 3, v. 1, p. 408.

SEC. 1651. Whenever the militia is called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the place of battalion, regimental, or brigade rendezvous.

Traveling allowance.
19 Mar., 1836, c. 44, s. 3, v. 5, p. 7.

SEC. 1652. The officers, non-commissioned officers, musicians, artificers, and privates shall be entitled to one day's pay, subsistence, and allowances for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

Forage and use of horses.

SEC. 1653. The officers of all mounted companies in the militia called into the service of the United States shall each be entitled to receive forage, or money in lieu thereof, for two horses when they actually keep private servants, and for one horse when without private servants, and forty cents per day shall be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. Each non-commissioned officer, musician, artificer, and private of such mounted companies shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle, or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence, when the same is furnished by himself, or twelve and a half cents per day for either, as the case may be.

2 Jan., 1795, c. 9, s. 2, v. 1, p. 408.
19 Mar., 1836, c. 44, s. 2, v. 5, p. 7.

Expenses of march to rendezvous.

SEC. 1654. The expenses incurred by marching the militia of any State or Territory to their places of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

28 Feb., 1795, c. 36, v. 1, p. 424.
20 April, 1818, c. 84, v. 3, p. 444.

Addition to ration.

SEC. 1655. When the militia in the military service of the United States are employed on the western frontiers, there shall be allowed two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

2 Jan., 1795, c. 9, s. 6, v. 1, p. 409.

Provision for widows, &c., of those who die in the service.

SEC. 1656. When any officer, non-commissioned officer, artificer, or private of the militia or volunteer corps dies in the service of the United States, or in returning to his place of residence after being mustered out of service, or at any time in consequence of wounds received in service, and leaves a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled, at the time of his death, during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half-pay for the remainder of the time shall go to the child or children of the decedent. And the Secretary of the Interior shall adopt such forms of evidence, in applications under this section as the President may prescribe.

19 Mar., 1836, c. 44, s. 5, v. 5, p. 7.

Volunteers, &c., to suppress Indian depredations in Florida; benefits to.

SEC. 1657. The volunteers or militia, who have been received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

19 Mar., 1836, c. 44, s. 4, v. 5, p. 7.

Courts-martial, how composed.

SEC. 1658. Courts-martial for the trial of militia shall be composed of militia officers only.

28 Feb., 1795, c. 36, s. 6, v. 1, p. 424. 29 July, 1861, c. 25, s. 5, v. 12, p. 282.

Fines assessed, how to be levied.

SEC. 1659. All fines assessed under the provisions of law concerning the militia or volunteer corps, when called into the actual service of the United States, shall be certified by the presiding officer of the court-martial, before whom they are assessed, to the marshal of the district in which the delinquent resides, or to one of his deputies, and to the Comptroller of the Treasury, who shall record the certificate in a book to be kept for that purpose. The marshal or his deputy shall forthwith proceed to levy the fines with costs, by distress and sale of the goods and chattels of the delinquent, which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same may be in other cases of distress. And where any non-commissioned officer or private is adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the fines, the marshal of the district or his deputy shall commit such delinquent to jail, during the term for which he is so adjudged to imprisonment, or until the fine is paid, in the same manner as other persons con-

28 Feb., 1795, c. 36, s. 7, v. 1, p. 424.
2 Feb., 1813, c. 18, s. 1, v. 2, p. 797.
29 July, 1861, c. 25, s. 6, v. 12, p. 282.

demned to fine and imprisonment at the suit of the United States may be committed.

To be paid into the Treasury of the United States.

28 Feb., 1795, c. 36, s. 8, v. 1, p. 425. 2 Feb., 1813, c. 18, s. 2, v. 2, p. 797. 29 July, 1861, c. 25, s. 6, v. 12, p. 282.

SEC. 1660. The marshal shall pay all fines collected by him or his deputy, under the authority of the preceding section, into the Treasury of the United States, within two months after he has received the same, deducting five per centum for his compensation; and in case of failure, it shall be the duty of the Comptroller of the Treasury to give notice to the district attorney of the United States, who shall proceed against the marshal in the district court, by attachment, for the recovery of the same. [See § 269.]

Appropriation for arms and equipments.

23 April, 1808, c. 55, s. 1, v. 2, p. 490. 29 April, 1816, c. 135, s. 1, v. 3, p. 320.

SEC. 1661. The annual sum of two hundred thousand dollars is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by and on account of the United States.

3 *Mar.*, 1875, *c.* 133, *s.* 3, *v.* 18, *p.* 455.

TITLE XVII.

ARMS, ARMORIES, AND ARSENALS.

Sec.
1662. Armories, officers, workmen.
1663. Pay of officers, clerks, &c., at armories.
1664. When paid; who to give bond.
1665. Annual accounts to Congress.
1666. Arsenals may be abolished.
1667. Distribution of arms to States, &c.
1668. Enticing away workmen; penalty.
1669. Workmen guilty of certain misconduct.
1670. Distribution of arms to States which had not received their quota from 1862 to 1869.
1671. Exemption from service as jurors.
1672. Springfield breech-loading system to be used for muskets and carbines.
1673. No royalty to be paid by U. S. to its officers for patent mentioned in preceding section.

Armories, officers, workmen.

SEC. 1662. At each arsenal there shall be established a national armory, in which there shall be employed one superintendent, who shall be an officer of the Ordnance Department, to be designated by the President; one master-armorer, who shall be appointed by the President, and as many workmen as the Secretary of War may, from time to time, deem necessary.

2 April, 1794, c. 14, s. 2, v. 1, p. 352. 23 April, 1808, c. 55, s. 2, v. 2, p. 490. 5 Aug., 1854, c. 267, s. 1, v. 10, p. 578. 6 Aug., 1861, c. 57, s. 5, v. 12, p. 318.

Pay of officers, clerks, &c., at armories.

SEC. 1663. The ordnance officer in charge of any national armory shall receive no compensation other than his regular pay as an officer of the corps; the master-armorers shall receive fifteen hundred dollars per annum each; the inspectors and clerks, each, eight hundred dollars per annum, except the clerks of the armory at Springfield, Massachusetts, who may receive, at the discretion of the Secretary of War, twelve hundred dollars per annum.

23 Aug., 1842, c. 186, s. 2, v. 5, p. 512. 3 Mar., 1857, c. 106, s. 3, v. 11, p. 203. 6 Aug., 1861, c. 57, s. 5, v. 12, p. 318. 2 Mar., 1867, c. 167, s. 12, v. 14, p. 467. 23 *June*, 1874, *c.* 486, *v.* 18, *p.* 282.

When paid; who to give bond.

SEC. 1664. The several compensations fixed by the preceding section for master-armorers and inspectors shall be paid quarter-yearly. All military store-keepers and paymasters shall give bond and security for the faithful discharge of their duties, in such sum as may be prescribed by the Secretary of War.

23 Aug., 1842, c. 186, s. 2, v. 5, p. 512.

Annual accounts to Congress.

SEC. 1665. An annual account of the expenses of the national armories shall be laid before Congress, together with an account of the arms made and repaired therein.

2 April, 1794, c. 14, s. 5, v. 1, p. 352.

Arsenals may be abolished.

SEC. 1666. The Secretary of War is authorized to abolish such of the arsenals of the United States as, in his judgment, may be useless or unnecessary.

3 Mar., 1853, c. 98, s. 1, v. 10, pp. 214, 217. 3 *Mar.*, 1875, *c.* 174, *v.* 18, *p.* 510.

Distribution of arms to States, &c.

SEC. 1667. All the arms procured in virtue of any appropriation authorized by law for the purpose of providing arms and equipments for the whole body of the militia of the United States shall be annually distributed to the several States of the Union according to the number of their Representatives and Senators in Congress, respectively; and all arms for the Territories and for the District of Columbia shall be annually distributed in such quantities, and under such regulations, as the President may prescribe. All such arms are to be transmitted to the several States and Territories by the United States. [See § 1225.]

23 April, 1808, c. 55, s. 3, v. 2, p. 490. 3 Mar., 1855, c. 169, s. 7, v. 10, p. 639.

Enticing away workmen; penalty.

SEC. 1668. If any person procures or entices any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States, or if any person, after due notice of the engagement of any such workman or armorer, during the continuance of such engagement, retains, hires, or in anywise employs, harbors, or conceals such artificer or workman, he shall be fined not more than fifty dollars, or be imprisoned not more than three months.

7 May, 1800, c. 46, s. 2, v. 2, p. 61.

Workmen guilty of certain misconduct.

7 May, 1800, c. 46, s. 3, v. 2, p. 62.

SEC. 1669. If any artificer or workman, hired, retained, or employed in any public arsenal or armory, wantonly and carelessly breaks, impairs, or destroys any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States, or willfully and obstinately refuses to perform the services lawfully assigned to him, pursuant to his contract, he shall forfeit a sum not exceeding twenty dollars for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

Distribution of arms to States which had not received their quota from 1862 to 1869.

3 Mar., 1873, c. 282, v. 17, p. 608.

SEC. 1670. The Secretary of War is authorized and directed to distribute to such States as did not receive the same, their proper quota of arms and military equipments for each year, from eighteen hundred and sixty-two to eighteen hundred and sixty-nine, under the provisions of section sixteen hundred and sixty-one: *Provided*, That in the organization and equipment of military companies and organizations with such arms, no discrimination shall be made between companies and organizations on account of race, color, or former condition of servitude.

Exemption from service as jurors.

7 May, 1800, c. 46, s. 4, v. 2, p. 62.

SEC. 1671. All artificers and workmen employed in the armories and arsenals of the United States shall be exempted, during their time of service, from service as jurors in any court.

3 Mar., 1855, c. 169, s. 7, v. 10, p. 639.

Springfield breech-loading system to be used for muskets and carbines.

SEC. 1672. The breech-loading system for muskets and carbines adopted by the Secretary of War known as "the Springfield breech-loading system," is the only system to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service.

6 June, 1872, c. 316, v. 17, p. 261.

No royalty to be paid by U. S. to its officers for patent mentioned in preceding section.

6 June, 1872, c. 316, v. 17, p. 261.

SEC. 1673. No royalty shall be paid by the United States to any one of its officers or employés for the use of any patent for the system, or any part thereof, mentioned in the preceding section, nor for any such patent in which said officers or employés may be directly or indirectly interested.

TITLE XVIII.

DIPLOMATIC AND CONSULAR OFFICERS.

CHAPTER ONE.

DIPLOMATIC OFFICERS.

Sec.
1674. Definition of official designations employed in this Title.
1675. Salaries.
1676. Commissioners and chargés d'affaires, compensation.
1677. Secretary of legation to Turkey.
1678. Interpreter of legation to Turkey.
1679. Interpreter of legation to Japan.
1680. Secretary of legation to China, and interpreter.
1681. Minister to Uruguay and Paraguay.
1682. Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.
1683. Representatives to Hayti, Liberia, &c.
1684. Condition of compensation of chargé d'affaires or Secretary.
1685. Compensation of secretary of legation, acting as chargé d'affaires.
1686. Compensation of persons filling two offices.
1687. Fees at legations to be accounted for.
1688. Uniforms and official costumes.

Definition of official designations employed in this Title.

SEC. 1674. The official designations employed throughout this Title shall be deemed to have the following meanings, respectively:

First. "Consul-general," "consul," and "commercial agent," shall be deemed to denote full, principal, and permanent consular officers, as distinguished from subordinates and substitutes.

Second. "Deputy consul" and "consular agent" shall be deemed to denote consular officers subordinate to such principals, exercising the powers and performing the duties within the limits of their consulates or commercial agencies respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located respectively.

Third. "Vice-consuls" and "vice-commercial agents" shall be deemed to denote consular officers, who shall be substituted, temporarily, to fill the places of consuls-general, consuls, or commercial agents, when they shall be temporarily absent or relieved from duty.

Fourth. "Consular officer" shall be deemed to include consuls-general, consuls, commercial agents, deputy consuls, vice-consuls, vice-commercial agents, and consular agents, and none others.

Fifth. "Diplomatic officer" shall be deemed to include ambassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, agents, and secretaries of legation, and none others.

18 Aug., 1856, c. 127, s. 1, v. 11, p. 64.
20 June, 1864, c. 136, s. 1, v. 13, p. 138.
25 July, 1866, c. 233, v. 14, p. 225.
8 *Jan.*, 1874, *J. Res. No.* 1, *v.* 18, *p.* 285.

Salaries.

SEC. 1675. [*Ambassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, agents, and secretaries, and second secretaries of legation, shall be entitled to salaries as hereinafter provided.*

Envoys extraordinary and ministers plenipotentiary to France, Germany, Great Britain, and Russia, seventeen thousand five hundred dollars each; to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, twelve thousand dollars each; to Chili and Peru, ten thousand dollars each.

Minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, ten thousand dollars.

Minister resident at Uruguay, ten thousand dollars.

Ministers resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia, Bolivia, Venezuela, Hawaiian Islands, and the Argentine Republic, seven thousand five hundred dollars each.

Minister resident and consul-general at Hayti, seven thousand five hundred dollars.

Minister resident and consul-general at Liberia, four thousand dollars.

18 Aug., 1856, c. 127, s. 1, v. 11, p. 52.
16 June, 1860, c. 135, s. 1, v. 12, p. 40.
22 Feb., 1873, c. 184, v. 17, s. 1, pp. 471, 472.
8 *Jan.*, 1874, *Res. No.* 1, *v.* 18, *p.* 285.
11 *June*, 1874, *c.* 275, *s.* 1, *v.* 18, *p.* 67.
11 *June*, 1874, *c.* 275, *s.* 4, *v.* 18, *p.* 70.
3 *Mar.*, 1875, *c.* 153, *v.* 18, *p.* 483.
3 *Mar.*, 1875, *c.* 157, *v.* 18, *p.* 486.
Clay *v.* U. S., 8 C. Cls., 209.

Agent and consul-general at Alexandria, three thousand five hundred dollars.

Secretaries of legation to London, Paris, Berlin, and St. Petersburg, two thousand six hundred and twenty-five dollars each.

Secretary of legation to Japan, two thousand five hundred dollars.

Secretaries of legation to Austria, Brazil, Italy, Mexico, and Spain, one thousand eight hundred dollars each.

The second secretaries of the legations to France, Great Britain, and Germany, two thousand dollars each.]

[Ambassadors and envoys extraordinary and ministers plenipotentiary shall be entitled to compensation at the rates following, per annum, namely:

Those to France, Germany, Great Britain, and Russia, each, seventeen thousand five hundred dollars.

Those to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, each, twelve thousand dollars.

Those to all other countries, unless where a different compensation is prescribed by law, each, ten thousand dollars.

And, unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of seventy-five per centum, chargés d'affaires at rate of fifty per centum, and secretaries of legation at the rate fifteen per centum, of the amounts allowed to ambassadors, envoys extraordinary, and ministers plenipotentiary to the said countries respectively; except that the secretary of legation to Japan shall be entitled to compensation at the rate of twenty-five hundred dollars per annum.

The second secretaries of the legations to France, Germany, and Great Britain shall be entitled to compensation at the rate of two thousand dollars each per annum.]

Commissioners and chargé d'affaires, compensation.

18 Aug., 1856, c. 127, s. 1, v. 11, p. 52.

SEC. 1676. [*A commissioner appointed to any of the countries mentioned in the preceding section shall be entitled to receive seventy-five per centum of the salary therein provided for the envoy extraordinary and minister plenipotentiary or the minister resident to such country; and a chargé d'affaires so appointed shall be entitled to receive fifty per centum of such salary.*] [The agent and consul-general at Cairo shall be entitled to compensation at the rate of three thousand five hundred dollars per annum.]

Agent and consul-general at Cairo.

3 *Mar.*, 1875, *c.* 153, *v.* 18, *p.* 483.

Secretary of legation to Turkey.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

SEC. 1677. The consul-general at Constantinople shall be the secretary of the legation to Turkey, but shall receive compensation only as consul-general.

Interpreter of legation to Turkey.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

SEC. 1678. The interpreter to the legation to Turkey shall be entitled to receive three thousand dollars, and such salary may be paid to an interpreter, notwithstanding he may not be a citizen of the United States.

Interpreter of legation to Japan.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

SEC. 1679. The interpreter to the legation to Japan shall receive a salary of two thousand five hundred dollars.

Secretary of legation to China, and interpreter.

18 Aug., 1856, c. 127, s. 2, v. 11, p. 52.

SEC. 1680. The compensation of the secretary of the legation to China, if acting as interpreter, shall be at the rate of five thousand dollars a year, and if not acting as such, at the rate of three thousand dollars a year. And the President may appoint for the legation to China an interpreter, when the secretary of legation does not act as such, who shall be entitled to compensation at the rate of five thousand dollars a year.

Minister to Uruguay and Paraguay.

21 Feb., 1871, c. 61, v. 16, p. 417. 3 *Mar.*, 1875, *c.* 153, *v.* 18, *p.* 483.

SEC. 1681. [*The minister at Uruguay is also accredited to Paraguay.*] [The minister resident to Uruguay, when also accredited to Paraguay, shall be entitled to compensation at the rate of ten thousand dollars per annum.]

Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.

22 May, 1872, c. 194, s. 1, v. 17, p. 142. 3 *Mar.*, 1875, *c.* 153, *v.* 18, *p.* 484.

SEC. 1682. There shall be but one minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; and the President may select the place of residence for the minister in any one of those States. [And he shall receive compensation at the rate of ten thousand dollars per annum.]

Representatives to Hayti, Liberia, &c.

SEC. 1683. There shall be a diplomatic representative of the United States to each of the republics of Hayti and Liberia, who shall be appointed by the President, by and with the advice and consent of the Senate; and shall be accredited as minister resident and consul-general. The representative at Hayti shall be entitled to a salary of seven thousand five hundred dollars a year; and the representative at Liberia to a salary not exceeding four thousand dollars a year.

5 June, 1862, c. 96, v. 12, p. 421.
25 July, 1866, c. 233, v. 14, p. 225.

Condition of compensation of chargé d'affaires or secretary.

SEC. 1684. To entitle any charge d'affaires, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to compensation, they shall respectively be appointed by the President, by and with the advice and consent of the Senate; but in the recess of the Senate the President is authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any chargé d'affaires, or any of the secretaries hereinbefore described, who shall not be so appointed.

1 May, 1810, c. 44, s. 2, v. 2, p. 608.

Compensation of secretary of legation acting as chargé d'affaires.

SEC. 1685. For such time as any secretary of legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by law for a chargé d'affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as secretary of legation.

10 Aug., 1865, c. 127, s. 10, v. 11, p. 56.

Compensation of persons filling two offices.

SEC. 1686. When to any diplomatic office held by any person there is superadded another, such person shall be allowed additional compensation for his services, in such superadded office, at the rate of fifty per centum of the amount allowed by law for such superadded office, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office, and no longer; and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof.

18 Aug., 1856, c. 127, s. 9, v. 11, p 56.

Fees at legations to be accounted for.

SEC. 1687. All fees collected at any of the legations shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

Uniforms and official costumes.

SEC. 1688. No person in the diplomatic service of the United States shall wear any uniform or official costume not previously authorized by Congress.

27 May, 1867, Res. 15, v. 15, p. 23.

CHAPTER TWO.

CONSULAR OFFICERS.

Sec.
1689. Application of general provisions in this Title.
1690. Appointment and salaries of consular officers.
1691. Consuls, &c., not to hold office at different consulates.
1692. Interpreters at Chinese consulates.
1693. Salary of interpreter at Bangkok.
1694. Consul at Trinidad de Cuba.
1695. Extent of consulates, and appointment of vice-consular officers.
1696. Expenses of vice-consulates and consular agencies.
1697. Bonds of consular officers to be furnished and deposited with Secretary of the Treasury.
1698. Bonds of vice-consuls.
1699. Consular officers not to transact business.
1700. Extension of prohibition upon transacting business.
1701. Penalty for illegally transacting business.

Sec.
1702. Compensation of consuls where fees amount to $3,000.
1703. Compensation of vice-consuls, vice-commercial agents, and consular agents.
1704. Appointment of consular clerks.
1705. Examination and removal of consular clerks.
1706. Actual expenses may be allowed to consuls-general, &c., who are not allowed to trade.
1707. Protests.
1708. Lists and returns of seamen, vessels, &c.
1709. Estates of decedents.
1710. Notification of death.
1711. Decedent's directions to be followed.
1712. Commercial reports.
1713. Prices current.
1714. Construction of powers.
1715. Certifying invoices.
1716. Exacting excessive fees for verifying invoices.

Sec.
1717. Certificate for goods from countries adjacent to the United States.
1718. Fees allowed for official service.
1719. No profit from discharged seamen.
1720. Restriction on amount of fees.
1721. Fees in British North America.
1722. Tonnage fees in Canada.
1723. Exacting excessive fees.
1724. Penalty for omissions to collect fees.
1725. Returns of fees.
1726. Receipts for fees.
1727. Registering receipts for fees.
1728. Verification of account of fees.
1729. Fees of officers not included in Schedules B and C.
1730. Compensation of officers not embraced in Schedules B and C.
1731. Rates of fees to be posted up.
1732. Excess of fees above $2,500.
1733. Excess of fees above $1,000.
1734. Embezzlement.
1735. Neglect of duty, &c.
1736. Neglect of duty to seamen; corrupt conduct.
1737. False certificate of property.
1738. When consular officers may perform diplomatic functions.
1739. Compensation of consular officer performing diplomatic functions.

Application of general provision in this Title.

18 Aug., 1856, c. 127, s. 31, v. 11, p. 64.

SEC. 1689. The various provisions of this Title which are expressed in terms of general application to any particular classes of consular officers, shall be deemed to apply as well to all other classes of such officers, so far as may be consistent with the subject-matter of the same, and with the treaties of the United States.

Appointment and salaries of consular officers.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
11 *June*, 1874, *c.* 275, *v.* 18, *p.* 67.
3 *Mar.*, 1875, *c.* 157, *v.* 18, *p.* 486.
18 *Feb.*, 1876, *c.* 12, *v.* 19, *p.* 4.

SEC. 1690. Consuls-general, consuls, and commercial agents appointed to the ports and places specified in Schedules B and C, are entitled to annual salaries respectively, at the rates specified therein. And whenever the President thinks proper to appoint a consul to any port or place named in the Schedules B and C for a commercial agency instead of such commercial agent, or vice versa, and an appointment is made accordingly, the compensation for such consular officer shall be the same in any such case as that fixed for such port or place in the schedule embracing the same; or whenever the President thinks the public interest will be subserved by appointing to any such port or place a consul-general instead of a consul or commercial agent, and an appointment is made accordingly, the compensation for such consul-general shall be the same as that fixed for such port or place in the schedule embracing the same.

SCHEDULE B.

I. CONSUL-GENERAL

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

GREAT BRITAIN.

London, seven thousand five hundred dollars.

Ibid.; and 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

BRITISH NORTH AMERICA.

Montreal, four thousand dollars.

Ibid.

BRITISH INDIA.

Calcutta, five thousand dollars.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

FRANCE.

Paris, five thousand dollars.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

CUBA.

Havana, six thousand dollars.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

MEXICO.

Mexico, one thousand dollars.
Tampico, one thousand five hundred dollars.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

NORTH GERMAN UNION.

Frankfort-on-the-Main, three thousand dollars.

ITALY.

Rome, one thousand five hundred dollars.	

TURKISH DOMINION.

Constantinople, three thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Beirut, two thousand dollars.	20 June, 1864, c. 136, s. 1, v. 13, pp. 137, 138.

CHINA.

Shanghai, four thousand dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

II. CONSULS.

GREAT BRITAIN.

Liverpool, seven thousand five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Leeds, two thousand dollars.	Ibid.
Manchester, three thousand dollars.	20 June, 1864, c. 136, s. 1, v. 13, pp. 138, 139.
Southampton, two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Newcastle-upon-Tyne, one thousand five hundred dollars.	4 Feb., 1862, c. 17, s. 1, v. 12, p. 336.
Birmingham, two thousand five hundred dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.
Tunstall, one thousand five hundred dollars.	Ibid.
Glasgow, three thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Dundee, two thousand dollars.	Ibid.
Belfast, two thousand dollars.	Ibid.
Cork, two thousand dollars.	Ibid.
Hong-Kong, three thousand five hundred dollars.	Ibid.
Singapore, two thousand five hundred dollars.	Ibid.
Mauritius, two thousand five hundred dollars.	Ibid.
Melbourne, four thousand dollars.	Ibid.
Gibraltar, one thousand dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.
Malta, one thousand five hundred dollars.	25 July, 1866, c. 233, s. 1, v. 14, p. 225.
St. Helena, one thousand five hundred dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.
Clifton, one thousand five hundred dollars.	Ibid.
Fort Erie, one thousand five hundred dollars.	Ibid.
Goderich, one thousand five hundred dollars.	Ibid.
Kingston, (Canada,) one thousand five hundred dollars.	Ibid.
Prescott, one thousand five hundred dollars.	Ibid.
Port Sarnia, one thousand five hundred dollars.	Ibid.
Toronto, one thousand five hundred dollars.	Ibid.
Windsor, (Ontario,) one thousand five hundred dollars.	Ibid.
Coaticook, one thousand five hundred dollars.	Ibid.
Quebec, one thousand five hundred dollars.	28 Feb., 1867, c. 99, s. 1, v. 14, p. 414.
Halifax, two thousand dollars	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Saint John's, (Quebec,) one thousand five hundred dollars.	25 July, 1866, c. 233, s. 1, v. 14, p. 225.
Pictou, (N. S.,) one thousand five hundred dollars	4 Feb., 1862, c. 17, s. 1, v. 12, p. 335.
Prince Edward's Island, one thousand five hundred dollars.	25 July, 1866, c. 233, s. 1, v. 14, p. 225.
Winnipeg, one thousand five hundred dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.
Kingston, (Jamaica,) two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Nassau, (West Indies,) two thousand dollars.	Ibid.

Ibid.	Turk's Island, two thousand dollars.
Ibid.	Demerara, two thousand dollars.
28 Feb., 1867, c. 99, s. 1, v. 14, p. 412.	Mahé, (Seychelles,) one thousand five hundred dollars.

RUSSIA.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Odessa, two thousand dollars.
Ibid.	Revel, two thousand dollars.
Ibid.	St. Petersburg, two thousand dollars.
Ibid.	Moscow, two thousand dollars.

FRENCH DOMINIONS.

Ibid.	Havre, six thousand dollars.
Ibid.	Marseilles, two thousand five hundred dollars.
Ibid.	Bordeaux, two thousand dollars.
20 June, 1864, c. 136, s. 1, v. 13, p. 139.	Lyons, two thousand dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	La Rochelle, one thousand five hundred dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Nantes, one thousand five hundred dollars.
20 June, 1864, c. 136, s. 1, v. 13, p. 139.	Boulogne, one thousand five hundred dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Nice, one thousand five hundred dollars.
22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.	Algiers, one thousand five hundred dollars.

SPANISH DOMINIONS.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Cadiz, one thousand five hundred dollars.
Ibid.	Malaga, one thousand five hundred dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Barcelona, one thousand five hundred dollars.
4 Feb., 1862, c. 17, s. 1, v. 12, p. 336.	Port Mahon, one thousand five hundred dollars.
22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.	Valencia, one thousand five hundred dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Matanzas, two thousand five hundred dollars.
Ibid.	Trinidad de Cuba, two thousand five hundred dollars.
Ibid.	Santiago de Cuba, two thousand five hundred dollars.
Ibid.	San Juan, (Porto Rico,) two thousand dollars.
Ibid.	Ponce, (Porto Rico,) one thousand five hundred dollars.

PORTUGUESE DOMINIONS.

25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Lisbon, one thousand five hundred dollars.
18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Oporto, one thousand five hundred dollars.
Ibid.	Funchal, one thousand five hundred dollars.

BELGIUM.

Ibid.	Antwerp, two thousand five hundred dollars.

DOMINIONS OF THE NETHERLANDS.

Ibid.	Amsterdam, one thousand dollars.
Ibid.	Rotterdam, two thousand dollars.

DANISH DOMINIONS.

25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Santa Cruz, one thousand five hundred dollars.

Saint Thomas, four thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Elsinore, one thousand five hundred dollars.	Ibid.

NORTH GERMAN UNION.

Aix-la-Chapelle, two thousand five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Chemnitz, two thousand dollars.	28 Feb., 1867, c. 99, v. 14, p. 412.
Leipsic, one thousand five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Munich, one thousand five hundred dollars.	28 Feb., 1867, c. 99, v. 14, p. 412.
Stuttgardt, one thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Bremen, three thousand dollars.	4 Feb., 1862, c. 17, s. 1, v. 12, p. 336.
Hamburg, two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Barmen, one thousand five hundred dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

AUSTRIA

Vienna, five thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Trieste, two thousand dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

SWITZERLAND.

Basle, two thousand dollars.	Ibid.
Geneva, one thousand five hundred dollars.	Ibid.
Zurich, one thousand five hundred dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.

ITALY.

Genoa, one thousand five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Spezzia, one thousand five hundred dollars.	28 Feb., 1867, c. 99, v. 14, p. 414.
Leghorn, one thousand five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Brindisi, one thousand five hundred dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.
Naples, one thousand five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Palermo, one thousand five hundred dollars.	Ibid.
Messina, one thousand five hundred dollars.	Ibid.
Rome, one thousand five hundred dollars.	28 Feb., 1867, c. 99, v. 14, p. 414.

TURKISH DOMINIONS.

Smyrna, two thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Jerusalem, one thousand five hundred dollars.	Ibid.
Port Said, two thousand dollars.	22 Feb., 1873, c. 184, v. 17, p. 472.

BARBARY STATES.

Tripoli, three thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Tunis, three thousand dollars.	Ibid.
Tangier, three thousand dollars.	Ibid.

SIAM.

Bangkok, three thousand dollars.	3 Mar., 1869, c. 125, s. 7, v. 15, p. 322.

JAPAN.

Kanagawa, three thousand dollars.	28 Feb., 1861, c. 58, s. 1, v. 12, p. 171.

Ibid.	Nagasaki, three thousand dollars.
22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.	Hakodadi, two thousand five hundred dollars.
Ibid.	Osaka and Hioga, three thousand dollars.

CHINA.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Canton, four thousand dollars.
Ibid.	Foo-Chow, three thousand five hundred dollars.
Ibid.	Amoy, three thousand dollars.
Ibid.	Ningpo, three thousand dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Hankow, three thousand dollars.
20 June, 1864, c. 136, s. 4, v. 13, p. 139.	Chin Kiang, three thousand dollars.
4 Feb., 1862, c. 17, s. 1, v. 12, p. 336.	Swatow, three thousand five hundred dollars.
17 May, 1872, c. 169, v. 17, p. 120.	Tien-Tsin, three thousand five hundred dollars.

HAWAIIAN ISLANDS.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Honolulu, four thousand dollars.
Ibid.	Lahaina, three thousand dollars.

MEXICO.

Ibid.	Vera Cruz, three thousand five hundred dollars.
Ibid.	Acapulco, two thousand dollars.
22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.	Matamoras, two thousand dollars.

UNITED STATES OF COLOMBIA.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Panama, three thousand five hundred dollars.
Ibid.	Aspinwall, two thousand five hundred dollars.

VENEZUELA.

Ibid.	Laguayra, one thousand five hundred dollars.

BRAZIL.

Ibid.	Pernambuco, two thousand dollars.
Ibid.	Rio de Janeiro, six thousand dollars.

ARGENTINE REPUBLIC.

Ibid.	Buenos Ayres, two thousand five hundred dollars.

CHILI.

Ibid.	Valparaiso, three thousand dollars.

PERU.

Ibid.	Callao, three thousand five hundred dollars.

NICARAGUA.

Ibid.	San Juan del Sur, two thousand dollars.

III. COMMERCIAL AGENTS.

NICARAGUA.

20 June, 1864, c. 136, s. 1, v. 13, p. 139.	San Juan del Norte, two thousand dollars.

MADAGASCAR.

Tamatave, two thousand dollars.	Ibid.

SAN DOMINGO.

San Domingo, one thousand five hundred dollars.	22 Feb., 1873, c. 184, s. 1, v. 17, p. 473.

SCHEDULE C.

I. CONSULS.

GREAT BRITAIN.

Bay of Islands, one thousand dollars.	Ibid.
Cape Town, one thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Ceylon, one thousand dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.
Falkland Islands, one thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Windsor, (Nova Scotia,) one thousand dollars.	22 May, 1872, c. 194, v. 17, p. 144.

PORTUGUESE DOMINIONS.

Fayal, seven hundred and fifty dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Santiago, (Cape Verde,) seven hundred and fifty dollars.	Ibid.

DOMINIONS OF THE NETHERLANDS.

Batavia, one thousand dollars.	Ibid.

NORTH GERMAN UNION.

Stettin, one thousand dollars.	Ibid.

GREECE.

Athens, one thousand dollars.	Ibid.
Piræus, one thousand dollars.	20 June, 1864, c. 136, s. 1, v. 13, p. 139.

ITALY.

Venice, seven hundred and fifty dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

TURKISH DOMINIONS.

Candia, one thousand dollars.	Ibid.
Cypress, one thousand dollars.	Ibid.

MUSCAT.

Zanzibar, one thousand dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.

MEXICO.

Tampico, one thousand dollars.	Ibid.
Paso del Norte, five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.
Tabasco, five hundred dollars.	Ibid.
Guaymas, one thousand dollars.	30 Mar., 1868, c. 38, s. 1, v. 15, p. 57.

UNITED STATES OF COLOMBIA.

Carthagena, five hundred dollars.	18 Aug., 1856, c. 127, s. 3, v. 15, p. 57.

BRAZIL.

Ibid.	Bahia, one thousand dollars.
Ibid.	Maranham, one thousand dollars.
Ibid.	Para, one thousand dollars.
Ibid.	Rio Grande, one thousand dollars.
8 June, 1872, c. 332, v. 17, p. 282.	Santarem, one thousand dollars.
25 July, 1866, c. 233, s. 1, v. 14, p. 225.	Saint Catherine, one thousand five hundred dollars.

PERU.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Payta, five hundred dollars.
Ibid.	Tumbez, five hundred dollars.

BOLIVIA.

Ibid.	Cobija, five hundred dollars.

ECUADOR.

Ibid.	Guayaquil, seven hundred and fifty dollars.

CHILI.

Ibid.	Talcahuano, one thousand dollars.

HONDURAS.

Ibid.	Omoa, one thousand dollars.

HAYTI.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 473.	Aux Cayes, five hundred dollars.
Ibid.	Cape Haytien, one thousand dollars.

URUGUAY.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52.	Montevideo, one thousand dollars.

SOCIETY ISLANDS.

Ibid.	Tahiti, one thousand dollars.

II. COMMERCIAL AGENTS.

RUSSIA.

Ibid.	Amoor River, one thousand dollars.

FRENCH DOMINIONS.

Ibid.	Gaboon, one thousand dollars.

PORTUGUESE DOMINIONS.

Ibid.	Saint Paul de Loando, one thousand dollars.

FEJEE ISLANDS.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 473.	Lanthala, one thousand dollars.

NAVIGATOR ISLANDS.

Apia, one thousand dollars. Ibid.

UNITED STATES OF COLOMBIA.

Sabanilla, five hundred dollars. Ibid.

Consuls, &c., not to hold office at different consulates.

SEC. 1691. No consul-general or consul shall be permitted to hold the office of consul-general or consul at any other consulate, or exercise the duties thereof.

3 Mar., 1869, c. 125, s. 6, v. 15, p. 322.

Interpreters at Chinese consulates.

SEC. 1692. The President is authorized to appoint three interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed fifteen hundred dollars a year, to be determined by the President, and to assign such interpreters, from time to time, to such consulates in China and with such duties as he may think proper.

18 Aug., 1856, c. 127, s. 6, v. 11, p. 55.
11 *June*, 1874, *c.* 275, *s.* 3, *v.* 18, *p.* 70.

Salary of interpreter at Bangkok.

SEC. 1693. The salary of the interpreter at the consulate of Bangkok, in Siam, shall not exceed the sum of five hundred dollars a year; and no salary shall be allowed the marshal at that consulate.

3 Mar., 1869, c. 125, s. 7, v. 15, p. 322.

Consul at Trinidad de Cuba.

SEC. 1694. The President is authorized, whenever in his judgment the public interest may so require, to discontinue the consulate of the United States at Trinidad de Cuba, and to appoint at Cienfuegos, in that island, a consul with the same salary and emoluments as those now allowed by law to the consul at Trinidad de Cuba.

3 Mar., 1863, c. 79, s. 24, v. 12, p. 754.

Extent of consulates, and appointment of vice-consular officers.

SEC. 1695. The President is authorized to define the extent of country to be embraced within any consulate or commercial agency, and to provide for the appointment of vice-consuls, vice-commercial agents, deputy consuls, and consular agents, therein, in such manner and under such regulations as he shall deem proper; but no compensation shall be allowed for the services of any such vice-consul, or vice-commercial agent, beyond nor except out of the allowance made by law for the principal consular officer in whose place such appointment shall be made. No vice-consul, vice-commercial agent, deputy consul, or consular agent, shall be appointed otherwise than under such regulations as have been or may be prescribed by the President.

18 Aug., 1856, c. 127, s. 14, v. 11, p. 57.

Expenses of vice-consulates and consular agencies.

SEC. 1696. The only allowance to any vice-consulate or consular agency for expenses shall be an amount sufficient to pay for stationery and postage on official letters.

3 Mar., 1869, c. 125, s. 6, v. 15, p. 322.

Bonds of consular officers to be furnished and deposited with Secretary of the Treasury.

SEC. 1697. Every consul-general, consul, and commercial agent, before he receives his commission or enters upon the duties of his office, shall give a bond to the United States, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than one thousand dollars, and in no case less than the annual compensation allowed to such officer, and not more than ten thousand dollars, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person to his use as such consul-general, consul, or commercial agent, under any law now or hereafter enacted; and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such consul-general, consul, or commercial agent. The bonds herein mentioned shall be deposited with the Secretary of the Treasury.

18 Aug., 1856, c. 127, s. 13, v. 11, p. 56.
11 *June*, 1874, *c.* 275, *v.* 18, *p.* 67.
3 *Mar.*, 1875, *c.* 157, *r*, 18, *p.* 486.

Bonds of vice-consuls.

SEC. 1698. Every vice-consul shall, before he enters on the execution of his trust, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all moneys, goods, and effects which may come into his possession by

14 April, 1792, c. 24, s. 6, v. 1, p. 256.

virtue of his office. The bond shall be lodged in the office of the Secretary of the Treasury.

Consular officers not to transact business.

18 Aug., 1856, c. 127, s. 5, v. 11, p. 55.
3 *Mar.*, 1875, *c.* 157, *v.* 18, *p.* 486.

SEC. 1699. No consul-general, consul, or commercial agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate or commercial agency, directly or indirectly, either in his own name, or in the name or through the agency of any other person; and he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition.

Extension of prohibition upon transacting business.

18 Aug., 1856, c. 127, s. 15, v. 11, p. 57.
4 Feb., 1862, c. 17, s. 1, v. 12, pp. 335, 336.
3 *Mar.*, 1875, *c.* 157, *v.* 18, *p.* 487.

SEC. 1700. All consular officers whose respective salaries exceed one thousand dollars a year, shall be subject to the prohibition against transacting business contained in the preceding section. And the President may extend the prohibition to any consul or commercial agent not embraced in Schedules B and C, and to any vice-consul, vice-commercial agent, deputy consul, or consular agent, and may require such officer to give a bond not to violate the same.

Penalty for illegally transacting business.

18 Aug., 1856, c. 127, s. 5, v. 11, p. 55.

SEC. 1701. Every consul-general, consul, or commercial agent who violates the prohibition against transacting business, required to be inserted in his official bond, shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul-general, or consul, or commercial agent, or upon his official bond, as liquidated damages, for the breach of such condition against such consul-general, consul, or commercial agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the Treasury of the United States.

Compensation of consuls where fees amount to $3,000.

30 Mar., 1868, c. 38, s. 1, v. 15, p. 57.

SEC. 1702. The compensation of consuls whose annual salaries do not, under existing law, exceed one thousand five hundred dollars, shall, when the fees collected at the consulates where they are located and paid into the Treasury of the United States amount to three thousand dollars, be two thousand dollars a year.

Compensation of vice-consuls, vice-commercial agents, and consular agents.

18 Aug., 1856, c. 127, s. 15, v. 11, p. 57.
11 *June*, 1874, *c.* 275, *s.* 6, *v.* 18, *p.* 70.

SEC. 1703. Every vice-consul and vice-commercial agent shall be entitled, as compensation for his services as such, to the whole or so much of the compensation of the principal consular officer in whose place he shall be appointed, as shall be determined by the President, and the residue, if any, shall be paid to such principal consular officer; and every consular agent shall be entitled, as compensation for his services, to such fees as he may collect under the regulations prescribed by the President governing the subject of fees, or to so much thereof as shall be determined by the President; and the principal officer of the consulate or commercial agency within the limits of which such consular agent shall be appointed shall be entitled to the residue, if any, in addition to any other compensation allowed him by law for his services therein.

Appointment of consular clerks.

20 June, 1864, c. 136, s. 2, v. 13, p. 139.
11 *June*, 1874, *c.* 275, *ss.* 2, 5, 6, *v.* 18, *p.* 70.

SEC. 1704. The President is authorized, whenever he shall think the public good will be promoted thereby, to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services respectively at a rate not exceeding one thousand dollars a year each, to be determined by the President; and to assign such clerks, from time to time, to such consulates and with such duties as he shall direct.

Examination and removal of consular clerks.

20 June, 1864, c. 136, s. 2, v. 13, p. 139.

SEC. 1705. Before the appointment of any such consular clerk shall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no clerk so appointed

shall be removed from office, except for cause stated in writing, which shall be submitted to Congress at the session first following such removal.

Actual expenses may be allowed to consuls-general, &c., who are not allowed to trade.

SEC. 1706. The President may allow consuls-general, consuls, and commercial agents, who are not allowed to trade, actual expenses of office-rent, not to exceed, in any case, twenty per centum of the amount of the annual compensation allowed to such officer, whenever he shall think there is sufficient reason therefor.

18 Aug., 1856, c. 127, s. 22, v. 11, p. 60. 22 Feb., 1873, c. 184, s. 1, v. 17, p. 473.

Protests.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Armstrong *v.* Lear, 12 Wh., 169.

SEC. 1707. Consuls and vice-consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice-consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States. [See § 896.]

Lists and returns of seamen, vessels, &c.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

SEC. 1708. Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury. [See §§ 4561, 4580.]

SEC. 1709. It shall be the duty of consuls and vice-consuls, where the laws of the country permit:

Estates of decedents.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects.

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice.

Third. To collect the debts due the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted.

Fourth. To sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue.

Fifth. To transmit the balance of the estate to the Treasury of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

Notification of death.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

SEC. 1710. For the information of the representative of the deceased, the consul or vice-consul, in the settlement of his estate, shall immediately notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

Decedent's directions to be followed.

18 Aug., 1856, c. 127, s. 28, v. 11, p. 63.

SEC. 1711. When any citizen of the United States, dying abroad, leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying, appoints, by

any lawful testamentary disposition, any other person than such officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such consular officer to place his official seal upon all of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.

Commercial reports.

18 Aug., 1856, c. 170, s. 2, v. 11, p. 139.

SEC. 1712. Consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character, and in such manner and form, and at such times as the Department may from time to time prescribe.

Prices current.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

SEC. 1713. Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is stationed.

Construction of powers.

14 Apr., 1792, c. 24, s. 9, v. 1, p. 257.

SEC. 1714. The specification in this Title of certain powers to be exercised and duties to be performed by consuls and vice-consuls, shall not be construed as implying the exclusion of others resulting from the nature of their appointments, or prescribed by any treaty or convention under which they may act.

Certifying invoices.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

22 *June*, 1874, *c.* 391, *s.* 10, *v.* 18, *p.* 188.

SEC. 1715. No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied. [See § 2862.]

Exacting excessive fees for verifying invoices.

3 Mar., 1869, c. 125, s. 3, v. 15, p. 321.

SEC. 1716. The fee provided by law for the verification of invoices by consular officers shall, when paid, be held to a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the consular officer thereto; and any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive for any such service any fee or reward other than the fee provided by law for such service, shall be punishable by imprisonment for not more than one year, or by a fine of not more than two thousand dollars; and shall be removed from his office.

Certificate for goods from countries adjacent to United States.

22 Feb., 1873, c. 184, s. 3, v. 17, p. 474.

SEC. 1717. That no consular officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. [See § 2861.]

Fees allowed for official service.

18 Aug., 1856, c. 127, s. 28, v. 11, p. 63.

SEC. 1718. Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service, which any consular officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All consular officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels. [See §§ 4207, 4209.]

No profit from discharged seamen.

18 Aug., 1856, c. 127, s. 20, v. 11, p. 59.

SEC. 1719. No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law. [See §§ 4561, 4577, 4578, 4580, 4581, 4584.]

Restriction on amount of fees.

5 Aug., 1861, c. 49, v. 12, p. 315.

SEC. 1720. American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year.

Fees in British North America.

20 June, 1864, c. 136, s. 3, v. 13, p. 140.

SEC. 1721. The fee for certifying invoices to be charged by the consul-general for the British North American Provinces, and his subordinate consular officers and agents, for goods not exceeding one hundred dollars in value, shall be one dollar.

Tonnage-fees in Canada.

3 Mar., 1869, c. 125, s. 3, v. 15, p. 321.

SEC. 1722. No consul, vice-consul, or consular agent in the Dominion of Canada, shall be allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port; and in the collection of official fees they shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

Exacting excessive fees.

18 Aug., 1856, c. 127, s. 17, v. 11, p. 58.

SEC. 1723. Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

Penalty for omission to collect fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

SEC. 1724. Every consul-general, consul, or commercial agent, mentioned in Schedules B and C, or vice-consul, or vice-commercial agent, appointed to perform the duty of any such officer mentioned in Schedules B and C, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

Returns of fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

SEC. 1725. All such consuls-general, consuls, commercial agents, and consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect, and all such vice-consuls and vice-commercial agents appointed to perform the duties of such consuls-general, consuls, and commercial agents as are allowed for their compensation the whole or any part of such fees, shall make returns in such manner as the Secretary of State shall prescribe, of all such fees as they or any person in their behalf so collect.

Receipts for fees.

18 Aug., 1856, c. 127, s. 17, v. 11, p. 58.

SEC. 1726. Every consular officer shall give receipts for all fees collected for his official services, expressing the particular services for which the same were collected. [See § 4213.]

Registering receipts for fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

SEC. 1727. Every consular officer shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. He shall also register in a book to be kept by him for that purpose all fees so

received by him, in the order in which they are received, specifying each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any vessel, the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register.

Verification of account of fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

SEC. 1728. Every consular officer, in rendering his account of fees received shall furnish a full transcript of the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true, and contains a full and accurate statement of all fees received by him, or for his use, for his official services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury, in any such oath, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense.

Fees of officers not included in Schedules B and C.

25 July, 1866, c. 233, s. 3, v. 14, p. 226.

SEC. 1729. All fees collected by any consul or commercial agent not mentioned in Schedule B or C, or by any vice-consul or commercial agent appointed to perform their duties, or by any other person in their behalf, shall be accounted for to the Secretary of the Treasury in the manner prescribed by the five preceding sections.

Compensation of officers not embraced in Schedules B and C.

SEC. 1730. Consuls-general, consuls, and commercial agents, not embraced in Schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect under the regulations prescribed by the President governing the subject of fees.

18 Aug., 1856, c. 127, s. 4, v. 11, p. 55.

Rates of fees to be posted up.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

SEC. 1731. It shall be the duty of all consular officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force.

Excess of fees above $2,500.

25 July, 1866, c. 233, s. 3, v. 14, p. 226.

SEC. 1732. Whenever the fees collected by or in behalf of any consul or commercial agent, not mentioned in Schedule B or C, amount to more than twenty-five hundred dollars in any one year, over and above such expenses of office-rent and clerk-hire as are approved by the Secretary of State, of which return shall be made to the Secretary of the Treasury, the excess for that year shall be held subject to the draft or other directions of the Secretary of the Treasury.

Excess of fees above $1,000.

30 Mar., 1868, c. 38, s. 1, v. 15, p. 57.

SEC. 1733. All moneys received for fees at any vice-consulates or consular agencies of the United States, beyond the sum of one thousand dollars in any one year, and all moneys received by any consul or consul-general from consular agencies or vice-consulates in excess of one thousand dollars in the aggregate from all such agencies or vice-consulates, shall be accounted for to the Secretary of the Treasury, and held subject to his draft or other directions.

Embezzlement.

3 Mar., 1869, c. 125, s. 5, v. 15, p. 322.

SEC. 1734. Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of such moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than one year and by a fine of not more than two thousand dollars, and shall be

forever disqualified from holding any office of trust or profit under the United States.

Neglect of duty, &c.

18 Aug., 1856, c. 127, s. 32, v. 11, p. 64.

Dainese *v.* Hale. 91 U. S., 13.

SEC. 1735. Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the persons injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office.

Neglect of duty to seamen; corrupt conduct.

20 July, 1840, c. 48, s. 18, v. 5, p 397

SEC. 1736. If any consul or commercial agent neglects or omits to perform, seasonably, the duties imposed upon him by the laws regulating the shipment and discharge of seamen, and the reclamation of deserters on board or from vessels in foreign ports, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than ten thousand dollars and not less than one thousand. [See § 4600.]

False certificate of property.

28 Feb., 1803, c. 9, s. 7, v. 2, p. 204.

SEC. 1737. If any consul, vice-consul, commercial agent, or vice-commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than ten thousand dollars.

When consular officers may perform diplomatic functions.

18 Aug., 1856, c. 127, s. 12, v. 11, p. 56.

SEC. 1738. No consular officer shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he is appointed, or any other country or government, when there is in such country any officer of the United States authorized to perform diplomatic functions therein; nor in any case, unless expressly authorized by the President so to do. [See § 5335.]

Compensation of consular officer performing diplomatic functions.

18 Aug., 1865, c. 127, s. 11, v. 11, p. 56.

SEC. 1739. For such time as any consular officer shall be authorized to perform diplomatic functions, in the absence of the regular diplomatic officer in the country to which he shall be appointed, he shall be entitled, in addition to his compensation as such consular officer, to receive compensation for his services while so authorized, at the rate which would be allowed for a secretary of legation in such country.

CHAPTER THREE.

PROVISIONS COMMON TO DIPLOMATIC AND CONSULAR OFFICERS.

Sec.
1740. Term during which salary is payable.
1741. Absence.
1742. Salary in case of absence.
1743. Extra compensation prohibited.
1744. Compensation to citizens only.
1745. President to regulate fees.
1746. Fees to be collected in coin.
1747. Officers to account for fees.
1748. Expenses of legations, consulates, &c.
1749. Allowance to widow of consular officer deceased in a foreign country.
1750. Depositions.
1751. Certain correspondence by officers prohibited.
1752. Regulations.

Term during which salary is payable.

18 Aug., 1856, c. 127, s. 8, v. 11, p. 55.

SEC. 1740. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his official duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions,

not to exceed thirty days, and in making the direct transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated if not so relieved. But no such allowance or payment shall be made to any consul-general, consul, or commercial agent, not embraced in Schedules B and C, or to any vice-consul, vice-commercial agent, deputy consul, or consular agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer as is referred to in this section be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office.

Absence.

18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.
17 *June*, 1874, *c.* 294, *v.* 18, *p.* 77.

SEC. 1741. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter for any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, or consular agent, shall be absent from his post, or the performance of his duties, for a longer period than ten days at any one time, without the permission previously obtained of the President.

Salary in case of absence.

3 Mar., 1869, c. 125, s. 2, v. 15, p. 321.
17 *June*, 1874, *c.* 294, *v.* 18, *p.* 77.

SEC. 1742. No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days.

Extra compensation prohibited.

18 Aug., 1856, c. 127, s. 20, v. 11, p. 59.

SEC. 1743. The compensation allowed by law to the various diplomatic and consular officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person.

Compensation to citizens only.

18 Aug., 1856, c. 127, s. 21, v. 11, p. 60.

SEC. 1744. No compensation provided for any officer mentioned in section sixteen hundred and seventy-five, or for any assistant secretary of legation, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

President to regulate fees.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

SEC. 1745. The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several legations, consulates, and commercial agencies, and to adapt the same, by such differences as may be necessary or proper, to each legation, consulate, or commercial agency; and it shall be the duty of all officers and persons connected with such legations, consulates, or commercial agencies to collect for such official services such and only such fees as may be prescribed for their respective legations, consulates, and commercial agencies, and such rates or tariffs shall be reported annually to Congress.

Fees to be collected in coin.

18 Aug., 1856, c. 127, s. 30, v. 11, p. 63.

SEC. 1746. All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

Officers to account for fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

SEC. 1747. All fees collected by the consuls general, consuls, and commercial agents mentioned in Schedules B and C, and by vice-consuls and vice-commercial agents appointed to perform their duties, or by any other persons in their behalf, shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

Expenses of legations, consulates, &c.

SEC. 1748. The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags,

and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business. 18 Aug., 1856, c. 127, s. 22, v. 11, p. 60.

Allowance to widow of consular officer deceased in a foreign country.

SEC. 1749. Whenever any diplomatic or consular officer of the United States dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance now made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States. 22 Feb., 1873, c. 184, s. 2, v. 17, p. 474.

Depositions.

SEC. 1750. Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody. [See §§ 5392, 5393.] 18 Aug., 1856, c. 127, s. 24, v. 11, p. 61. Herman *v.* Herman, 4 Wash. C.C., p. 555. Penalty for perjury in such cases. Evidence of taking the oath. Penalty for forging certificate of oath.

Certain correspondence by officers prohibited.

SEC. 1751. No diplomatic or consular officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such government. 18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.

Regulations.

SEC. 1752. The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interest. It shall be the duty of all such officers to conform to such regulations, orders, and instructions. 18 Aug., 1856, c. 127, s. 22, v. 11, p. 60.

TITLE XIX.

PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS.

Sec.
1753. President to regulate admissions to the civil service.
1754. Preference of persons disabled in military or naval service.
1755. Recommendation for employment of such persons.
1756. Form of oath of office.
1757. Oath for certain persons.
1758. Who may administer oath.
1759. Custody of oath.
1760. Unauthorized office, no salary for.
1761. Appointees to fill vacancies during recess of Senate.
1762. Salaries to officers improperly holding over.
1763. Double salaries.
1764. Extra services.
1765. Extra allowances.
1766. Officer in arrears.
1767. Tenure of office.
1768. Suspension and filling vacancies.
1769. Filling vacancies temporarily.
1770. Term of office not to be extended.
1771. Accepting or exercising office contrary to law.
1772. Removing, appointing, or commissioning officer contrary to law.
1773. Commissions.
1774. Notification of appointments to Secretary of Treasury.
1775. Notification of nominations, rejections, &c., to Secretary of Treasury.
1776. Removal of office.
1777. Preservation of copies of Statutes at Large.
1778. Taking oaths, acknowledgments, &c.
1779. Restriction upon payments for newspapers, &c.
1780. Failure to make returns or reports.
1781. Prohibition upon taking consideration for procuring contracts, offices, &c.
1782. Upon taking compensation in matters to which United States is a party.
1783. Persons interested not to act as agents of the government.
1784. Prohibition of contributions, presents, &c., to superiors.
1785. Punishment for aiding, &c., in importing or trading in obscene literature.
1786. Proceedings against persons illegally holding office.
1787. Penalty for illegally holding office.
1788. Disbursing officers forbidden to trade in public funds or property.
1789. Collecting officers forbidden to trade in public property.
1790. Restriction on payment for services.

President to regulate admissions to the civil service.

3 March, 1871, c. 114, s. 9, v. 16, p. 514.

SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

Preference of persons disabled in military or naval service.

3 Mar., 1865, Res. No. 27, s. 1, v. 13, p. 571.

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Recommendation for employment of such persons.

3 Mar., 1865, Res. No. 27, s. 2, v. 13, p. 571.

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

Form of oath of office.

2 July, 1862, c. 128, v. 12, p. 502.

Ex parte Garland, 4 Wall., 333.

SEC. 1756. Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath: "I, A B, do solemnly swear (or affirm) that I have

never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

Oath for certain persons.

11 July, 1868, c. 139, v. 15, p. 85.
15 Feb., 1871, c. 53, v. 16, p. 412.

SEC. 1757. Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Who may administer oath.

6 Aug., 1861, c. 64, s. 2, v. 12, p. 326.
18 *April* 1876, *c.* 66, *v.* 19, *p.* 34.

SEC. 1758. The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered. [See § 2617.]

Custody of oath.

2 July, 1862, c. 128, v. 12, p. 502.

SEC. 1759. The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of section seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.

Unauthorized office, no salary for.

9 Feb., 1863, c. 25, s. 2, v. 12, p. 646.

SEC. 1760. No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law.

No salaries to certain appointees to fill vacancies during recess of Senate.

9 Feb., 1863, c. 25, s. 2, v. 12, p. 646.

SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

Salaries to officers improperly holding over.

2 Mar., 1867, c. 154, s. 9, v. 14, p. 431.
20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109.

SEC. 1762. No money shall be paid or received from the Treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to sections seventeen hundred and sixty-seven to seventeen hundred and seventy, inclusive; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions or duties thereof. Every person who violates any of the provisions of this section shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than ten years, or fined not more than ten thousand dollars, or both.

Double salaries.

31 Aug., 1852, c. 108, s. 18, v. 10, p. 100.

20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109.—Talbot's Case, 10 C. Cls., 426.

SEC. 1763. No person who holds an office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

Extra services.

26 Aug., 1842, c. 202, s. 12, v. 5, p. 525.

Stansbury *v.* U.S., 8 Wall., 33.

SEC. 1764. No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

Extra allowances.

3 Mar., 1839, c. 82, s. 3, v. 5, p. 349.

23 Aug., 1842, c. 183, s. 2, v. 5, p. 510.

1 *May*, 1876, *c.* 88, *v.* 19, *p.* 45.

Converse, adm., *v.* U. S., 21 How., 463; U. S. *v.* Shoemaker, 7 Wall., 338; Stansbury *v.* U. S., 8 Wall., 33.

SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

Officer in arrears.

25 Jan., 1828, c. 2, v. 4, p. 246.

20 May, 1836, c. 77, v. 5, p. 31.

SEC. 1766. No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.

Tenure of office.

2 Mar., 1867, c. 154, s. 1, v. 14, p. 430.

5 April, 1869, c. 10, s. 1, v. 16, p. 6.

Embry's Case, 13 C. Cls., 455.

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

Suspension and filling vacancies.

2 Mar., 1867, c. 154, s. 2, v. 14, p. 430.

5 April, 1869, c. 10, s. 2, v. 16, p. 7.

Embry's Case, 13 C. Cls., 455.

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

Filling vacancies temporarily.

2 Mar., 1867, c. 154, s. 3, v. 14, p. 430.

5 April, 1869, c. 10, s. 3, v. 16, p. 7.

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the

office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

Term of office not to be extended.

SEC. 1770. Nothing in sections seventeen hundred and sixty-seven, seventeen hundred and sixty-eight, or seventeen hundred and sixty-nine shall be construed to extend the term of any office the duration of which is limited by law.

2 Mar., 1867, c. 154, s. 4, v. 14, p. 431.

Accepting or exercising office contrary to law.

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

2 Mar., 1867, c. 154, s. 5, v. 14, p. 431.

Removing, appointing, or commissioning officer contrary to law.

SEC. 1772. Every removal, appointment, or employment, made, had, or exercised, contrary to sections seventeen hundred and sixty-seven, to seventeen hundred and seventy, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

2 Mar., 1867, c. 154, s. 6, v. 14, p. 431.

Commissions.

SEC. 1773. The President is authorized to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointments have been advised and consented to by the Senate.

2 Mar., 1867, c. 154, s. 6, v. 14, p. 431.

Notification of appointments to Secretary of Treasury.

SEC. 1774. Whenever the President, without the advice and consent of the Senate, designates, authorizes, or employs any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof, and the Secretary of the Treasury shall thereupon communicate such notice to all the proper accounting and disbursing officers of his Department.

2 Mar., 1867, c. 154, s. 8, v. 14, p. 431.

Notification of nominations, rejections, &c., to Secretary of Treasury.

SEC. 1775. The Secretary of the Senate shall, at the close of each session thereof, deliver to the Secretary of the Treasury, and to each of the Assistant Secretaries of the Treasury, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations have been made and not confirmed and filled at such session.

2 Mar., 1867, c. 154, s. 7, v. 14, p. 431.

Removal of office.

SEC. 1776. Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress. [See §§ 4797–4799.]

21 April, 1806, c. 41, s. 6, v. 2, p. 397.

Preservation of copies of Statutes at Large.

SEC. 1777. The various officers of the United States, to whom, in virtue of their offices and for the uses thereof, copies of the United States Statutes at Large, published by Little, Brown and Company, have been or may be distributed at the public expense, by authority of law, shall preserve such copies, and deliver them to their successors respectively as a part of the property appertaining to the office. A printed copy of this section shall be inserted in each volume of the Statutes distributed to any such officers.

8 Aug., 1846, c. 100, s. 1, v. 9, p. 75.

Taking oaths, acknowledgments, &c.

SEC. 1778. In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, district, or Territory, or any of the commissioners of the circuit courts, and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace.

16 Sept., 1850, c. 52, v. 9, p. 458.
29 July, 1854, c. 159, s. 1, v. 10, p. 315.
22 *June*, 1874, *c.* 390, *s.* 20, *v.* 18, *p.* 186.
15 *Aug.*, 1876, *c.* 304, *v.* 19, *p.* 206.

Restriction upon payments for newspapers, &c.
3 Mar., 1839, c. 82, s. 3, v. 5, p. 349.

SEC. 1779. No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

Failure to make returns or reports.
18 July, 1866, c. 201, s. 42, v. 14, p. 188.

SEC. 1780. Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such act or regulation, shall be fined not more than one thousand dollars and not less than one hundred.

Prohibition upon taking consideration for procuring contracts, offices, &c.
16 July, 1862, c. 180, v. 12, p. 577.
25 Feb., 1863, c. 61, v. 12, p. 696.

SEC. 1781. Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place, from the Government or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars. And any such contract or agreement may, at the option of the President, be declared absolutely null and void; and any member of Congress or officer convicted of a violation of this section, shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

Upon taking compensation in matters to which United States is a party.
11 June, 1864, c. 119, v. 13, p. 123.

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, Bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and fined not more than ten thousand dollars, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Persons interested not to act as agents of the Government.
2 Mar., 1863, c. 67, s. 8, v. 12, p. 698.

SEC. 1783. No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such officer, agent, or member, or person, so interested, who so acts, shall be imprisoned not more than two years, and fined not more than two thousand dollars nor less than five hundred dollars.

Prohibition of contributions, presents, &c., to superiors.
1 Feb., 1870, c. 11, v. 16, p. 63.

SEC. 1784. No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them

as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.

Punishment for aiding, &c., in importing or trading in obscene literature.

SEC. 1785. Whoever, being an officer, agent, or employé of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail, obscene or indecent publications, or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not less than one hundred dollars and not more than five thousand, or by imprisonment at hard labor for not less than one year nor more than ten, or both. [See §§ 2491, 3893.]

3 March, 1873, c. 258, s. 4, v. 17, p. 599.

Proceedings against persons illegally holding office.

SEC. 1786. Whenever any person holds office, except as a member of Congress or of some State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution, the district attorney for the district in which such person holds office shall proceed against him by writ of quo warranto, returnable to the circuit or district court of the United States in such district, and prosecute the same to the removal of such person from office.

31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Penalty for illegally holding office.

SEC. 1787. Every person who knowingly accepts or holds any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution, or who attempts to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than one year, or fined not more than one thousand dollars, or both.

31 May, 1870, c. 114, s. 15, v. 16, p. 143.

Disbursing officers forbidden to trade in public funds or property.

SEC. 1788. Every officer of the United States concerned in the disbursement of the revenues thereof who carries on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be deemed guilty of a misdemeanor, and punished by a fine of three thousand dollars, and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States.

2 Sept., 1789, c. 12, s. 8, v. 1, p. 67. 8 May, 1792, c. 37, s. 12, v. 1, p. 281. 2 Mar., 1799, c. 22, s. 87, v. 1, p. 695.

Collecting officers forbidden to trade in public property.

SEC. 1789. Every officer concerned in the collection of the revenues of the United States who carries on any trade or business in any public property of the United States, or of any State, shall be deemed guilty of a misdemeanor, and punished by a fine of three thousand dollars, and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States.

2 Sept., 1789, c. 12, s. 8, v. 1, p. 67. 8 May, 1792, c. 37, s. 12, v. 1, p. 281. 2 Mar., 1799, c. 22, s. 87, v. 1, p. 695.

Restriction on payment for services.

SEC. 1790. No officer or clerk whose duty it is to make payments on account of the salary or wages of any officer or person employed in connection with the customs or the internal-revenue service, shall make any payment to any officer or person so employed on account of services rendered, or of salary, unless such officer or person so to be paid has made and subscribed an oath that, during the period for which he is to receive pay, neither he, nor any member of his family, has received, either personally or by the intervention of another party, any money or compensation of any description whatever, nor any promises for the same, either directly or indirectly, for services rendered or to be rendered, or acts performed or to be performed, in connection with the customs or internal revenue; or has purchased, for like services or acts, from any importer, if affiant is connected with the customs, or manufacturer, if affiant is connected with the internal-revenue service, consignee, agent, or customhouse broker, or other person whomsoever, any merchandise, at less than regular retail market prices therefor.

18 July, 1866, c. 201, s. 30, v. 14, p. 185.

TITLE XX.

FLAG AND SEAL.

Sec.
1791. The flag to be 13 stripes and 37 stars.
1792. A star to be added for every new State.
1793. Seal of the United States.
1794. Secretary of State to keep and use the seal.

The flag to be 13 stripes and 37 stars.

SEC. 1791. The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field.

13 Jan., 1794, c. 1, v. 1, p. 341. 4 April, 1818, c. 34, s. 1, v. 3, p. 415.

A star to be added for every new State.

SEC. 1792. On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

4 April, 1818, c. 34, s. 2, v. 3, p. 415.

Seal of the United States.

SEC. 1793. The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States.

15 Sept., 1789, c. 14, s. 3, v. 1, p. 68.

Secretary of State to keep and use the seal.

SEC. 1794. The Secretary of State shall keep such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor.

15 Sept., 1789, c. 14, s. 4, v. 1, p. 68. 18 *Mar.*, 1874, c. 57, v. 18, p. 23. 3 *Mar.*, 1875, c. 131, s. 14, v. 18, p. 420.—Marbury *v.* Madison, 1 Cr., 158.

TITLE XXI.

SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS.

Sec.
1795. Permanent seat of Government.
1796. Public offices to be exercised at seat of Government.
1797. Chief of Engineers to have charge of public buildings and grounds.
1798. Estimates and appropriations.
1799. Employés in office of public buildings.
1800. Chief of Engineers to have charge of Washington aqueduct.
1801. Chief of Engineers to obey the President.
1802. How moneys for aqueduct, &c., to be expended.
1803. Unauthorized opening of pipes punishable.
1804. Willful, &c., breaking, &c., of pipes punishable.
1805. Laying of pipes for use of public buildings.
1806. Maliciously making water impure punishable.
1807. Compensation of Chief of Engineers.
1808. Apartments, stationery, &c.
1809. Record of property to be kept.
1810. Authority, &c.
1811. Right of appeal to Secretary of War.
1812. Reports.
1813. Limitation on contracts of board of public works.
1814. Old hall of House of Representatives.
1815. Paintings, &c., not to be exhibited in Capitol.
1816. Repairs, &c., of Capitol.
1817. Electrical apparatus.
1818. Improper appropriation of streets, &c.
1819. Laws of District of Columbia extended to Capitol Square.
1820. Protection of public buildings; arrest of offenders.
1821. Capitol police.
1822. Number and pay.
1823. Suspension of members of force.
1824. Uniform.
1825. At whose expense.
1826. Supervision extended over Botanical Garden.
1827. Superintendent, &c., of Botanical Garden and greenhouses.
1828. Report of warden of penitentiary.
1829. Furniture for President's House.
1830. Ailantus trees prohibited.
1831. Works of fine arts.
1832. Annual statement of public property.
1833. Inventory of public property.
1834. Two last sections not to apply to Library of Congress, &c.
1835. Extra pay prohibited.

Permanent seat of Government.

SEC. 1795. All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of Government of the United States.

16 July, 1790, c. 28, s. 1, v. 1, p. 130.

Public offices to be exercised at seat of Government.

SEC. 1796. All offices attached to the seat of Government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law. [See §§ 4798, 4799.]

16 July, 1790, c. 28, s. 6, v. 1, p. 130.

Chief of Engineers to have charge of public buildings and grounds.

SEC. 1797. The Chief of Engineers shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President through the War Department, except those buildings and grounds which are otherwise provided for by law.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573. 2 Mar., 1867, c. 167, s. 2, v. 14, p. 466. 14 *Feb.*, 1874, *c.* 22 *v.* 18, *p.* 14.—Ashfield's Case, 9 C. Cls., 331.

Estimates and appropriations.

SEC. 1798. All estimates for public buildings and grounds in charge of the Chief of Engineers shall be approved and submitted by the Secretary of War, through the Treasury Department, as other estimates, to the two Houses of Congress; and all appropriations which have been or may be hereafter made for repairs or improvements of the public buildings and grounds in the District of Columbia, and now in charge of the Chief of Engineers, shall be expended under the direction of the Secretary of War.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573. 3 *Mar.*, 1875, *c.* 129, *s.* 3, *v.* 18, *p.* 370.

Employés in office of public buildings.

SEC. 1799. The Chief of Engineers in charge of public buildings and grounds is authorized to employ in his office and about the public buildings and grounds under his control such number of persons for such employments, and at such rates of compensation, as may be appropriated for by Congress from year to year.

3 Mar., 1871, c. 113, s. 1, v. 16, p. 479. 8 May, 1872, c. 140, s. 1, v. 17, p. 65. 20 *Jan.*, 1874, *c.* 11, *v.* 18, *p.* 4.

Chief of Engineers to have charge of Washington Aqueduct.

SEC. 1800. The Chief of Engineers shall have the immediate superintendence of the Washington aqueduct, together with all rights, appurtenances, and fixtures connected with the same, and belonging to the United States, and of all other public works and improvements in the District of Columbia in which the Government has an interest, and which are not otherwise specially provided for by law.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435. 25 June, 1860, c. 211, s. 1, v. 12, p. 106. 2 Mar., 1867, c. 167, s. 2, v. 14, p. 466. 30 Mar., 1867, c. 20, s. 3, v. 15, p. 12.

Chief of Engineers to obey the President.

SEC. 1801. He shall obey, in the discharge of the duties mentioned in the preceding section, such regulations, pursuant to law, as may be prescribed by the President, through the Department of War.

2 May, 1828, c. 45, s. 4, v. 4, p. 266. 3 Mar., 1859, c. 84, s. 1, v. 11, p. 435. 25 June, 1860, c. 211, s. 1, v. 12, p. 106. 30 Mar., 1867, c. 20, s. 3, v. 15, p. 12.

How moneys for aqueduct, &c., to be expended.

SEC. 1802. All moneys appropriated or hereafter appropriated for the Washington Aqueduct, and for the other public works in the District of Columbia, not otherwise expressly provided for by law, shall be expended under the direction of the Secretary of War.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435. 18 June, 1862, Res. No. 36, v. 12, p. 620. 30 Mar., 1867, c. 20, s. 3, v. 15, p. 12.

Unauthorized opening of pipes punishable.

SEC. 1803. No person, unless by consent of the Chief of Engineers in charge of the public buildings and works, shall tap or open the mains or pipes laid or hereafter to be laid by the United States, under a penalty of not less than fifty nor more than five hundred dollars.

3 Mar., 1859, c. 84, s. 5, v. 11, p. 436.

Willful, &c., breaking, &c., of pipes punishable.

SEC. 1804. Every person who maliciously breaks, injures, defaces, or destroys any main or pipe, bend, branch, valve, hydrant, service-pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of Washington and Georgetown, shall be punishable by imprisonment in the county jail for not more than two years.

3 Mar., 1859, c. 84, s. 5, v. 11, p. 436.

Laying of pipes for use of public buildings.

SEC. 1805. No greater number of main pipes of the Washington Aqueduct shall be laid at the expense of the United States than are sufficient to furnish the public buildings, offices, and grounds with the necessary supply of water. The cost of any main pipe, for the supply of water to the inhabitants of Washington and Georgetown, must be paid by the District of Columbia, in the manner provided by law.

3 Mar., 1859, c. 84, s. 6, v. 11, p. 436.

Maliciously making water impure punishable.

SEC. 1806. Every person who maliciously commits any act by reason of which the supply of water, or any part thereof, to the cities of Washington and Georgetown, becomes impure, filthy, or unfit for use, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned at hard labor in the District of Columbia not more than three years nor less than one year.

3 Mar., 1859, c. 84, s. 7, v. 11, p. 437.

Compensation of Chief of Engineers.

SEC. 1807. The Chief of Engineers shall receive no compensation, other than his regular pay as an officer of the Corps of Engineers, for the services required of him under the provisions of this Title.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

Apartments, stationery, &c.

SEC. 1808. He shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the President, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

Record of property to be kept.

SEC. 1809. He shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

Authority, &c.

SEC. 1810. He and his necessary assistants are empowered to use all lawful means for the discharge of their duties; and, particularly, he shall have full control over the Washington Aqueduct, to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants thereof; and he shall stop the same whenever it is found to be no more than adequate to the wants of the public buildings and grounds.

2 May, 1828, c. 45, s. 4, v. 4, p. 266. 3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

Right of appeal to Secretary of War.

SEC. 1811. His decision on all questions concerning the supply of water, as provided in the preceding section, shall be subject to appeal to the Secretary of War only.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

Reports.

SEC. 1812. The Chief of Engineers shall, as Superintendent of Public Buildings and Grounds, and as Superintendent of the Washington Aqueduct, annually submit the following reports to the Secretary of War in time to accompany the annual message of the President to Congress, namely:

3 Mar., 1829, c. 51, s. 3, v. 4, p. 363.
4 Aug., 1854, c. 242, s. 15, v. 10, p. 573.
3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.
25 June, 1860, c. 211, s. 1, v. 12, p. 106.

First. A report of his operations for the preceding year, with an account of the manner in which all appropriations for public buildings and grounds have been applied, including a statement of the number of public lots sold, or remaining unsold each year, of the condition of the public buildings and grounds, and of the measures necessary to be taken for the care and preservation of all public property under his charge.

Second. A report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under his charge.

Limitation on contracts of Board of Public Works.

SEC. 1813. The Board of Public Works of said District are prohibited from incurring or contracting liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress.

3 Mar., 1873, c. 227, s. 1, v. 17, p. 526.

Old hall of House of Representatives.

SEC. 1814. Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Chief of Engineers in charge of public buildings and grounds. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

2 July, 1864, c. 210, s. 2, v. 13, p. 347.

Paintings, &c., not to be exhibited in Capitol.

SEC. 1815. No statuary, painting, or other article, the property of an individual, shall hereafter be allowed to be exhibited in the rotunda or any other portion of the Capitol building.

20 July, 1868, c. 176, s. 6, v. 15, p. 110.

Repairs, &c., of Capitol.

SEC. 1816. All improvements, alterations, additions, and repairs of the Capitol building shall hereafter be made by the direction and under the supervision of the Architect of the Capitol Extension, and the same shall be paid for by the Secretary of the Interior out of the appropriations for such extension, and from no other appropriation; and no furniture or carpets for either House shall hereafter be purchased without the written order of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, for the Senate, or without the written order of the chairman of the Committee on Accounts of the House of Representatives, for the House.

16 April, 1862, Res. No. 28, v. 12, p. 617.
30 Mar., 1867, c. 24, s. 2, v. 15, p. 13.
20 July, 1868, c. 177, s. 1, v. 15, p. 115.
3 Mar., 1869, c. 121, s. 1, v. 15, pp. 283, 284. 3 Mar., 1871, c. 114, s. 1, v. 16, p. 500. 15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 147.

Electrical apparatus.

SEC. 1817. The electrical apparatus for lighting the hall of the House, the dome, the rotunda, and the old hall of Representatives shall be in charge of the chief engineer of the House of Representatives, and operated by the person or persons under his charge, to be designated by him, subject to the control and supervision of the Architect of the Capitol and the Chief of Engineers in charge of public buildings and grounds.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 491.

Improper appropriation of streets, &c.

SEC. 1818. The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington, belonging to the

30 June, 1864, Res. No. 56, v. 13, p. 412.

United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States.

Laws of District of Columbia extended to Capitol Square.

SEC. 1819. All laws and regulations of the District of Columbia for the preservation of the public peace and order shall extend to the Capitol Square, whenever application for the same is requested by the presiding officer of either House of Congress, or by the Chief of Engineers in charge of public buildings and grounds.

2 May, 1828, c. 45, s. 4, v. 4, p. 266.
21 Feb., 1871, c. 62, s. 41, v. 16, p. 428.

Protection of public buildings; arrest of offenders.

SEC. 1820. The Sergeants-at-Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial.

30 Mar., 1867, c. 20, s. 2, v. 15, p. 12.
29 *April*, 1876, c. 86, *v.* 19, *p.* 41.

Capitol police.

SEC. 1821. There shall be a Capitol police, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

2 Mar., 1867, c. 167, s. 2, v. 14, p. 466.
3 Mar., 1873, c. 226 v. 17, p. 488.

Number and pay.

SEC. 1822. The Capitol police shall consist of the following members, to be paid at the following rates, respectively, per annum, on the order of the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House, or of either of them, namely:

30 Mar., 1867, c. 20, s. 1, v. 15, p. 11.
3 Mar., 1871, c. 113, s. 1, v. 16, p. 477.

One captain, at two thousand four hundred and one dollars and twenty cents; three lieutenants, at two thousand and seventy dollars each; twenty-seven privates, at one thousand eight hundred and twenty-one dollars and sixty cents each; and eight watchmen, at one thousand one hundred and fifty dollars each.

Suspension of members of force.

SEC. 1823. The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants-at-Arms and of the Architect of the Capitol Extension.

3 Mar., 1873, c. 226, v. 17, p. 488.
20 *June*, 1874, *c.* 328, *v.* 18, *p.* 86. 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 345.

Uniform.

SEC. 1824. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives are directed to select and regulate the pattern for a uniform for the Capitol police and watchmen, and to furnish each member of the force with the necessary belts and arms, at a cost not to exceed twenty dollars per man, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named.

30 Mar., 1867, c. 20, s. 1, v. 15, p. 11.

At whose expense.

SEC. 1825. The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants-at-Arms.

20 July, 1868, c. 176, s. 1, v. 15, p. 94.

Supervision extended over Botanical Garden.

SEC. 1826. The supervision of the Capitol police shall be extended over the Botanical Garden, and, until otherwise ordered, and especially during the period employed for rebuilding the fence surrounding the grounds, additional police force may be employed, if deemed necessary, the expense for which shall be defrayed from the contingent fund of the Senate and House of Representatives; but the additional number of policemen for this purpose shall not exceed three at any time.

15 July, 1870, Res. No. 131, v. 16, p. 391.

Superintendent, &c., of Botanical Garden and greenhouses.

SEC. 1827. There shall be a superintendent, assistants, and two additional laborers in the Botanical Garden and green-houses, who shall be under the direction of the Joint Committee on the Library.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 491.

Report of warden of penitentiary.

SEC. 1828. The warden of the penitentiary of the United States for the District of Columbia shall make to the Secretary of the Interior, annually, in time to accompany the annual message of the President to Congress, a report of his operations during the preceding year, and of the manner in which all appropriations have been applied.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573.

Furniture for President's House.

SEC. 1829. All furniture purchased for the use of the President's House shall be, as far as practicable, of domestic manufacture.

22 May, 1826, c. 154, s. 2, v. 4, p. 194.

Ailantus trees prohibited.

SEC. 1830. No more ailantus trees shall be purchased for or planted in the public grounds.

3 Mar., 1853, c. 97, s. 1, v. 10, p. 207.

Works of fine arts.

SEC. 1831. The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.

10 June, 1872, c. 415, s. 1, v. 17, p. 362.

Annual statement of public property.

SEC. 1832. It shall be the duty of the officer or officers having in charge the property of the United States in and about the Capitol, the President's House, and the Botanical Garden, to furnish an annual statement to the Architect of the Capitol Extension, by the first day of December, setting forth the public property in all the buildings, rooms, and grounds under their charge, purchased during each year, and an account of the disposition of such property during the same period, whether by sale or otherwise.

4 June, 1872, c. 287, v. 17, p. 220.

Inventory of public property.

SEC. 1833. The Architect of the Capitol Extension shall make out and keep, in proper books, a complete inventory of all public property in and about the Capitol, the Botanical Garden, and the President's House, adding thereto, from time to time, an account of such property as may be procured, subsequently to the taking of the first inventory, as well as an account of the sale or other disposal of such property. And he shall submit an annual report of such inventories and accounts, on the first Monday of December to Congress.

15 July, 1870, c. 300, s. 2, v. 16, p. 364.

Two last sections not to apply to Library of Congress, &c.

SEC. 1834. The two preceding sections shall not apply to the books, pamphlets, papers, and documents in the Library of Congress, nor to the supplies of stationery and fuel in the several public buildings and offices therein referred to.

15 July, 1870, c. 300, s. 3, v. 16, p. 364.

Extra pay prohibited.

SEC. 1835. No pay or compensation other than is fixed by this Title shall be allowed to any officer, employé, or laborer embraced within the provisions hereof.

12 July, 1870, c. 251, s. 4, v. 16, p. 250.

TITLE XXII.

THE STATES.

Sec.
1836. Oath by members of State legislatures and State officers.
1837. By whom administered.
1838. Assent of States to purchase of lands for forts, &c.

Oath by members of State legislatures and State officers.

SEC. 1836. Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: "I, A B, do solemnly swear that I will support the Constitution of the United States."

1 June, 1789, c. 1, s. 3, v. 1, p. 23.

By whom administered.

SEC. 1837. Such oath may be administered by any person who, by the law of the State, is authorized to administer the oath of office; and the person so administering such oath shall cause a record or certificate thereof to be made in the same manner as, by the law of the State, he is directed to record or certify the oath of office.

1 June, 1789, c. 1, s. 3, v. 1, p. 23.

Assent of States to purchase of lands for forts, &c.

SEC. 1838. The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, without such consent having been obtained.

28 April, 1828, c. 41, s. 2, v. 4, p. 264.

TITLE XXIII.

THE TERRITORIES.

CHAPTER ONE.

PROVISIONS COMMON TO ALL THE TERRITORIES.

Sec.
1839. Right of Indians in person and property not impaired by this Title, &c., boundaries, &c.
1840. Authority to regulate Indians.
1841. Executive power.
1842. Veto power.
Provisions relating to Utah and Arizona.
1843. Secretary.
1844. Secretary's duties.
1845. Salaries of governors and secretaries.
1846. Legislative power.
1847. Census and elections.
1848. Time and place of holding elections.
1849. Apportionment.
1850. Laws to be submitted to Congress.
1851. Extent of legislative power.
1852. Limit of time of sessions.
1853. Compensation of members.
1854. Members of legislature prohibited from holding certain offices.
1855. Prohibition of extra compensation to certain officers.
1856. Election of justices of the peace and militia officers.
1857. Other officers.
1858. Vacancies, how filled.
1859. Qualifications of voting and holding office at first election.
1860. At future elections.
1861. Subordinate officers of legislature.
1862. Delegate to Congress.
1863. Time, places, and manner of electing Delegate.
1864. Supreme courts of Territories.
1865. Judicial districts and courts.
1866. Jurisdiction of courts.
1867. Jurisdiction of justices of the peace.
1868. Chancery and common-law jurisdiction.
Sec.
1869. Appellate jurisdiction of supreme court.
1870. Clerk of supreme court.
1871. Clerk of district court.
1872. Register in chancery, residence and office.
1873. Judicial districts; how defined.
1874. Judges of supreme court to hear certain causes.
1875. District attorneys.
1876. Marshals.
1877. Appointment of governor, &c.
1878. Oath of office; how qualified.
1879. Salaries of justices.
1880. Salary of attorney.
1881. Salary of marshal.
1882. When salaries to be paid.
1883. Fees of clerks, &c.
1884. Salary not to be paid when officer is absent.
1885. Seat of government in a new Territory.
1886. Accounts of the Territories; no payments unless approved by Congress.
1887. Limitation on expenses of printing.
1888. Limitation on expenses of legislature.
1889. Legislatures not to grant special charters.
1890. Limitation on right of religious corporations to hold real estate.
1891. Constitution and laws of United States made applicable to all the Territories.
1892. Penitentiaries.
1893. Rules for their government.
1894. Payment of marshal, &c., and of expenses of subsistence, &c., of offenders.
1895. Imprisonment in penitentiaries.

Right of Indians in person and property not impaired by this Title, &c.; boundaries, &c.

SEC. 1839. Nothing in this Title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.
Utah, 9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.
Colo., 28 Feb., 1861, c. 59, s. 1, v. 12, p. 172. Idaho, 3 Mar., 1863, c. 117, s. 1, v. 12, p. 808. Dak., 2 Mar., 1861, c. 86, s. 1, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 1, v. 12, p. 664. Mont., 26 May, 1864, c. 95, s. 1, v. 13, p. 85. Wyo., 25 July, 1868, c. 235, s. 1, v. 15, p. 178. Wash., 2 Mar., 1853, c. 90, s. 1, v. 10, p. 172.

Authority to regulate Indians.

Ibid.

SEC. 1840. Nor shall anything in this Title be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

Executive power.

19 *July*, 1876, *c.* 212, *v.* 19, *p.* 91. N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447. Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453. Wash., 2 Mar., 1853, c. 90, s. 2, v. 10, p. 173. Colo., 28 Feb., 1861, c. 59, s. 2, v. 12, p. 172. Dak., 2 Mar., 1861, c. 86, s. 2, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 2, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 2, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 2, v. 15, p. 178.—American Ins. Co. *v.* 356 Bales of Cotton, 1 Pet., 511.

SEC. 1841. The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander-in-chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

Veto power.

18 *Feb.*, 1875, *c.* 18, *v.* 18, *p.* 318. 19 *July*, 1876, *c.* 212, *v.* 19, *p.* 91. N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447. 27 July, 1868, c. 272, s. 1, v. 15, p. 239. Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453. Wash., 17 June, 1864, c. 131, v. 13, p. 135. Colo. and Dak., 2 Mar., 1863, ss. 1, 2, and 4, v. 12, pp. 700, 701. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 6, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 6, v. 15, p. 180.

SEC. 1842. Every bill which has passed the legislative assembly of any Territory shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law: [*Provided*, That so much of this section as provides for making any bill passed by the legislative assembly of a Territory a law, without the approval of the governor, shall not apply to the Territories of Utah and Arizona.]

Secretary.

N. Mex., 9 Sept., 1850, c. 49, s. 4, v. 9, p. 448. Utah, 9 Sept., 1850, c. 51, s. 3, v. 9, p. 452. Wash., 2 Mar., 1853, c. 90, s. 3, v. 10, p. 173. Colo., 28 Feb., 1861, c. 59, s. 3, v. 12, p. 172. Dak., 2 Mar., 1861, c. 86, s. 3, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 3, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 3, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 3, v. 15, p. 179.

SEC. 1843. There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified.

Secretary's duties.

Ibid. 29 Aug., 1842, c. 259, s. 2, v. 5, p. 541. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 99.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each

year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

Salaries of governors and secretaries.

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several Territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

23 Jan., 1873, c. 48, s. 3, v. 17, p. 416.
1 *May*, 1876, *c.* 88, *v.* 19, *p.* 43.

Legislative power.

SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected.

3 Mar., 1869, c. 121, s. 1, v. 15, p. 300.
20 *June*, 1874, *c.* 388, *v.* 18, *p.* 135.
N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 448.
Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.
Wash., 2 Mar., 1853, c. 90, s. 4, v. 10, p. 173.
Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.
Dak., 2 Mar., 1861, c. 86, s. 4, v. 12, p. 240.
Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.
Idaho, 3 Mar., 1863, c. 117, s. 4, v. 12, p. 809.
Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87.
Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

Census and election.

SEC. 1847. Previous to the first election for members of the legislative assembly of a Territory in which Congress may hereafter provide a temporary government, the governor shall cause a census of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor may direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts is entitled under the act providing such temporary government for the particular Territory. The persons having the highest number of legal votes in each of the districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of that house; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor appoints.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 448.
Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.
Wash., 2 Mar., 1853, c. 90, s. 4, v. 10, p. 173.
Colo., 28 Feb., 1861, c. 59, s. 1, v. 12, p. 172.
Dak., 2 Mar., 1861, c. 86, s. 4, v. 12, p. 240.
Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.
Idaho, 3 Mar., 1863, c. 117, s. 4, v. 12, p. 809.
Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87.
Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

Time and place of holding elections.

SEC. 1848. After such first election, however, the time, place, and manner of holding elections by the people in any newly-created Territory, as well as of holding all such elections in Territories now organized, shall be prescribed by the laws of each Territory.

Ibid.

Apportionment.

SEC. 1849. The apportionment of representation, which the governor is authorized to make by section eighteen hundred and forty-seven, in the case of a Territory hereafter erected by Congress, shall be as nearly equal as practicable among the several districts and counties for such first election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population, except Indians not taxed; and thereafter in such new Territory, as well as in all Territories now organized, the legislative assemblies, respectively, may re-adjust and apportion the representation to the two houses thereof, among the several counties and districts, in such manner, from time to time, as they deem just and proper; but the number of either house, as authorized by law, shall not be increased.

Ibid.
15 June, 1844, c. 69, s. 1, v. 5, p. 670.

Laws to be submitted to Congress.

SEC. 1850. All laws passed by the legislative assembly and governor of any Territory except in any Territories of Colorado, Dakota, Idaho,

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454. Wash., 2 Mar., 1853, c. 90, s. 6, v. 10, p. 175. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Extent of legislative power.

SEC. 1851. The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.

Wash., 2 Mar., 1853, c. 90, s. 6, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 6, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 6, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 6, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 26 July, 1868, c. 235, s. 6, v. 15, p. 180.

Limit of time of sessions.

SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

23 Jan., 1873, c. 48, s. 1, v. 17, p. 416.

Compensation of members.

SEC. 1853. The members of each branch of the several territorial legislatures shall receive a compensation of six dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law: *Provided*, That the president of the council and the speaker of the house of representatives shall each receive a compensation of ten dollars per day.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

Members of legislature prohibited from holding certain offices.

SEC. 1854. No member of the legislative assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any Territory. The exception of postmasters shall not apply in the Territory of Washington.

N. Mex., 9 Sept., 1850, c. 49, s. 9, v. 6, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 8, v. 9, p. 455.

Wash., 2 Mar., 1853, c. 90, s. 8, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 8, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 8, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 8, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 8, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 8, v. 15, p. 180.

Prohibition of extra compensation to certain officers.

SEC. 1855. No law of any territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any territorial legislature are paid any compensation other than that provided by the laws of the United States.

23 Jan., 1873, c. 48, s. 4, v. 17, p. 416.

Election of justices of the peace and militia officers.

SEC. 1856. Justices of the peace and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective legislatures may provide by law.

15 June, 1844, c. 69, s. 2, v. 5, p. 671.

Other officers.

SEC. 1857. All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

N. Mex., 9 Sept., 1850, c. 49, s. 8, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 7, v. 9, p. 455.

Wash., 2 Mar., 1853, c. 90, s. 7, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 7, v. 12, p. 174.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Dak., 2 Mar., 1861, c. 86, s. 7, v. 12, p. 241. Idaho, 3 Mar., 1863, c. 117, s. 7, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 7, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 7, v. 17, p. 180.

Vacancies, how filled.

SEC. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

8 June, 1872, c. 344, v. 17, p. 335.

Qualifications of voting and holding office at first election.

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 5, v. 9, p. 454. Wash., 2 Mar., 1853, c. 90, s. 5, v. 10, p. 174. Colo., 28 Feb., 1861, c. 59, s. 5, v. 12, p. 173. Dak., 2 Mar., 1861, c. 86, s. 5, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 5, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 5, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 5, v. 15, p. 179.

At future elections.

SEC. 1860. At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each Territory: subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

Ibid.

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the Constitution and Government of the United States.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

25 Jan., 1867, c. 15, v. 14, p. 379.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

Subordinate officers of legislature.

SEC. 1861. The subordinate officers of each branch of every legislative assembly shall consist of one chief clerk, who shall receive a compensation of eight dollars per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of five dollars per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to any Territory.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

Delegate to Congress.

SEC. 1862. Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

3 Mar., 1817, c. 42, s. 1, v. 3, p. 363. N. Mex., 9 Sept., 1850, c. 49, s. 14, v. 9, p. 451. Utah, 9 Sept., 1850, c. 51, s. 13, v. 9, p. 457.

Wash., 2 Mar., 1853, c. 90, s. 14, v. 10, p. 178. Colo., 28 Feb., 1861, c. 59, s. 13, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 13, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 13, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 13, v. 15, p. 182.

Time, places, and manner of electing Delegate.

SEC. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by

Ibid.

proclamation; but at all subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and manner of holding the election shall be prescribed by the law of each Territory. [See § 25.]

Supreme courts of Territories.

SEC. 1864. The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 Mar., 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Judicial districts and courts.

SEC. 1865. Every Territory shall be divided into three judicial districts; and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

Ibid.

Jurisdiction of courts.

SEC. 1866. The jurisdiction, both appellate and original, of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

Ibid. 7 *April*, 1874, *c.* 80, *v.* 18, *p.* 27.

Jurisdiction of justices of the peace.

SEC. 1867. No justices of the peace in any Territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

Ibid. And see, for Arizona, 23 May, 1870, c. 29, s. 5, v. 16, p. 77.

Chancery and common law jurisdiction.

SEC. 1868. The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common law jurisdiction.

Ibid. 7 *April*, 1874, *c.* 80, *v.* 18, *p.* 27.

Appellate jurisdiction of supreme court.

SEC. 1869. Writs of errors, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court of all the Territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

Ibid. 7 *April*, 1874, *c.* 80, *v.* 18, *p.* 27.

Clerk of supreme court.

SEC. 1870. The supreme court of each Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

N. Mex., 9 Sept., 1850, c. 49, s. 10, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 9, v. 15, p. 180.

Clerk of district court.

SEC. 1871. Each judge of the supreme court of the respective Territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

Ibid. 16 Aug., 1856, c. 124, s. 10, v. 11, p. 50.

Register in chancery; residence and office.

SEC. 1872. Every district clerk shall be also the register in chancery, and shall reside and keep his office at the place where the court is held.

Ibid.

Judicial districts; how defined.

SEC. 1873. Temporarily, and until otherwise provided by law, the governor of every Territory which may be hereafter established shall define, by proclamation, the judicial districts of such Territory, and assign the judges appointed for such Territory to the several districts as well as fix

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.

the times and places for holding courts in the respective counties or subdivisions of each judicial district.

Utah, 9 Sept., 1850, c. 51, s. 16, v. 9, p. 458. Wash., 2 Mar., 1853, c. 90, s. 15, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 15, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 15, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

Judges of supreme court to hear certain causes.

SEC. 1874. The judges of the supreme court of each Territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the Territory, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the Territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

14 June, 1858, c. 166, v. 11, p. 366.

District attorneys.

SEC. 1875. There shall be appointed in each Territory a person learned in the law, to act as attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President.

27 Feb., 1813, c. 35, v. 2, p. 806. N. Mex., 9 Sept., 1850, c. 49, s. 11, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 10, v. 9, p. 456. Wash., 2 Mar., 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 Mar., 1861, c. 86, s. 10, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 177, s. 10, v. 12, p. 812. Mont., 26 May, 1864, c. 9, s. 10, v. 13, p. 89. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

Marshals.

SEC. 1876. There shall be appointed a marshal for each Territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President.

Ibid.

Appointment of governor, &c.

SEC. 1877. The governor, secretary, chief justice, and associate justices, attorney, and marshal of every Territory shall be nominated and, by and with the advice and consent of the Senate, appointed by the President.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Wash., 2 Mar., 1853, c. 90, s. 11, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 Mar., 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

Oath of office; how qualified.

SEC. 1878. The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory.

Ibid. 1 *May*, 1876, *c.* 88, *v.* 19, *p.* 43.

Salaries of justices.

SEC. 1879. The annual salary of the chief justice and associate justices of all the Territories now organized shall be three thousand dollars each.

17 June, 1870, c. 130, v. 16, p. 152.

Salary of attorney.

SEC. 1880. The salary of the attorney of the United States for each Territory shall be at the rate of two hundred and fifty dollars annually.

27 Feb., 1813, c. 35, v. 2, p. 806.

Salary of marshal.

SEC. 1881. The salary of the marshal of the United States for each Territory shall be at the rate of two hundred dollars a year.

N. Mex., 9 Sept., 1850, c. 49, s. 11, v. 9, p. 450; 14 Aug., 1848, c. 177, s. 10, v. 9, p. 327; 20 April, 1836, c. 54, s. 10, v. 5, p. 14; 27 Feb., 1813, c. 35, s. 1, v. 2, p. 806. Utah, 9 Sept., 1850, c. 51, s. 10, v. 19, p. 456. Wash., 2 Mar., 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 Mar., 1861, c. 86, s. 10, v. 12, p. 242; 30 May, 1854, c. 59, s. 11, v. 10, p. 281. Idaho, 3 Mar., 1863, c. 117, s. 10, v. 12, p. 812. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Mont., 26 May, 1864, c. 95, s. 10, v. 13, p. 89. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

When salaries to be paid, &c.

SEC. 1882. The salaries provided for in this Title, to be paid to the governor, secretary, chief justices and associate justices, district attorney, and marshal of the several Territories, shall be paid quarter-yearly at the Treasury of the United States.

Ibid.

Fees of clerks, &c.

23 *June*, 1874, c. 469, s. 7, v. 18, p. 256.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter sixteen, Title "THE JUDICIARY," and no other compensation shall be taxed or allowed.

See organic acts cited to sections 1877, 1880, and 1881; and also the following sections and pages of such acts: N. Mex., s. 10, p. 449. Utah, s. 9, p. 455. Wash., s. 9, p. 175. Colo., s. 9, p. 174, and act 2 Mar., 1863, c. 70, s. 3, v. 12, p. 700. Dak., s. 9, p. 241. Ariz., s. 2, p. 665. Idaho, s. 9, p. 811. Mont., s. 9, p. 88. Wyo., s. 9, p. 180; 26 Feb., 1853, c. 80, s. 1, v. 10, p. 161; 3 Mar., 1855, c. 175, s. 12, v. 10, p. 671.

Salary not to be paid when officer is absent.

15 June, 1852, c. 49, s. 1, v. 10, p. 10.

SEC. 1884. When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

Seat of government in a new Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451.

Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 Mar., 1853, c. 90, s. 13, v. 10, p. 177.

SEC. 1885. The legislative assembly of every Territory hereafter organized shall hold its first session at such time and place in the Territory as the governor thereof shall appoint and direct; and at the first session of the legislative assembly, or as soon thereafter as it may be deemed expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for the territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the governor and legislative assembly.

Colo., 28 Feb., 1861, c. 59, s. 12, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 12, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 12, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 12, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

Accounts of the Territories, no payments unless approved by Congress.

29 Aug., 1842, c. 259, s. 2, v. 5, p. 541.

SEC. 1886. All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the Treasury. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the legislature of a Territory shall be held until the appropriation for its expenses has been made.

Limitation on expenses of printing.

8 May, 1872, c. 140, s. 1, v. 17, p. 73.

SEC. 1887. Hereafter no expense for printing, exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the Territories.

Limitation on expenses of legislature.

18 May, 1842, c. 29, No. 117, v. 5, p. 480.

SEC. 1888. No legislative assembly of a Territory shall, in any instance or under any pretext, exceed the amount appropriated by Congress for its annual expenses.

Legislatures not to grant special charters.

SEC. 1889. The legislative assemblies of the several Territories shall not grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating-ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association.

2 Mar., 1867, c. 150, s. 1, v. 14, p. 426.
10 June, 1872, c. 434, v. 17, p. 390.

Limitation on right of religious corporations to hold real estate.

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

1 July, 1862, c. 126, s. 3, v. 12, p. 501.

Constitution and laws of United States made applicable to all the Territories.

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere within the United States.

N. Mex., 9 Sept., 1850, c. 49, s. 17, v. 9, p. 452. Utah, 9 Sept., 1850, c. 51, s. 17, v. 9, p. 458. Colo., 28 Feb., 1861, c. 59, s. 16, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 16, v. 12, p. 244. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 13, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 16, v. 15, p. 183.

Penitentiaries.

SEC. 1892. Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or District in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming, and Colorado.

10 Jan., 1871, c. 15, s. 1, v. 16, p. 398.

Rules for their government.

SEC. 1893. The Attorney-General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the Attorney-General.

10 Jan., 1871, c. 15, s. 2, v. 16, p. 398.

Payment of marshal, &c., and of expenses of subsistence, &c., of offenders.

SEC. 1894. The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

Ibid.

Imprisonment in penitentiaries.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

10 Jan., 1871, c. 15, s. 3, v. 16, p. 398.

CHAPTER TWO.

OF PROVISIONS CONCERNING PARTICULAR ORGANIZED TERRITORIES.

Sec.
1896. Boundaries and establishment of New Mexico.
1897. Of Utah.
1898. Of Washington.
1899. Of Colorado.
1900. Of Dakota.
1901. Of Arizona.
1902. Of Idaho.
1903. Of Montana.
1904. Of Wyoming.
1905. Elections in Washington and Idaho.
1906. Delegate to Congress from Washington, Idaho, and Montana must be a citizen of the United States.
1907. The judicial power, how vested in all the Territories except Arizona.
1908. The judicial power, how vested in Arizona.
1909. Writs of error to United States Supreme Court.
1910. Jurisdiction of district courts under Constitution, &c.
1911. Writs of error, &c., in Washington Territory, to Supreme Court United States; jurisdiction of district courts.
1912. Writ of *habeas corpus*.
1913. Certain Territories may modify judicial districts.
1914. Judges of supreme courts in Idaho and Montana to define judicial districts, &c.
1915. Judges of supreme courts in New Mexico and Arizona may fix time and places for holding courts.
1916. Assignment of district judges in Utah.
1917. Terms of district court in Washington.
1918. Assignment of judges.
1919. Time and places of holding district courts in Colorado, Dakota, and Wyoming; how fixed.
1920. Secretary of New Mexico to be superintendent of public buildings.
1921. May administer oath of office.
1922. Number of council and house of representatives in each Territory.
1923. Extra sessions of legislative assembly in Washington, Idaho, and Montana.
1924. Restrictions on legislative power of Washington Territory.
1925. Of Colorado, Dakota, and Wyoming.
Sec.
1926. Jurisdiction of justices of the peace in New Mexico and other Territories.
1927. In Colorado and Arizona.
1928. Jurisdiction of district court of New Mexico.
1929. Jurisdiction of probate court in Colorado.
1930. Writs of error from probate court in Colorado.
1931. Appeal.
1932. Jurisdiction of probate courts in Montana.
1933. Clerks of district courts in Washington Territory.
1934. Adjourned terms of the supreme court of Arizona; mileage of clerk.
1935. Contingent expenses of certain Territories.
1936. Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories.
1937. Expenses of maintenance of prisoners to be paid from judiciary fund.
1938. Contingent expenses of Washington Territory.
1939. Expenses of printing laws, &c., in New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming.
1940. In Washington, Idaho, and Montana.
1941. No payment of salaries in certain Territories until officers enter on their duties.
1942. Pay of members of legislative assembly in New Mexico, Utah, Dakota, and Arizona.
1943. In Idaho and Montana.
1944. Seats of government; how changed in certain Territories.
1945. In Idaho and Montana.
1946. School-lands in certain Territories.
1947. Certain sections in Washington Territory to be reserved.
1948. Certain laws of Dakota continued in force.
1949. Agencies, &c., continued.
1950. Concurrent jurisdiction over the Columbia River.
1951. Disbursing officers in Washington, Idaho, and Montana to give security.
1952. Certain laws of Washington continued in force.
1953. Library for Utah and Washington to be kept.

Boundaries and establishment of New Mexico.

9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.

SEC. 1896. All that portion of the territory of the United States bounded as follows: Beginning at a point in the Colorado River where the boundary-line with the republic of Mexico crosses the same; thence eastwardly with that boundary-line to the Rio Grande; thence following the main channel of the Rio Grande to the parallel of the thirty-second degree of north latitude; thence east with that degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with that degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with that parallel to the summit of Sierra Madre; thence south with the crest of those mountains to the thirty-seventh parallel of north latitude; thence west with that parallel to its intersection with the boundary-line of the State of California; thence with

such boundary-line to the place of beginning, is erected into a temporary government by the name of the Territory of New Mexico.

Of Utah.

SEC. 1897. All that part of the territory of the United States included within the following limits, to wit: Bounded on the west by the State of California, on the north by the State of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, is created into a temporary government by the name of the Territory of Utah.

9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.

Of Washington.

SEC. 1898. All that portion of Oregon, while that State was a Territory, lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia River, from its mouth to where the forty-sixth degree of north latitude crosses that river, near Fort Walla-Walla; thence with the forty-sixth degree of latitude to the summit of the Rocky Mountains, is organized into a temporary government by the name of the Territory of Washington.

2 Mar., 1853, c. 90, s. 1, v. 10, p. 172.

Of Colorado.

SEC. 1899. All that part of the territory of the United States included within the following limits, viz: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on that meridian to the forty-first parallel of north latitude; thence along that parallel west to the thirty-second meridian of longitude west from Washington; thence south on that meridian to the northern line of New Mexico; thence along the thirty-seventh parallel of north latitude to the place of beginning, is erected into a temporary government by the name of the Territory of Colorado.

28 Feb., 1861, c. 59, s. 1, v. 12, p. 172.

Of Dakota.

SEC. 1900. All that part of the territory of the United States included within the following limits, namely: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence up the main channel of the same, and along the boundary of the State of Minnesota to Big Stone Lake; thence along the boundary-line of the State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri Rivers; thence up the Missouri River, and along the boundary-line of the State of Nebraska, to the mouth of the Niobrara or Running Water River; thence following up the same, in the middle of the main channel thereof, to the mouth of the Keha Paha or Turtle Hill River; thence up that river to the forty-third parallel of north latitude; thence due west to the twenty-seventh meridian of longitude west from Washington; thence due north on that meridian, to the forty-ninth degree of north latitude; thence east, along the forty-ninth degree of north latitude, to the place of beginning, is organized into a temporary government by the name of the Territory of Dakota.

2 Mar., 1861, c. 86, s. 1, v. 12, p. 239.

Of Arizona.

SEC. 1901. All that part of the present Territory of New Mexico situate west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary-line of the Territory of New Mexico, is erected into a temporary government by the name of the Territory of Arizona.

24 Feb., 1863, c. 56, s. 1, v. 12, p. 664.

Of Idaho.

SEC. 1902. All that part of the territory of the United States included within the following limits, to wit: Beginning at a point in the middle channel of the Snake River, where the northern boundary of Oregon intersects the same; then follow down the channel of Snake River to a point opposite the mouth of Kooskooskia or Clear Water River; thence due north to the forty-ninth parallel of latitude; thence east, along that parallel, to the thirty-ninth degree of longitude west of Washington; thence south along that degree of longitude to the crest of the Bitter Root Mountains; thence southward along the crest of the Bitter Root Mountains till its intersection with the Rocky Mountains; thence southward along the crest of the Rocky Mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west, along that parallel, to the eastern boundary of the State of Oregon; thence north, along that boundary, to the place of beginning, is created into a temporary government by the name of the Territory of Idaho.

3 Mar., 1863, c. 117, s. 1, v. 12, p. 808.

Of Montana.

26 May, 1864, c. 95, s. 1, v. 13, p. 85.

SEC. 1903. All that part of the territory of the United States included within the following limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west, on the forty-fifth degree of latitude, to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south, along the thirty-fourth degree of longitude, to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward, along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary-line of the British Possessions; thence eastward, along that boundary-line to the twenty-seventh degree of longitude west from Washington; thence southward, along the twenty-seventh degree of longitude, to the place of beginning, is created into a temporary government by the name of the Territory of Montana.

Of Wyoming.

25 July, 1868, c. 235, s. 1, v. 15, p. 178.

SEC. 1904. All that part of the United States described as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to the place of beginning, is organized into a temporary government by the name of the Territory of Wyoming.

Elections in Washington and Idaho.

9 May, 1872, c. 147, v. 17, p. 90.

SEC. 1905. The elections in the Territories of Washington and Idaho for Delegates to the House of Representatives shall be held biennially on the Tuesday next following the first Monday in November; and all elective territorial, county, and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of such Territories. [See § 25.]

Delegate to Congress from Washington, Idaho, and Montana must be a citizen of the United States.

SEC. 1906. The Delegate to the House of Representatives from each of the Territories of Washington, Idaho, and Montana, must be a citizen of the United States.

2 Mar., 1853, c. 90, s. 14, v. 10, p. 178. 3 Mar., 1863, c. 117, s. 13, v. 12, p. 813. 26 May, 1864, c. 95, s. 13, v. 13, p. 91.

The judicial power, how vested in all the Territories except Arizona.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana, and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

23 *June*, 1874, *c.* 469, *ss.* 1, 2, *v.* 18, *p.* 253. 23 *June*, 1874, *c.* 469, *s.* 6, *v.* 18, *p.* 255.—N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 Mar., 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

The judicial power, how vested in Arizona.

SEC. 1908. The judicial power in Arizona shall be vested in a supreme court and such inferior courts as the legislative council may by law prescribe.

24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Writs of error to United States Supreme Court.

23 *June*, 1874, *c.* 469, *s.* 2, *v.* 18, *p.* 253. 23 *June*, 1874, *c.* 469, *s.* 3, *v.* 18, *p.* 254.

Potts et al. *v.* Chumasero et al., 92 U. S., 358.

SEC. 1909. Writs of error and appeals from the final decisions of the supreme court of either of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, shall be allowed to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme courts created by this Title, or of any judge thereof, or of

the district courts created by this Title, or of any judge thereof, upon writs of habeas corpus involving the question of personal freedom. [See § 702.]

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 Mar., 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180. Arizona, 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Jurisdiction of district courts under Constitution, &c.

SEC. 1910. Each of the district courts in the Territories mentioned in the preceding section shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of the respective district courts, or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such Constitution and laws; but writs of error and appeals in all such cases may be had to the supreme court of each Territory, as in other cases. [See Title 13, cc. 3 and 7.]

Ibid.

Writs of error, &c., in Washington Territory, to Supreme Court United States.

Jurisdiction of district courts.

SEC. 1911. Writs of error and appeals from the final decisions of the supreme court of Washington Territory shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, exceeds two thousand dollars; and such writs of error and appeals shall be allowed, in all cases, where the Constitution of the United States, or a treaty thereof, or acts of Congress are brought in question; and each of the district courts shall have the same jurisdiction in all cases arising under the Constitution [and laws] of the United States, and the laws of the Territory, as is vested in the circuit and district courts of the United States; but writs of error and appeals in all such cases may be had from the district courts to the supreme court of the Territory, as in other cases. [See § 702.]

2 Mar., 1853, c. 90, s. 9, v. 10, p. 175. 29 *June*, 1876, *c.* 154, *v.* 19, *p.* 62.

Writ of habeas corpus.

SEC. 1912. The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia. [See Title 13, c. 13.]

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 Mar., 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

Certain Territories may modify judicial districts.

SEC. 1913. The legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories, respectively, may organize, alter, or modify, the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452. Utah, 9 Sept., 1850, c. 51, s. 16, v. 9, p. 458. Wash., 2 Mar., 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

Judges of supreme court in Idaho and Montana to define judicial districts, &c.

SEC. 1914. The judges of the supreme courts of the Territories of Idaho and Montana, or a majority of them, shall, when assembled at their respective seats of government, define the judicial districts of each of such Territories, and assign the judges who may be appointed for each of such Territories to the several districts; and shall also fix the times and places for holding court in the several counties or subdivisions in each of such judicial districts, and alter the times and places of holding the courts, as to them may seem proper and convenient; but not less than two terms a year shall be held at each place of holding court in the Territory of Montana.

Idaho, 2 Mar., 1867, c. 151, s. 1, v. 14, p. 427.

Mont., 2 Mar., 1867, c. 150, s. 4, v. 14, p. 426.

Judges of supreme courts in New Mexico and Arizona may fix the times and places for holding their courts.

SEC. 1915. The judges of the supreme court in each of the Territories of New Mexico and Arizona, or a majority of them, shall, when assembled at their respective seats of government, fix and appoint the several times and places of holding the courts in their respective districts, and limit the duration of the terms thereof; but such courts shall not be held at more than three places in any one Territory; and a judge holding court

16 Aug., 1856, c. 124, s. 5, v. 11, p. 49.

may adjourn the same, without day, at any time before the expiration of a term, whenever in his opinion the further continuance thereof is not necessary.

Assignment of district judges in Utah.

27 July, 1868, c. 275, v. 15, p. 242.

SEC. 1916. The governor of Utah Territory shall assign the district judges of that Territory to their respective districts, and appoint the time and place of holding court in each of such districts, not exceeding two terms in each district in any one year.

23 *June*, 1874, *c.* 469, *s.* 3, *v.* 18, *p.* 253.

Terms of district court in Washington.

9 Feb., 1863, c. 27, v. 12, p. 648.

SEC. 1917. The district court for the several districts in the Territory of Washington shall be held at such times and places in the districts not exceeding three places in each district, as the legislative assembly of that Territory may by law determine; but until the legislative assembly otherwise provides, the courts shall be held as provided by law on the ninth of February, eighteen hundred and sixty-three.

Assignment of judges.

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.

SEC. 1918. The legislative assemblies of New Mexico, Washington, Colorado, Dakota, Arizona, and Wyoming Territories may assign the judges appointed for such Territories, respectively, to the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

Wash., 2 Mar., 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 15, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

Times and places of holding district courts in Colorado, Dakota, and Wyoming; how fixed.

SEC. 1919. The legislative assemblies of Colorado, Dakota, and Wyoming Territories may fix or alter the times and places of holding the district courts for such Territories, respectively, in such manner as each legislative assembly deems proper and convenient.

Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 15, v. 12, p. 243. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

Secretary of New Mexico to be superintendent of public buildings.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1920. The secretary of the Territory of New Mexico shall be ex-officio superintendent of public buildings and grounds, and shall have full control and management of all public buildings now erected, in process of erection, or to be hereafter erected, and of all grounds pertaining thereto; and he shall be under the direction of the Secretary of the Interior, who shall establish such rules in relation to the public buildings and grounds as he may deem necessary.

May administer oath of office.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1921. The secretary of New Mexico Territory, upon the convening of the legislature thereof, shall administer the oath of office to the members elect of the two houses, and the officers thereof, when chosen; and no other person shall be competent to administer such oath, save in the absence of the secretary; in which case any one member of either house may administer the oath to the presiding officer elect, and he shall administer the same to the members and other officers.

Number of council and house of representatives in each Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 Mar., 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.

Dak., 2 Mar., 1861, c. 86, s. 4, v. 12, p. 240.

SEC. 1922. The councils of New Mexico and Utah shall each consist of thirteen members, and the house of representatives of twenty-six members. The council of Washington Territory shall consist of nine members, and the house of representatives of eighteen members, which may be increased to thirty. The councils of Colorado and Dakota shall each consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Arizona shall consist of nine members, and the house of representatives of eighteen members. The councils of Idaho and Montana shall each consist of seven members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Wyoming shall consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-seven.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 4, v. 12, p. 808. Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

Extra sessions legislative assembly in Washington, Idaho, and Montana.

SEC. 1923. In each of the Territories of Washington, Idaho, and Montana, the governor shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time.

2 Mar., 1853, c. 90, s. 4, v. 10, p. 103. 3 Mar., 1863, c. 117, s. 4, v. 12, p. 809. 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

Restrictions on legislative power of Washington Territory.

SEC. 1924. In addition to the restrictions upon the legislative power of the Territories contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assembly of Washington shall have no power to incorporate a bank or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing, or putting into circulation any notes or bills in the likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the legislative assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in the Territory; nor shall the legislative assembly authorize the issue of any obligation, scrip, or evidence of debt, by the Territory, in any mode or manner whatever, except certificates for service to the Territory. And all taxes shall be equal and uniform, and no distinctions shall be made in the assessments between different kinds of property, but the assessments shall be according to the value of the property. To avoid improper influences, which may result from intermixing in the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

2 Mar., 1853, c. 90, s. 6, v. 10, p. 175. 27 *May*, 1874, *c.* 194, *v.* 18, *p.* 48.

Of Colorado, Dakota, and Wyoming.

SEC. 1925. In addition to the restrictions upon the legislative power of the Territories, contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assemblies of Colorado, Dakota, and Wyoming shall not pass any law impairing the rights of private property, nor make any discrimination in taxing different kinds of property; but all property, subject to taxation, shall be taxed in proportion to its value.

Colo., 28 Feb., 1861, c. 59, s. 6, v. 12, p. 174. Dak., 2 Mar., 1861, c. 86, s. 6, v. 12, p. 241. Wyo., 25 July, 1868, c. 235, s. 6, v. 15, p. 180.

Jurisdiction of justices of the peace in New Mexico and other Territories.

SEC. 1926. Justices of the peace, in the Territories of New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming, shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175. Dak., 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 Mar., 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 9, v. 15, p. 180.

In Colorado and Arizona.

SEC. 1927. Justices of the peace in the Territories of Colorado and Arizona shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds three hundred dollars.

Colo., 2 Mar., 1863, c. 70, s. 3, v. 12, p. 700. Ariz., 23 Mar., 1870, c. 29, s. 5, v. 16, p. 77.

Jurisdiction of district court of New Mexico.

SEC. 1928. The jurisdiction of the district court of New Mexico shall extend over the citizens of El Paso County, Texas, only in cases not instituted by indictment, and the trial and proceedings for violations of the revenue laws in such district court shall be the same as in other district courts of the United States invested with admiralty powers.

3 Mar., 1863, c. 88, s. 2, v. 12, p. 761. U. S. *v.* Hart, 6 Wall., 770.

Jurisdiction of probate court in Colorado.

SEC. 1929. The probate court of Colorado Territory shall possess chancery as well as common-law jurisdiction, and authority for the redress of all wrongs committed against the laws of the Territory, affecting persons and property; but such court shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds the sum of two thousand dollars.

2 Mar., 1863, c. 70, s. 3, v. 12, p. 700.

Writs of error from probate court in Colorado.

SEC. 1930. Writs of error shall be allowed, from any decision of a probate court in Colorado, to the supreme court of the Territory, under such regulations as are or may be prescribed by law.

2 Mar., 1863, c. 70, s. 3, v. 12, p. 700. 4 May, 1870, c. 73, s. 1, v. 16, p. 96. 14 July, 1870, c. 271, v. 16, p. 279.

Appeal.

4 May, 1870, c. 73, s. 1, v. 16, p. 96.

SEC. 1931. An appeal from any final order, judgment, or decree of a probate court in Colorado, shall be allowed to the district court of the district in which such probate court is held, under such regulations as are or may be prescribed by the law of the Territory.

Jurisdiction of probate courts in Montana.

2 Mar., 1867, c. 150, s. 2, v. 14, p. 426.

SEC. 1932. The probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury; but they shall not have jurisdiction of any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or of chancery or divorce causes; and in all cases an appeal may be taken from any order, judgment, or decree of the probate courts to the district court.

Clerks of district courts in Washington Territory.

26 July, 1866, c. 268, v. 14, p. 288.

SEC. 1933. Each clerk of a district court in Washington Territory shall exercise the powers now provided by law for the clerk of the supreme court of the Territory, and be subject to all provisions of law, not inconsistent with this act, applicable to the clerk of such supreme court.

Adjourned terms of the supreme court of Arizona; mileage of clerk.

24 Dec., 1872, c. 14, v. 17, p. 404.

SEC. 1934. The supreme court of the Territory of Arizona may hold adjourned terms thereof at any time and place in the Territory agreed upon by a majority of the judges of the court at any regular term thereof. The order for an adjourned term shall be signed by a majority of the judges thereof at a regular term of the court, and entered upon the minutes of the court, and any business which such court might do at any regular term thereof may be done at such adjourned term; and the clerk of the court shall be entitled to such mileage for attendance at such adjourned term as is by law allowed the marshal of the district of Arizona for his attendance upon the courts in the Territory.

Contingent expenses of certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 Mar., 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

SEC. 1935. There shall be appropriated, annually, one thousand dollars, to be expended by the respective governors, to defray the contingent expenses of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, including the salary of the clerk in the executive departments of those Territories.

Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories.

24 Jan., 1873, c. 63, s. 1, v. 17, p. 418. 20 *June*, 1874, *c.* 332, *v.* 18, *p.* 112.

SEC. 1936. The care and custody of the penitentiaries in Montana, Idaho, Wyoming, and Colorado, and the personal property thereunto belonging, and the use and occupation thereof, are transferred to such Territories, respectively, until otherwise ordered by the Attorney-General; but the legal title to such penitentiaries and the property shall continue to vest in the United States.

Expenses of maintenance of prisoners to be paid from judiciary fund.

Ibid., p. 419. 20 *June*, 1874, *c.* 332, *v.* 18, *p.* 112.

SEC. 1937. The Territories named in the preceding section shall keep and maintain, in the penitentiaries transferred to their custody and control, all persons convicted in such Territories of violations of the laws of the United States, and sentenced to imprisonment therefor, and all persons held to answer for alleged violations of the laws of the United States in such Territories, at the rate and price, to be paid by the United States out of the judiciary fund, of one dollar per day for each person so imprisoned.

Contingent expenses of Washington Territory.

2 Mar., 1853, c. 90, s. 11, v. 10, p. 176.

SEC. 1938. There shall be appropriated, annually, fifteen hundred dollars for Washington Territory, to be expended in like manner and for like purposes as specified in section nineteen hundred and thirty-five.

Expenses for printing laws, &c., in New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming.

SEC. 1939. There shall be appropriated, respectively, for the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming, annually, a sufficient sum, to be expended by the secretary of each Territory herein named, upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and

other incidental expenses; and the secretary of each Territory above specified shall, annually, account to the Secretary of the Treasury for the manner in which such sum has been expended.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Dak., 2 Mar., 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181; 8 May, 1872, c. 140, s. 1, v. 17, p. 73.

In Washington, Idaho, and Montana.

SEC. 1940. There shall be appropriated, respectively, for the Territories of Washington, Idaho, and Montana, annually, a sufficient sum, to be expended by the secretary of each Territory herein named upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses. The governor and secretary of each Territory above specified shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury, and shall, semi-annually, account to such Secretary for the manner in which such sums of money have been expended.

Wash., 2 Mar., 1853, c. 90, s. 11, v. 10, p. 176. Idaho, 3 Mar., 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

No payment of salaries in certain Territories until officers enter on their duties.

SEC. 1941. No payment of salary shall be made to the governor, secretary, chief justice, and associate justices of Washington, Idaho, and Montana Territories until such officers have entered upon the duties of their respective appointments.

Wash., 2 Mar., 1853, c. 90, s. 11, v. 10, p. 176. Idaho, 3 Mar., 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Pay of members of legislative assembly in New Mexico, Utah, Dakota, and Arizona.

SEC. 1942. The members of the legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories shall each receive three dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Dak., 2 Mar., 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

In Idaho and Montana.

SEC. 1943. The members of the legislative assembly of Idaho and Montana Territories shall each receive four dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

Idaho, 3 Mar., 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Seat of government, how changed in certain Territories.

SEC. 1944. The seat of government of the Territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming may be changed by the governors and legislative assemblies thereof, respectively.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451. Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 Mar., 1853, c. 90, s. 13, v. 10, p. 177. Dak., 2 Mar., 1861, c. 86, s. 12, v. 12, p. 243. Colo., 28 Feb., 1861, c. 59, s. 12, v. 12, p. 176. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

In Idaho and Montana.

SEC. 1945. The seat of government, when once fixed by the governor and legislative assembly of Idaho and Montana, respectively, shall not be at any time changed except by an act of such assembly for each Territory, respectively, duly passed and approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question.

Idaho, 3 Mar., 1863, c. 117, s. 12, v. 12, p. 813. Mont., 26 May, 1861, c. 95, s. 12, v. 13, p. 91.

School lands in certain Territories.

SEC. 1946. Sections numbered sixteen and thirty-six, in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming shall be reserved for the purpose of being applied to schools in the several Territories herein named, and in the States and Territories hereafter to be erected out of the same.

N. Mex., 9 Sept., 1850, c. 49, s. 15, v. 9, p. 452. Utah, 9 Sept., 1850, c. 51, s. 15, v. 9, p. 457. Colo., 28 Feb., 1861, c. 59, s. 14, v. 12, p. 176. Dak., 2 Mar., 1861, c. 86, s. 14, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 Mar., 1863, c. 117, s. 14, v. 12, p. 814. Mont., 26 May, 1864, c. 96, s. 14, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 14, v. 15, p. 183.

Certain sections in Washington Territory to be reserved.

SEC. 1947. Sections numbered sixteen and thirty-six in each township of Washington Territory shall be reserved for the purpose of being applied to common schools in that Territory. In all cases where sections

2 Mar., 1853, c. 90, s. 20, v. 10, p. 179.

sixteen and thirty-six, or either or any of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections so occupied are situated are authorized to locate other lands, to an equal amount in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

Certain laws of Dakota continued in force.

25 July, 1868, c. 235, s. 17, v. 15, p. 183.

SEC. 1948. All general territorial laws of the Territory of Dakota in force in any portion of the Territory of Wyoming on the 25th July, 1868, shall continue in force throughout the Territory of Wyoming until repealed by the legislative authority of that Territory, except such laws as relate to the possession or occupation of mines or mining claims.

Agencies, &c., continued.

SEC. 1949. The existing agencies and superintendencies of the Indians inhabiting the Territories of Idaho and Montana shall be continued with the same powers and duties now prescribed by law, except that the President may, at his discretion, change the location of the office of such agents or superintendents.

Idaho, 3 Mar., 1863, c. 117, s. 17, v. 12, p. 814, Mont., 26 May, 1864, c. 95, s. 17, v. 13, p. 91.

Concurrent jurisdiction over the Columbia River.

2 Mar., 1853, c. 90, s. 21, v. 10, p. 179.

SEC. 1950. The State of Oregon and the Territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia River, where that river forms a common boundary between the State and Territory.

Disbursing officers in Washington, Idaho, and Montana to give security.

26 May, 1864, c. 95, s. 16, v. 13, p. 91.

SEC. 1951. All officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territories of Washington, Idaho, and Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

Wash., 2 Mar., 1853, c. 9, s. 19, v. 10, p. 179. Idaho, 3 Mar., 1863, c. 117, s. 16, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 16, v. 13, p. 91.

Certain laws of Washington continued in force.

2 Mar., 1853, c. 90, s. 12, v. 10, p. 177.

SEC. 1952. The laws now in force in the Territory of Washington, by virtue of the legislation of Congress in reference to Oregon, when that State was a Territory, which were enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the Territory of Washington, together with the legislative enactments of Oregon, while a Territory, enacted and passed prior to March 2, 1853, and not inconsistent with the provisions of this Title, and applicable to the Territory of Washington, are continued in force in that Territory until repealed or amended by future legislation, unless such laws have been repealed or amended by legislation subsequent to the second day of March, eighteen hundred and fifty-three.

Library for Utah and Washington to be kept.

Utah, 9 Sept., 1850, c. 51, s. 14, v. 9, p. 457. Wash., 2 Mar., 1853, c. 90, s. 17, v. 10, p. 179.

SEC. 1953. The libraries heretofore purchased by appropriations of Congress for the Territories of Utah and Washington shall be kept at the respective seats of government of those Territories for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of each Territory, and such other persons and under such regulations as may be prescribed by law.

CHAPTER THREE.

PROVISIONS RELATING TO THE UNORGANIZED TERRITORY OF ALASKA.

Sec.
1954. Customs, &c., laws extended to Alaska.
1955. Importation of fire-arms and distilled spirits may be prohibited.
1956. Killing of fur-bearing animals prohibited.
1957. What courts to have jurisdiction of offenses.
1958. Remission of fines, &c.
1959. Saint Paul and Saint George Islands declared special reservations.

Sec.
1960. Killing of seal upon them prohibited except in certain months.
1961. Killing of certain seal prohibited.
1962. Limit to number of seals to be killed.
1963. Right to take seal may be leased.
1964. Bond.
1965. Who may lease.
1966. Covenants in lease.
1967. Penalty.
1968. Penalty upon lessees.
1969. Tax upon seal-skins.
1970. Lease may be terminated.
1971. Lessees to furnish copies to masters of their vessels.
1972. Certain sections may be altered.
1973. Agents and assistants to manage seal-fisheries.
1974. Their pay, &c.
1975. Not to be interested in right to take seals.
1976. Agents may administer certain oaths and take testimony.

Customs, &c., laws extended to Alaska.

27 July, 1868, c. 273, s. 1, v. 15, p. 240.

SEC. 1954. The laws of the United States relating to customs, commerce, and navigation are extended to and over all the main-land, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

Importation and use of fire-arms and distilled spirits may be prohibited.

27 July, 1868, c. 273, s. 4, v. 15, p. 241.

The Louisia Simpson, 2 Saw., 57.

U. S. *v.* Seveloff, 2 Saw., 311.

SEC. 1955. The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the Territory of Alaska. The exportation of the same from any other port or place in the United States, when destined to any port or place in that Territory, and all such arms, ammunition, and distilled spirits, exported or attempted to be exported from any port or place in the United States and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such arms, ammunition, and distilled spirits landed or attempted to be landed or used at any port or place in the Territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds four hundred dollars the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture and cargo, shall be forfeited; and any person willfully violating such regulations shall be fined not more than five hundred dollars, or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board fire-arms, ammunition, or distilled spirits, when such vessel is destined to any place in the Territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the Territory from the person to whom the same may be consigned.

Killing of fur-bearing animals prohibited.

27 July, 1868, c. 273, s. 6, v. 15, p. 246.

SEC. 1956. No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

What courts to have jurisdiction of offenses.

27 July, 1868, c. 273, s. 7, v. 15, p. 241.

1 July, 1870, c. 189, s. 7, v. 16, p. 182.

SEC. 1957. Until otherwise provided by law, all violations of this chapter, and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington; and the collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws

extended over the Territory, and to keep and deliver the same to the marshal of some one of such courts; and such courts shall have original jurisdiction, and may take cognizance of all cases arising under this act and the several laws hereby extended over the Territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the district or Territory where the proceedings are brought.

Remission of fines, &c.

27 July, 1868, c. 273, s. 8, v. 15, p. 242.

SEC. 1958. In all cases of fine, penalty, or forfeiture, embraced in the act approved March 3, 1797, ch. 13, or mentioned in any act in addition to or amendatory of such act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if in his opinion the fine, penalty, or forfeiture was incurred without willful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the act above referred to, and upon the facts so to be ascertained, he may exercise all the power of remission conferred upon him by that act, as fully as he might have done had such facts been ascertained under and according to the provisions of that act. [See §§ 5292, 5293.]

Saint Paul and Saint George Islands declared special reservations.

3 Mar., 1869, Res. No. 22, v. 15, p. 348.

SEC. 1959. The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

Killing of seal upon them prohibited except in certain months.

1 July, 1870, c. 189, s. 1, v. 16, p. 180.

24 *Mar.*, 1874, *c.* 64, *v.* 18, *p.* 24.

SEC. 1960. It shall be unlawful to kill any fur-seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of firearms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

Killing of certain seal prohibited.

1 July, 1870, c. 189, s. 2, v. 16, p. 180.

SEC. 1961. It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

Limit to number of seals to be killed.

1 July, 1870, c. 189, s. 3, v. 16, p. 180.

24 *Mar.*, 1874, *c.* 64, *v.* 18, *p.* 24.

SEC. 1962. For the period of twenty years from the first of July, eighteen hundred and seventy, the number of fur-seals which may be killed for their skins upon the island of Saint Paul is limited to seventy-five thousand per annum; and the number of fur-seals which may be killed for their skins upon the island of Saint George is limited to twenty-five thousand per annum; but the Secretary of the Treasury may limit the right of killing, if it becomes necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as may be proper; and every person who knowingly violates either of the provisions of this section shall be punished as provided in the preceding section.

Right to take seal may be leased.

1 July, 1870, c.

SEC. 1963. When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of Saint Paul and Saint George, pur-

suant to the act of July 1, 1870, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seal, for the term of twenty years, at an annual rental of not less than fifty thousand dollars, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable.

1 July, 1870, c. 189, ss. 4, 5, and 6, v. 16, pp. 180, 181.

Bond.

SEC. 1964. The Secretary of the Treasury shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than five hundred thousand dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the regulations of the Secretary of the Treasury, touching the taking of fur-seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

1 July, 1870, c. 189, s. 4, v. 16, p. 180.

Who may lease.

SEC. 1965. No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any persons other than American citizens.

1 July, 1870, c. 189, s. 5, v. 16, p. 181.

Covenants in lease.

SEC. 1966. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such, on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

1 July, 1870, c. 189, s. 5, v. 16, p. 181.

Penalty.

SEC. 1967. Every person who kills any fur-seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employés, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offense be punished as prescribed in section nineteen hundred and sixty-one; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections nineteen hundred and sixty-five to nineteen hundred and sixty-eight, inclusive, shall be forfeited to the United States.

1 July, 1870, c. 189, s. 5, v. 16, p. 181.

Penalty upon lessees.

SEC. 1968. If any person or company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

1 July, 1870, c. 189, s. 5, v. 16, p. 181.

Tax upon sealskins.

SEC. 1969. In addition to the annual rental required to be reserved in every lease, as provided in section nineteen hundred and sixty-three, a revenue tax or duty of two dollars is laid upon each fur-seal skin taken and shipped from the islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the natives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

1 July, 1870, c. 189, s. 6, v. 16, p. 181.

Lease may be terminated.

SEC. 1970. The Secretary of the Treasury may terminate any lease given to any person, company, or corporation on full and satisfactory proof of

1 July, 1870, c. 189, s. 6, v. 16, p. 182.

the violation of any of the provisions of this chapter or the regulations established by him.

Lessees to furnish copies to masters of their vessels.

SEC. 1971. The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue-officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

1 July, 1870, c. 189, s. 4, v. 16, p. 180.

Certain sections may be altered.

SEC. 1972. Congress may at any time hereafter alter, amend, or repeal sections from nineteen hundred and sixty to nineteen hundred and seventy-one, both inclusive, of this chapter.

1 July, 1870, c. 189, s. 8, v. 16, p. 182.

Agent and assistants to manage seal fisheries.

SEC. 1973. The Secretary of the Treasury is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury.

5 Mar., 1872, c. 31, s. 1, v. 17, p. 35.

31 *July*, 1876, *c.* 246, *v.* 19, *p.* 118.

Their pay, &c.

SEC. 1974. The agent shall receive the sum of ten dollars each day, one assistant agent the sum of eight dollars each day, and two assistant agents the sum of six dollars each day while so employed; and they shall also be allowed their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate six hundred dollars each in any one year.

5 Mar., 1872, c. 31, s. 1, v. 17, p. 35.

3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 375.

Not to be interested in right to take seals.

SEC. 1975. Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise.

5 Mar., 1872, c. 31, s. 1, v. 17, p. 35.

Agents may administer certain oaths and take testimony.

SEC. 1976. Such agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues.

5 Mar., 1872, c. 31, s. 3, v. 17, p. 35.

TITLE XXIV.

CIVIL RIGHTS.

Sec.
1977. Equal rights under the law.
1978. Rights of citizens in respect to real and personal property.
1979. Civil action for deprivation of rights.
1980. Conspiracy.
1981. Action for neglect to prevent conspiracy.
1982. District attorney, &c., to prosecute.
1983. Commissioners.
1984. They may appoint persons to execute warrants, &c.
1985. Marshals to obey precepts, &c.
1986. Fees of district attorney, &c.
1987. Of persons appointed to execute process, &c.
1988. Speedy trial.
1989. Aid of military and naval forces.
1990. Peonage abolished.
1991. Foregoing section, how enforced.

Equal rights under the law.

SEC. 1977. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. [See § 858.]

31 May, 1870, c. 114, s. 16, v. 16, p. 144.
1 *Mar.*, 1875, c. 114, *s.* 1, *v.* 18, *p.* 336.

Rights of citizens in respect to real and personal property.

SEC. 1978. All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

9 April, 1866, c. 31, s. 1, v. 14, p. 27.

Civil action for deprivation of rights.

SEC. 1979. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. [See §§ 563, 629.]

20 April, 1871, c. 22, s. 1, v. 17, p. 13.

Conspiracy.

SEC. 1980. First. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

31 July, 1861, c. 33, v. 12, p. 284.
20 April, 1871, c. 22, s. 2, v. 17, p. 13.
1 *Mar.*, 1875, c. 114, *s.* 2, *v.* 18, *p.* 336.

Second. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Third. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose

of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. [See §§ 563, 629.]

Action for neglect to prevent conspiracy.

20 April, 1871, c. 22, s. 6, v. 17, p. 15.

SEC. 1981. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. [See § 629.]

District attorney, &c., to prosecute.

9 April, 1866, c. 31, s. 4, v. 14, p. 28.

31 May, 1870, c. 114, s. 9, v. 16, p. 142.

SEC. 1982. The district attorneys, marshals, and deputy marshals, the commissioners appointed by the circuit and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of chapter seven of the Title "CRIMES," and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense.

Commissioners.

9 April, 1866, c. 13, s. 4, v. 14, p. 28.

31 May, 1870, c. 114, s. 9, v. 16, p. 142.

SEC. 1983. The circuit courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in the preceding section; and such commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

They may appoint persons to execute warrants, &c.

9 April, 1866, c. 31, s. 5, v. 14, p. 28.

31 May 1870, c. 114, s 10, v. 16, p. 142.

SEC. 1984. The commissioners authorized to be appointed by the preceding section are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as

may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. [See § 5516.]

Marshal to obey precepts, &c.

SEC. 1985. Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions hereof. [See § 5516.]

9 April, 1866, c. 31, s. 5, v. 14, p. 28. 31 May, 1870, c. 114, s. 10, v. 16, p. 142.

Fees of district attorney, &c.

SEC. 1986. The district attorneys, marshals, their deputies, and the clerks of the courts of the United States and territorial courts shall be paid for their services, in cases under the foregoing provisions, the same fees as are allowed to them for like services in other cases; and where the proceedings are before a commissioner he shall be entitled to a fee of ten dollars for his services in each case, inclusive of all services incident to the arrest and examination.

9 April, 1866, c. 31, s. 7, v. 14, p. 29. 31 May, 1871, c. 114, s. 12, v. 16, p. 143.

Of persons appointed to execute process, &c.

SEC. 1987. Every person appointed to execute process under section nineteen hundred and eighty-four shall be entitled to a fee of five dollars for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

9 April, 1866, c. 31, s. 7, v. 14, p. 29. 31 May, 1870, c. 114, s. 12, v. 16, p. 143.

Speedy trial.

SEC. 1988. Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of chapter seven of the Title CRIMES, within any judicial district, it shall be lawfor him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated.

9 April, 1866, c. 31, s. 8, v. 14, p. 29.

Aid of the military and naval forces.

SEC. 1989. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this Title.

8 April, 1866, c. 31, s. 9, v. 14, p. 29. 31 May, 1870, c. 114, s. 13, v. 16, p. 143.

Peonage abolished.

SEC. 1990. The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

2 Mar., 1867, c. 187, s. 1, v. 14, p. 546.

Foregoing section, how enforced.

SEC. 1991. Every person in the military or civil service in the Territory of New Mexico shall aid in the enforcement of the preceding section.

2 Mar., 1867, c. 187, s. 2, v. 14, p. 546.

TITLE XXV.

CITIZENSHIP.

Sec.
1992. Who are citizens.
1993. Citizenship of children of citizens born abroad.
1994. Citizenship of married women.
1995. Of persons born in Oregon.
1996. Rights as citizens forfeited for desertion, &c.
1997. Certain soldiers and sailors not to incur the forfeitures of the last section.
1998. Avoiding the draft.
1999. Right of expatriation declared.
2000. Protection to naturalized citizens in foreign states.
2001. Release of citizens imprisoned by foreign governments to be demanded.

Who are citizens.

9 April, 1866, c. 31, s. 1, v. 14, p. 27.

SEC. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Planters' Bank *v.* St. John, 1 Woods, 585; McKay *v.* Campbell, 2 Saw., 118.

Citizenship of children of citizens born abroad.

14 April, 1802, c. 28, s. 4, v. 2, p. 155.
10 Feb., 1855, c. 71, s. 1, v. 10, p. 604.

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Citizenship of married women.

10 Feb., 1855, c. 71, s. 2, v. 10, p. 604.

SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

—Kelly *v.* Owen, 7 Wall., 496.

Of persons born in Oregon.

18 May, 1872, c. 172, s. 3, v. 17, p. 134.

SEC. 1995. All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

Rights as citizens forfeited for desertion, &c.

3 Mar., 1865, c. 79, s. 21, v. 13, p. 490.

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

Certain soldiers and sailors not to incur the forfeitures of the last section.

19 July, 1867, c. 28, v. 15, p. 14.

SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office, in consequence of his desertion.

Avoiding the draft.

3 Mar., 1865, c. 79, s. 21, v. 13, p. 490.

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

Right of expatriation declared.

27 July, 1868, c. 249, s. 1, v. 15, p. 223.

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all

nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

Protection to naturalized citizens in foreign states.

27 July, 1868, c. 249, s. 2, v. 15, p. 224.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

Release of citizens imprisoned by foreign governments to be demanded.

27 July, 1868, c. 249, s. 3, v. 15, p. 224.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

TITLE XXVI.

THE ELECTIVE FRANCHISE.

Sec.
2002. Bringing armed troops to places of election.
2003. Interference with freedom of election by officers of Army or Navy.
2004. Race, color, or previous condition not to affect the right to vote.
2005. Nor the performance of any prerequisite.
2006. Penalty for refusing to give full effect to preceding section.
2007. What shall entitle a person to vote.
2008. Penalty for wrongfully refusing to receive a vote.
2009. For unlawfully hindering a person from voting.
2010. Remedy for deprivation of office.
2011. In cities or towns of over 20,000 inhabitants, upon written application of two citizens, the circuit judge to open court.
2012. Supervisors of election.
2013. Court to be kept open.
2014. District judge may perform duties of circuit judge.
Sec.
2015. Construction of preceding section.
2016. Duties of supervisors of elections.
2017. Attendance at elections.
2018. To personally scrutinize and count each ballot.
2019. Their positions.
2020. When molested.
2021. Special deputies.
2022. Duties of marshals.
2023. Persons arrested to be taken forthwith before a judge, &c.
2024. Assistance of by-standers.
2025. Chief supervisors of elections.
2026. Their duties.
2027. Marshals to forward complaint to chief supervisors.
2028. Supervisors and deputy marshals to be qualified voters, &c.
2029. Certain supervisors not to make arrests, &c.
2030. No more marshals or deputy marshals to be appointed than now authorized.
2031. Pay of supervisors.

Bringing armed troops to places of election.

25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls. [See §§ 5528, 5529, 5532.]

Interference with freedom of elections by officers of Army or Navy.

25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

SEC. 2003. No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. [See §§ 5530-5532.]

Race, color, or previous condition not to affect the right to vote.

31 May, 1870, c. 114, s. 1, v. 16, p. 140.

2 Abb. U. S., 120; McKay *v.* Campbell, 1 Saw., 374; U. S. *v.* Reese et al., 92 U. S., 214; U. S. *v.* Cruikshank et al., 92 U. S., 542.

SEC. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Nor the performance of any prerequisite.

31 May, 1870, c. 114, s. 2, v. 16, p. 140.

McKay *v.* Campbell, 1 Saw., 374.

SEC. 2005. When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Penalty for refusing to give full effect to preceding section.

31 May, 1870, c. 114, s. 2, v. 16, p. 140.

SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

What shall entitle a person to vote.

31 May, 1870, c. 114, s. 3, v. 16, p. 140.

SEC. 2007. Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

Penalty for wrongfully refusing to receive a vote.

31 May, 1870, c. 114, s. 3, v. 16, p. 140.

SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, count, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

For unlawfully hindering a person from voting.

31 May, 1870, c. 114, s. 4, v. 16, p. 141.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Seeley *v.* Koox, 2, Woods, 368.

SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this Title, who by threats, or any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

Remedy for deprivation of office.

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Ex parte Warmouth, 17 Wall., 64.

SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, by reason of the denial to any citizen who may offer to vote, of the right to vote, on account of race, color, or previous condition of servitude, his right to hold and enjoy such office, and the emoluments thereof, shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof, so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured herein. [See §§ 563, 629.]

In cities or towns of over 20,000 inhabitants, &c., upon written application of two citizens, the circuit judge to open court.

28 Feb., 1871, c. 99, s. 2, v. 16, p. 433.

10 June, 1872, c. 415, s. 1, v. 17, p. 348.

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no

registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

Supervisors of election.

Ibid.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. [See §§ 5521, 5522.]

Court to be kept open.

Ibid.

SEC. 2013. The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this Title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

District judge may perform duties of circuit judge.

28 Feb., 1871, c. 99, s. 3, v. 16, p. 434.

SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof.

Construction of preceding section.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this Title.

Duties of supervisors of elections.

28 Feb., 1871, c. 99, s. 4, v. 16, p. 434.

SEC. 2016. The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section two thousand and twenty-six, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

Attendance at elections.

28 Feb., 1871, c. 99, s. 5, v. 16, p. 434.

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect any scrutinize, from time to time, and at all times, on the day of election, the manner in which the

voting is done, and the way and method in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept.

To personally scrutinize and count each ballot.

28 Feb., 1871, c. 99, s. 5, v. 16, p. 434.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry-list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

Their positions.

28 Feb., 1871, c. 99, s. 6, v. 16, p. 435

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed. [See § 5521.]

When molested.

28 Feb., 1871, c. 99, s. 7, v. 16, p. 435.

SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made. [See § 5522.]

Special deputies.

28 Feb., 1871, c. 99, s. 8, v. 16, p. 436.

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

Duties of marshals.

28 Feb., 1871, c. 99, s. 8, v. 16, p. 436.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration. [See §§ 5521, 5522.]

Persons arrested to be taken forthwith before a judge, &c.

28 Feb., 1871, c. 99, s. 9, v. 16, p. 436.

SEC. 2023. Whenever any arrest is made under any provision of this Title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Assistance of bystanders.

28 Feb., 1871, c. 99, s. 12, v. 16, p. 437.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this Title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.

Chief supervisors of elections.

28 Feb., 1871, c. 99, s. 13, v. 16, p. 437.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the first day of May, in the year eighteen hundred and seventy-one, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this Title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this Title imposed. [See § 627.]

Their duties.

28 Feb., 1871, c. 99, s. 13, v. 16, p. 437.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section two thousand and twelve, of the circuit court for the judicial circuit in

which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this Title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed. [See § 627.]

Marshals to forward complaint to chief supervisors.

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal in order that the same may be properly preserved and filed.

Ibid.

Supervisors and deputy marshals to be qualified voters, &c.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Certain supervisors not to make arrests, &c.

SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of ten citizens, as provided in section two thousand and eleven, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

No more marshals or deputy marshals to be appointed than now authorized.

SEC. 2030. Nothing in this Title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the tenth day of June, eighteen hundred and seventy-two.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Pay of supervisors.

SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section two thousand and twenty, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of five dollars per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

28 Feb., 1871, c. 99, s. 14, v. 16, p. 438.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

TITLE XXVII.

THE FREEDMEN.

Sec.
2032. Certain acts continued in force.
2033. Such laws to be enforced by Secretary of War.
2034. Accounts for expenditures, &c., to be paid from what fund, and how.
2035. Secretary of War appointed trustee of a retained-bounty fund, &c.
2036. May invest the fund, and for what purpose.
2037. Who to be deemed wife and children of colored soldiers.
2038. Freedmen's Hospital in District of Columbia, continued, &c.

Certain acts continued in force.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

SEC. 2032. All laws and parts of laws pertaining to the collection and payment of bounty, prize-money, and other legitimate claims of colored soldiers, sailors, and marines, or their heirs, shall remain in force until otherwise ordered by Congress.

Such laws to be enforced by Secretary of War.

Ibid.

SEC. 2033. The Secretary of War is authorized to carry into effect all laws and parts of laws referred to in the preceding section, and to this end he may employ such clerical force as he deems necessary.

Accounts for expenditures, &c., to be paid from what fund, and how.

15 June, 1866, c. 123, s. 2, v. 14, p. 65.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

SEC. 2034. Where accounts have been rendered for necessary expenditures incurred for refugees or freedmen, under the sanction of the proper officers, but which cannot be settled for want of specific appropriations, the same may be paid out of the fund for the relief of refugees and freedmen, on the approval of the Secretary [of] War.

Secretary of War appointed trustee of a retained-bounty fund, &c.

2 Mar., 1867, c. 186, s. 1, v. 14, p. 545.

SEC. 2035. The Secretary of War is constituted the lawful custodian of a retained bounty fund, which has been derived from a portion of the State bounties of certain colored soldiers enlisted in Virginia and North Carolina, during the years 1864 and 1865, and which, by virtue of General Orders No. 90, Department of Virginia and North Carolina, was held by the Superintendent of Freedmen's Affairs, but was turned over to the Bureau upon its organization; and the Secretary of War shall hold the fund as trustee for the benefit of such colored soldiers or their legal representatives, to whom the same shall be paid upon their application or discovery.

May invest the fund, and for what purpose.

2 Mar., 1867, c. 186, s. 2, v. 14, p. 545.

SEC. 2036. The Secretary of War is empowered to invest the fund, or any portion thereof, in bonds of the United States, for the exclusive benefit of such colored soldiers or their legal representatives; but a sufficient amount of the same in cash may be retained uninvested to meet all lawful claims thereupon that will probably be presented for payment.

Who to be deemed wife and children of colored soldiers.

3 Mar., 1865, Res. No. 29, v. 13, p. 571.

SEC. 2037. In determining who is the wife or child of any colored soldier, within the meaning of this Title, evidence that the soldier and the woman claimed to be his wife cohabited or associated as husband and wife, and so continued to cohabit or associate at the time of enlistment, or evidence that a form of marriage, whether such marriage was authorized or recognized by law or not, was entered into by them, and that the parties thereafter lived together as husband and wife, and so continued to live together at the time of the enlistment, shall be deemed sufficient proof of marriage; and the children born of any such marriage shall be taken to be the children embraced within the provisions of this Title, whether such marriage was or was not dissolved at the time of the enlistment.

Freedmen's Hospital in District of Columbia continued, &c.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

3 Mar., 1871, c. 114, v. 16, p. 506.

SEC. 2038. The Freedmen's Hospital and Asylum in the District of Columbia is, until otherwise ordered by Congress, continued under the control and supervision of the Secretary of War, who shall make all estimates, pass all accounts, and be responsible to the Treasury for all expenditures; but no part of any appropriation shall be used in support of, or to pay the expenses on account of, any person hereafter to be admitted to such Hospital and Asylum, unless persons removed thither from some other Government hospital.

TITLE XXVIII.

INDIANS.

CHAPTER ONE.

OFFICERS OF INDIAN AFFAIRS; THEIR DUTIES AND COMPENSATION.

Sec.
2039. Board of Indian commissioners.
2040. Secretary to the commissioners.
2041. Duties of the commissioners.
2042. Power to investigate contracts.
2043. Appointment of Indian inspectors; term of office.
2044. Salary and expenses.
2045. Powers and duties of inspectors.
2046. Superintendents, appointment, and salaries.
2047. Four superintendents abolished, assignment, &c., of those retained.
2048. Term of office.
2049. Bond.
2050. Duties of superintendents.
2051. Temporary clerks for superintendents.
2052. Indian agents, appointments, salaries.
2053. Services of certain agents and superintendents to be dispensed with.
2054. Indian agents to report to Commissioner in certain cases.
2055. Salary of Indian agents.
2056. Term of office.
2057. Bond of Indian agents.
2058. Duties of Indian agents.
2059. Discontinuance and transfer of agencies.
2060. Residence of Indian agents.

Sec.
2061. Limitation on visits to Washington by agents for Indians in California.
2062. Officers of the Army may be required to act as Indian agents.
2063. Compensation for extra services performed by agents and sub-agents.
2064. Acknowledgment of deeds, &c., by agents.
2065. Appointment of sub-Indian agents.
2066. Limits of superintendencies, agencies, and sub-agencies.
2067. Special agents and commissioners.
2068. Interpreters to the agencies.
2069. Preference to Indians for interpreters.
2070. Salaries of interpreters.
2071. Instruction of Indians.
2072. When tribes may direct the employment of blacksmiths, &c.
2073. Discontinuance of the offices of sub-agents, interpreters, &c.
2074. No person to hold two offices; leave of absence.
2075. Additional security.
2076. Compensation prescribed to be in full.
2077. Allowance for traveling expenses.
2078. Persons employed in Indian affairs not to trade with the Indians.

Board of Indian commissioners.

SEC. 2039. There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

10 April, 1869, c. 16, s. 4, v. 16, p. 40.
15 July, 1870, c. 296, s. 3, v. 16, p. 360.

Secretary to the commissioners.

SEC. 2040. The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

Duties of the commissioners.

SEC. 2041. The board of commissioners mentioned in section two thousand and thirty-nine shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.
22 *June*, 1874, c. 389, v. 18, p. 176.
3 *Mar.*, 1875, c. 132, ss. 6, 7, v. 18, p. 450. 15 *Aug.*, 1876, c. 289, s. 6, v. 19, p. 200.

Power to investigate contracts.

SEC. 2042. Any member of the board of Indian commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office; but the examination of

29 May, 1872, c. 233, s. 1, v. 17, p. 186.

vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment.

Appointment of Indian inspectors; term of office.

SEC. 2043. There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties required of such inspectors by the provisions of this Title. Each inspector shall hold his office for four years, unless sooner removed by the President.

14 Feb., 1873, c. 138, s. 6, v. 17, p. 463.

3 *Mar.*, 1875, *c.* 132, *v.* 18, *p.* 422.

Salary and expenses.

SEC. 2044. Each inspector shall receive an annual salary of three thousand dollars and his necessary traveling expenses, not exceeding ten cents a mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior.

Ibid.

Powers and duties of inspectors.

SEC. 2045. Each Indian superintendency and agency shall be visited and examined as often as twice a year by one or more of the inspectors. Such examination shall extend to a full investigation of all matters pertaining to the business of the superintendency or agency, including an examination of accounts, the manner of expending money, the number of Indians provided for, contracts of all kinds connected with the business, the condition of the Indians, their advancement in civilization, the extent of the reservations, and what use is made of the lands set apart for that purpose, and, generally, all matters pertaining to the Indian service. For the purpose of making such investigations, each inspector shall have power to examine all books, papers, and vouchers, to administer oaths, and to examine on oath all officers and persons employed in the superintendency or agency, and all such other persons as he may deem necessary or proper. The inspectors, or any of them, shall have power to suspend any superintendent or agent or employé, and to designate some person in his place temporarily, subject to the approval of the President, making immediate report of such suspension and designation; and upon the conclusion of each examination a report shall be forwarded to the President without delay. The inspectors, in the discharge of their duties, jointly and individually, shall have power, by proper legal proceedings, which it shall be the duty of the district attorney of the United States for the appropriate district duly to effectuate, to enforce the laws, and to prevent the violation of law in the administration of affairs in the several agencies and superintendencies. So far as practicable, the examinations of the agencies and superintendencies shall be made alternately by different inspectors, so that the same agency or superintendency may not be examined twice in succession by the same inspector or inspectors.

Ibid.

3 *Mar.*, 1875, *c.* 132, *ss.* 1, 4, 5, *v.* 18, *pp.* 422, 449.

Superintendents, appointment, and salaries.

SEC. 2046. The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, the following superintendents of Indian affairs, who shall be entitled to receive the salaries mentioned below:

5 June, 1850, c. 16, s. 2, v. 9, p. 437.

27 Feb., 1851, c. 14, s. 2, v. 9, p. 586.

3 Mar., 1857, c. 90, s. 3, v. 11, p. 185.

8 Feb., 1861, c. 30, s. 1, v. 12, p. 130.

8 April, 1864, c. 48, s. 1, v. 13, p. 39.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.

Two superintendents for the tribes east of the Rocky Mountains, at a salary of two thousand dollars a year, each.

One superintendent for Oregon, at a salary of two thousand five hundred dollars a year.

One superintendent for Washington Territory, at a salary of two thousand five hundred dollars a year.

One superintendent for the Territory of New Mexico, at a salary of two thousand dollars a year.

One superintendent for California, at a salary of three thousand six hundred dollars a year.

One superintendent for the Territory of Arizona, at a salary of two thousand dollars a year.

One superintendent for the Territory of Montana, at a salary of two thousand five hundred dollars a year.

Four superintendents abolished, assignment, &c., of those retained.

SEC. 2047. After the thirtieth of June, eighteen hundred and seventy-three, the offices of four of the superintendents enumerated in the preceding section are abolished; and any money appropriated for the sala-

ries of such superintendents or their clerks, shall, after that date, be applied to pay the salaries and traveling expenses of the inspectors. The President may assign the remaining four superintendents to jurisdiction over such agencies as he may deem proper; or he is authorized, in his discretion, to dispense with any or all of the superintendents and their clerks.

14 Feb., 1873, c. 138, s. 6, v. 17, p. 483.

Term of office.

SEC. 2048. Each superintendent shall hold his office for the term of four years.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587.

Bond.

SEC. 2049. Each superintendent, before entering on the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

Ibid.

Duties of superintendents.

SEC. 2050. Each superintendent of Indian affairs shall, within his superintendency, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in Indian affairs, under such regulations as shall be established by the President; and may suspend such officers and persons from their offices or employments, for reasons forthwith to be communicated to the Secretary of the Interior, and shall also perform within his superintendency such duties as are or may be assigned to superintendents of Indian affairs.

30 June, 1834, c. 162, s. 3, v. 4, p. 735.
27 Feb., 1851, c. 14, s. 2, v. 9, p. 586.

Temporary clerks for superintendents.

SEC. 2051. The Secretary of the Interior may authorize, in his discretion, the employment of temporary clerks by superintendents of Indian affairs, on such occasions and for such periods of time as he may deem necessary to the public service.

3 Mar., 1855, c. 175, s. 22, v. 10, p. 673.

Indian agents appointments, salaries.

SEC. 2052. The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following Indian agents:

Three for the tribes in Oregon.

Fourteen for the tribes east of the Rocky Mountains, and north of New Mexico and Texas.

Seven for the tribes in New Mexico.

Three for the tribes in the Territory of Washington.

One for the tribes in Kansas.

One for the Kickapoos.

One for the Delawares.

Two for the tribes in Utah.

One for the Poncas.

One for the Pawnees in Nebraska, each with an annual salary of fifteen hundred dollars.

Four for the tribes in California, at an annual salary of eighteen hundred dollars, each.

Three for the tribes in Texas.

One for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, at an annual salary of one thousand dollars.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.
22 *June*, 1874, *c.* 389, *v.* 18, *p.* 147.

Services of certain agents and superintendents to be dispensed with.

SEC. 2053. It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

Ibid., p. 438.

22 *June*, 1874, *c.* 389, *v.* 18, *p.* 147. 22 *June*, 1874, *c.* 389, *v.* 18, *p.* 177.

Indian agents to report to Commissioner in certain cases.

SEC. 2054. Whenever any one or more of the superintendencies is abolished by law, or discontinued by the President, the Indian agents in such superintendencies shall report directly to the Commissioner of Indian affairs.

15 July, 1870, c. 296, s. 6, v. 16, p. 360.

Salary of Indian agents.

SEC. 2055. Each Indian agent shall be entitled to receive a salary at the rate of fifteen hundred dollars a year [except as herein otherwise provided for.]

14 Feb., 1873, c. 138, s. 1, v. 17, p. 438. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Term of office.

SEC. 2056. Each Indian agent shall hold his office for the term of four years.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587. 8 April, 1864, c. 48, s. 4, v. 13, p. 40.

Bond of Indian agents.

SEC. 2057. Each Indian agent, before entering upon the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587. 3 *Mar.*, 1875, *c.* 132, *s.* 10, *v.* 18, *p.* 451.

Duties of Indian agents.

SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the superintendent of Indian affairs.

30 June, 1834, c. 162, s. 7, v. 4, p. 736. 5 June, 1850, c. 16, s. 4, v. 9, p. 736. 27 Feb., 1851, c. 14, s. 5, v. 9, p. 587. 3 *Mar.*, 1875, *c.* 132, *ss.* 4, 5, 10, *v.* 18, *pp.* 449, 451.—Minis *v.* U. S., 15 Pet., 423.

Discontinuance and transfer of agencies.

SEC. 2059. The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.

30 June, 1834, c. 162, s. 4, v. 4, p. 735.

Residence of Indian agents.

SEC. 2060. Every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission.

Ibid.

Limitation on visits to Washington by agents for Indians in California.

SEC. 2061. All Indian agents appointed for California shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. The Commissioner shall report all cases of the violation of this section to the President, with the request that the agents offending be at once removed from office.

8 Apr., 1864, c. 48, s. 7, v. 13, p. 41.

Officers of the Army may be required to act as Indian agents.

SEC. 2062. The President may require any military officer of the United States to execute the duties of an Indian agent; and when such duties are required of any military officer, he shall perform the same without any other compensation than his actual traveling expenses. [See § 1224.]

30 June, 1834, c. 162, ss. 4, 12, v. 4, pp. 735–737.

Compensation for extra services performed by agents and sub-agents.

SEC. 2063. No compensation beyond their actual expenses for extra services shall be allowed any Indian agent or sub-agent for services when doing duty under the order of the Government, detached from their agency and the boundary of the tribe to which they are agents or sub-agents.

31 May, 1832, c. 109, s. 2, v. 4, p. 520.

Acknowledgment of deeds, &c., by agents.

SEC. 2064. Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

3 Mar., 1855, c. 204, s. 10, v. 10, p. 701.

Appointment of sub-Indian agents.

SEC. 2065. A competent number of sub-Indian agents shall be appointed by the President, with a salary of one thousand dollars a year each, to be employed, and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of their duties. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

30 June, 1834, c. 162, s. 5, v. 4, p. 736.

Limits of superintendencies, agencies, and sub-agencies.

SEC. 2066. The limits of each superintendency, agency, and sub-agency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.

30 June, 1834, c. 162, s. 7, v. 4, p. 736. 3 Mar., 1847, c. 66, s. 1, v. 9, p. 203.

Special agents and commissioners.

SEC. 2067. All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.

3 Mar., 1863, c. 99, s. 1, v. 12, p. 792.

Interpreters to the agencies.

SEC. 2068. An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nomi-

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

nated, by the proper agents, to the Department of the Interior for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action.

Preference to Indians for interpreters.

SEC. 2069. In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

Salaries of interpreters.

SEC. 2070. The salaries of interpreters lawfully employed in the service of the United States, in Oregon, Utah, and New Mexico, shall be five hundred dollars a year each, and of all so employed elsewhere, four hundred dollars a year each.

27 Feb., 1851, c. 14, s. 8, v. 9, p. 587.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.

Instruction of Indians.

SEC. 2071. The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

3 Mar., 1819, c. 85, v. 3, p. 516.

When tribes may direct the employment of blacksmiths, &c.

SEC. 2072. Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

Discontinuance of the offices of sub-agents, interpreters, &c.

SEC. 2073. The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such [agents,] sub-agents, interpreters, and mechanics, as may from time to time become unnecessary, in consequence of the [*immigration*] [emigration] of the Indians, or other causes.

9 July, 1832, c. 174, s. 5, v. 4, p. 564.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

No person to hold two offices; leave of absence.

SEC. 2074. No person shall hold more than one office at the same time under this Title, nor shall any agent, sub-agent, interpreter, or person employed under this Title, receive his salary while absent from his agency or employment, without leave of the superintendent, or Secretary of the Interior; but such absence shall at no time exceed sixty days.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Additional security.

SEC. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs.

30 June, 1834, c. 162, s. 8, v. 4, p. 737.

Compensation prescribed to be in full.

SEC. 2076. The several compensations prescribed by this Title shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Allowance for traveling expenses.

SEC. 2077. Where persons are required, in the performance of their duties, under this Title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

Minis *v.* U. S., 15 Pet., 423.

Persons employed in Indian affairs not to trade with the Indians.

SEC. 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of five thousand dollars, and shall be removed from his office.

30 June, 1834, c. 162, s. 14, v. 4, p. 738.

CHAPTER TWO.

PERFORMANCE OF ENGAGEMENTS BETWEEN THE UNITED STATES AND INDIANS.

Sec.
2079. No future treaties with Indian tribes.
2080. Abrogation of treaties.
2081. Payment of certain annuities in coin.
2082. Payment of annuities in goods.
2083. Purchase of goods for the Indians.
2084. Manner of purchase.
2085. Claims for supplies for Indians.
2086. Modes of paying annuities and distributing goods.
2087. Withholding of annuities on account of intoxicating liquors.
2088. Persons to be present at delivery of annuities.
2089. Mode of disbursements.
2090. Mode of distribution of goods.
2091. Annual accounts of disbursements, &c.
2092. Restriction on advances to superintendents, &c.
2093. Disposal of proceeds of sales of Indian lands.
2094. Appropriation of moneys to carry out Indian treaties.
2095. Investments of stock required by treaties.
Sec.
2096. Investment of proceeds of lands.
2097. Misapplication of funds belonging to the Indians prohibited.
2098. Indian depredations, how paid.
2099. Funds for education.
2100. Annuities of Indians hostile to United States.
2101. Goods withheld from chiefs who have violated treaty stipulations.
2102. Moneys due Indians holding American captives.
2103. Contracts with the Indians.
2104. Payments under contracts restricted.
2105. Penalty for receiving moneys from Indians under prohibited contracts.
2106. Assignments of contracts restricted.
2107. Restriction on payments to contractors, &c., until accounts and vouchers submitted, &c.
2108. Moneys due incompetent or orphan Indians.
2109. Number of Indians present and receiving food, &c., to be reported.
2110. Rations for Indians.

No future treaties with Indian tribes.

3 Mar., 1871, c. 120, s. 1, v. 16, p. 566.
22 *June*, 1874, c. 389, *s.* 3, *v.* 18, *p.* 176.
10 *June*, 1876, *c.* 122, *v.* 19, *p.* 58.

SEC. 2079. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired.

Abrogation of treaties.

5 July, 1862, c. 135, s. 1, v. 12, p. 528.

SEC. 2080. Whenever the tribal organization of any Indian tribe is in actual hostility to the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

Payment of certain annuities in coin.

3 Mar., 1865, c. 127, s. 3, v. 13, p. 561.

SEC. 2081. The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin.

Payment of annuities in goods.

30 June, 1834, c. 162, s. 12, v. 4, p. 737.

SEC. 2082. The President may, at the request of any Indian tribe, to which any annuity is payable in money, cause the same to be paid in goods, purchased as provided in the next section.

Purchase of goods for the Indians.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.
22 *June*, 1874, *c.* 389, *v.* 18, *p.* 176.
3 *Mar.*, 1875, *c.* 132, *s.* 7, *v.* 18, *p.* 450.
15 *Aug.*, 1876, *c.* 289, *v.* 19, *p.* 196.

SEC. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose.

Manner of purchase.

5 July, 1862, c. 135, s. 5, v. 12, p. 529.

SEC. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section.

Claims for supplies for Indians.

15 July, 1870, c. 296, s. 2, v. 16, p. 360.

SEC. 2085. No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians.

Modes of paying annuities and distributing goods.

SEC. 2086. The payment of all moneys and the distribution of all goods stipulated to be furnished to any Indians, or tribe of Indians, shall be made in one of the following ways, as the President or the Secretary of the Interior may direct:

30 June, 1834, c. 162, s. 11, v. 4, p. 737.

First. To the chiefs of a tribe, for the tribe.

Second. In cases where the imperious interest of the tribe or the individuals intended to be benefited, or any treaty stipulation, requires the intervention of an agency, then to such person as the tribe shall appoint to receive such moneys or goods; or if several persons be appointed, then upon the joint order or receipt of such persons.

3 Mar., 1847, c. 66, s. 3, v. 9, p. 203. 30 Aug., 1852, c. 103, s. 3, v. 10, p. 56. 15 July, 1870, c. 296, ss. 2, 3, v. 16, p. 360.

Third. To the heads of the families and to the individuals entitled to participate in the moneys or goods.

3 *Mar.*, 1875, *c.* 132, *s.* 6, *v.* 18, *p.* 450.

Fourth. By consent of the tribe, such moneys or goods may be applied directly, under such regulations, not inconsistent with treaty stipulations, as may be prescribed by the Secretary of the Interior, to such purposes as will best promote the happiness and prosperity of the members of the tribe, and will encourage able-bodied Indians in the habits of industry and peace.

15 *Aug.*, 1876, *c.* 289, *v.* 19, *p.* 196.

Withholding of annuities on account of intoxicating liquors.

SEC. 2087. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head-men of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

3 Mar., 1847, c. 66, s. 3, v. 9, p. 203.

Persons to be present at delivery of annuities.

SEC. 2088. The superintendent, agent, or sub-agent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.—Minis *v.* U. S., 15 Pet., 423.

Mode of disbursements.

SEC. 2089. At the discretion of the President all disbursements of moneys, whether for annuities or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct.

3 Mar., 1857, c. 90, s. 1, v. 11, p. 169.

Mode of distribution of goods.

SEC. 2090. Whenever goods and merchandise are delivered to the chiefs of a tribe, for the tribe such goods and merchandise shall be turned over by the agent or superintendent of such tribe to the chiefs in bulk, and in the original package, as nearly as practicable, and in the presence of the head-men of the tribe, if practicable, to be distributed to the tribe by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

Annual accounts of disbursements, &c.

SEC. 2091. All persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind for the benefit of the Indians, shall settle their accounts, annually, at the Department of the Interior on the first day of October; and copies of the same shall be laid before Congress at the commencement of the ensuing session, by the proper accounting officers; together with a list of the names of all persons to whom money, goods, or effects have been delivered within the preceding year, for the benefit of the Indians, specifying the amount and object for which they were intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this section; and, also, with a list of the names of all persons appointed or employed under this Title, with the dates of their appointment or employment, and the salary and pay of each.

30 June, 1834, c. 162, s. 13, v. 4, p. 737. 3 *Mar.*, 1875, *c.* 132, *s.* 8, *v.* 18, *p.* 450.

Restriction on advances to superintendents, &c.

SEC. 2092. No superintendent of Indian affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him, on Indian or public account, any money to be disbursed in future, until

27 June, 1846, c. 34, s. 1, v. 9, p. 20.

such superintendent, agent, or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior.

Disposal of proceeds of sales of Indian lands.

9 Jan., 1837, c. 1, s. 1, v. 5, p. 135.

SEC. 2093. All moneys received from the sales of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from the sales of public lands are paid into the Treasury.

Appropriation of moneys to carry out Indian treaties.

9 Jan., 1837, c. 1, s. 2, v. 5, p. 135.

SEC. 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

Investments of stock required by treaties.

9 Jan., 1837, c. 1, s. 3, v. 5, p. 135.

10 *June*, 1876, *c.* 122, *v.* 19, *p.* 58.

SEC. 2095. All investments of stock, that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress.

Investment of proceeds of lands.

9 Jan., 1837, c. 1, s. 4, v. 5, p. 135.

SEC. 2096. The Secretary of the Interior shall invest in a manner which shall be in his judgment most safe, and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than five per centum per annum.

Misapplication of funds belonging to the Indians prohibited.

26 July, 1866, c. 266, s. 2, v. 14, p. 280.

SEC. 2097. No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law.

Indian depredations, how paid.

15 July, 1870, c. 296, s. 4, v. 16, p. 360.

SEC. 2098. No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor.

Funds for education.

29 July, 1848, c. 118, s. 2, v. 9, p. 264.

SEC. 2099. No moneys which may be appropriated for the purposes of education among the Indian tribes shall be expended for any such objects elsewhere than in Indian country. But this provision shall not apply to appropriations the expenditure of which is authorized by treaty stipulations, to be made under the direction either of the President or of the Indian tribes, respectively.

Annuities of Indians hostile to United States.

2 Mar., 1867, c. 173, s. 2, v. 14, p. 515.

SEC. 2100. No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report.

SEC. 2101. No delivery of goods or merchandise shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part.

Goods withheld from chiefs who have violated treaty stipulations.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

SEC. 2102. The Secretary of the Interior shall withhold from any tribe of Indians who may hold American captives, any moneys due them from the United States, until such captives have been surrendered to the lawful authorities of the United States.

Moneys due Indians holding Americancaptives.

15 May, 1870, Res. No. 62, s. 3, v. 16, p. 377.

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

Contracts with the Indians.

3 Mar., 1871, c. 120, s. 3, v. 16, p. 570.
21 May, 1872, c. 177, ss. 1, 2, v. 17, p. 136.
29 *April*, 1874, c. 135, *v.* 18, *p.* 35.
3 *Mar.*, 1875, c. 132, *s.* 9, *v.* 18, *p.* 450.

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one-half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid.

SEC. 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto; and no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the Commissioner of Indian Affairs a sworn state-

Payments under contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136.
29 *April*, 1874, c. 135, *v.* 18, *p.* 35.

ment, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and, if not, it shall be paid in proportion to the services rendered under the contract.

Penalty for receiving moneys from Indians under prohibited contracts.

3 Mar., 1871, c. 120, s. 3, v. 16, p. 570.

SEC. 2105. The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punishable by imprisonment for not less than six months, and by a fine of not less than one thousand dollars. And it shall be the duty of all district attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent, or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same.

Assignments of contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136. 29 *April*, 1874, c. 135, *v.* 18, *p.* 35.

SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

Restriction on payments to contractors, &c., until accounts and vouchers submitted, &c.

3 Mar., 1871, c. 120, s. 1, v. 16, p. 568.

SEC. 2107. No payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereof, or for any buildings or machinery erected or placed on their reservations, under or by virtue of any contract entered into with the Department of the Interior, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents for such supplies, goods, transportation, buildings, or machinery beyond fifty per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of Indian commissioners appointed by the President for examination, revisal, and approval; and such board of commissioners shall, without unnecessary delay, forward the accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and the Secretary shall have power to sustain, set aside, or modify the action of the board, and cause payment to be made or withheld, as he may determine.

Moneys due incompetent or orphan Indians.

5 July, 1862, c. 135, s. 6, v. 12, p. 529.

SEC. 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent or orphan Indians to be returned to the Treasury; and all moneys so returned shall bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by the Secretary to those entitled to receive the same, and shall bear six per centum interest until so paid.

Number of Indians present and receiving food, &c., to be reported.

14 Feb., 1873, c. 138, s. 7, v. 17, pp. 463, 464.

SEC. 2109. Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same.

SEC. 2110. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered.

Rations for Indians.

30 June, 1834, c. 162, s. 16, v. 4, p. 738.

22 *June*, 1874, *c.* 389, *s.* 3, *v.* 18, *p.* 176.

CHAPTER THREE.

GOVERNMENT AND PROTECTION OF INDIANS.

Sec.
2111. Sending seditious messages, penalty.
2112. Carrying seditious messages, penalty.
2113. Correspondence with foreign nations to excite Indians to war, penalty.
2114. General superintendence by President over tribes removed west of the Mississippi.
2115. Survey of Indian reservations.
2116. Purchases or grants from Indians.
2117. Driving stock to feed on Indian lands.
2118. Settling on or surveying lands belonging to Indians by treaty.
2119. Protection of Indians desiring civilized life.
2120. Indians trespassing on lands of civilized Indians.
2121. Suspension of chief for trespass.
2122. Sale of buildings belonging to the United States.
2123. Sale of lands with buildings.
2124. Penalties, how recovered.
2125. Proceedings against goods.
2126. Burden of proof.

SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

Sending seditious messages; penalty.

30 June, 1834, c. 161, s. 13, v. 4, p. 731.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Carrying seditious messages; penalty.

30 June, 1834, c. 161, s. 14, v. 4, p. 731.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars. [See § 5335.]

Correspondence with foreign nations, to excite Indians to war; penalty.

30 June, 1834, c. 161, s. 15, v. 4, p. 731.

SEC. 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May twenty-eighth, eighteen hundred and thirty, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

General superintendence by the President over tribes removed west of the Mississippi.

28 May, 1830, c. 148, ss. 7, 8, v. 4, p. 412.

SEC. 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land-Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

Survey of Indian reservations.

8 April, 1864, c. 48, s. 6, v. 13, p. 41.

SEC. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every

Purchases or grants from Indians.

30 June, 1834, c. 161, s. 12, v. 4, p. 730.

Johnson's Lessee v. McIntosh, 8 Wh., 543.

person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of one thousand dollars. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

Driving stock to feed on Indian lands.

30 June, 1834, c. 161, s. 9, v. 4, p. 730.

U. S. v. Mattock, 2 Saw., 148.

SEC. 2117. Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock.

Settling on or surveying lands belonging to Indians by treaty.

30 June, 1834, c. 161, s. 11, v. 4, p. 730.

Worcester v. Georgia, 6 Pet., 515; Clark v. Smith, 13 Pet., 195; Lattimer v. Poteet, 14 Pet., 4; Lowry v. Weaver, 4 McLean, 82.

SEC. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as may judge necessary to remove any such person from the lands.

Protection of Indians desiring civilized life.

14 June, 1862, c. 101, s. 1, v. 12, p. 427.

SEC. 2119. Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him.

Indians trespassing upon lands of civilized Indians.

14 June, 1862, c. 101, s. 2, v. 12, p. 427.

SEC. 2120. Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty by allotment, as mentioned in the preceding section, commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured.

Suspension of chief for trespass.

14 June, 1862, c. 101, s. 3, v. 12, p. 427.

SEC. 2121. Whenever such trespasser as is mentioned in the preceding section is the chief or head-man of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith; but the chief or head-man may be sooner restored to his former standing if the superintendent shall so direct.

Sale of buildings belonging to the United States.

3 Mar., 1843, c. 78, s. 1, v. 5, p. 611.

SEC. 2122. The Secretary of the Interior is authorized to cause all such buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States, and are no longer necessary for such purposes.

Sale of lands with buildings.

3 Mar., 1843, c. 78, s. 2, v. 5, p. 611.

SEC. 2123. The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the

United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee-simple for such lands and tenements.

SEC. 2124. All penalties which shall accrue under this Title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one-half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Penalties, how recovered.

30 June, 1834, c. 161, s. 27, v. 4, p. 733.

SEC. 2125. When goods or other property shall be seized for any violation of this Title, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

Proceedings against goods.

30 June, 1834, c. 161, s. 28, v. 4, p. 734.

SEC. 2126. In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

Burden of proof.

30 June, 1834, c. 161, s. 22, v. 4, p. 733.

CHAPTER FOUR.

GOVERNMENT OF INDIAN COUNTRY.

Sec.
2127. Sale of cattle, &c., of the Indians by agents.
2128. Trading with Indians.
2129. License to trade.
2130. Refusal of license.
2131. Revocation of license.
2132. Prohibition of trade by the President.
2133. Penalty for trading without a license.
2134. Penalty upon foreigners entering Indian country without passports.
2135. Prohibited purchases and sales.
2136. Trading or selling arms, &c., in any district occupied by uncivilized or hostile Indians.
2137. Prohibition of hunting on Indian lands.
2138. Penalty for removing cattle from Indian country.
2139. Penalty for selling spirituous liquors in Indian country.
2140. Powers of superintendents, &c., to search for concealed liquors.
2141. Penalty for setting up distillery in Indian country.
2142. Assault.
2143. Arson.
2144. The laws defining, &c., forgery and depredations on mails extended to Indian country.
2145. General laws as to punishment of crimes extended to the Indian country.
2146. Exception to the operation of the preceding section.
2147. Removal of persons.
2148. Penalty for return.
2149. Removal from reservations.
2150. Employment of the military in apprehending persons violating the law.
2151. Detention of persons apprehended by the military.
2152. Arrest of absconding Indians guilty of crime.
2153. Executing process.
2154. Reparation for injured property.
2155. Payment where the offender is unable.
2156. Injuries to property by Indians.
2157. Superintendents authorized to take depositions.

SEC. 2127. The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any cattle, horses, or other live stock belonging to the Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops.

Sale of cattle, &c., of the Indians by agents.

3 Mar., 1865, c. 127, s. 9, v. 13, p. 563.

SEC. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or dis-

Trading with Indians.

26 July, 1866, c. 266, s. 4, v. 14, p. 280.

trict attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

License to trade.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

U. S. *v.* Cisna, 1 McLean, 254.

SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

Refusal of license.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

SEC. 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

Revocation of license.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

SEC. 2131. The superintendent of the district shall have power to revoke and cancel any license to trade within the Indian country whenever the person licensed has, in his opinion, transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or whenever, in his opinion, it is improper to permit such person to remain in the Indian country. No trade with the tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. The persons granting or revoking such licenses shall forthwith report the same to the Commissioner of Indian Affairs, for his approval or disapproval.

Prohibition of trade by the President.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

SEC. 2132. The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

Penalty for trading without a license.

30 June, 1834, c. 161, s. 4, v. 4, p. 729.

SEC. 2133. Any person other than an Indian who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover be liable to a penalty of five hundred dollars.

Penalty upon foreigners entering Indian country without passports.

30 June, 1834, c. 161, s. 6, v. 4, p. 730.

SEC. 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or sub-agent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of one thousand dollars. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

Prohibited purchases and sales.

30 June, 1834, c. 161, s. 7, v. 4, p. 730.

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars.

Trading or selling arms, &c., in any district occupied by uncivilized or hostile Indians.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 459.

5 *Aug.*, 1876, *J. R. No.* 20, *v.* 19, *p.* 216.

SEC. 2136. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading-post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied.

Prohibition of hunting on Indian lands.

30 June, 1834, c. 161, s. 8, v. 4, p. 730.

SEC. 2137. Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars.

Penalty for removing cattle from Indian country.

3 Mar., 1865, c. 127, s. 8, v. 13, p. 563.

SEC. 2138. Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country for the purposes of trade or commerce, shall be punishable by imprisonment for not more than three years, or by a fine of not more than five thousand dollars, or both.

Penalty for selling spirituous liquors in Indian country.

9 July, 1832, c. 174, s. 4, v. 4, p. 564.
15 Mar., 1864, c. 33, v. 13, p. 29.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 244.

American Fur Co. *v.* U. S., 2 Pet., 358; U. S. *v.* Halliday, 3 Wall., 407; U. S. *v.* Shawmux, 2 Saw., 364.

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, [*except an Indian, in the Indian country,*] who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than three hundred dollars. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

Power of superintendents, &c., to search for concealed liquors.

15 Mar., 1864, c. 33, v. 13, p. 29.

American Fur Co. *v.* U. S., 2 Pet., 358.

SEC. 2140. If any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, sub-agent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses.

Penalty for setting up distillery in Indian country.

30 June, 1834, c. 161, s. 21, v. 4, p. 732.

SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

Assault.

27 Mar., 1854, c. 26, s. 5, v. 10, p. 270.

SEC. 2142. Every white person who shall make an assault upon an Indian, or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year.

Arson.

27 Mar., 1854, c. 26, s. 4, v. 10, p. 270.

SEC. 2143. Every white person who shall set fire, or attempt to set fire, to any house, out-house, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, out-house, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, and whether the same be consumed or not, shall be punishable

by imprisonment at hard labor for not more than twenty-one years, nor less than two years.

The laws defining, &c., forgery and depredations on mails, extended to Indian country.

SEC. 2144. The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

3 Mar., 1855, c. 204, s. 8, v. 10, p. 700.

General laws as to punishment of crimes extended to Indian country.

SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this Title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

30 June, 1834, c. 161, s. 25, v. 4, p. 733. 27 Mar., 1854, c. 26, s. 3, v. 10, p. 270.—U. S. *v.* Rogers, 4 How., 567.

Exceptions to the operation of the preceding sections.

SEC. 2146. The preceding section shall not be construed to extend to [crimes committed by one Indian against the person or property of another Indian, nor to] any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

27 Mar., 1854, c. 26, s. 3, v. 10, p. 270. 18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 318.

Removal of persons.

SEC. 2147. The superintendent of Indian affairs, and the Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

30 June, 1834, c. 161, s. 10, v. 4, p. 730.

Penalty for return.

SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

18 Aug., 1856, c. 128, s. 2, v. 11, p. 80.

Removal from reservations.

SEC. 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

12 June, 1858, c. 155, s. 2, v. 11, p. 332.

Employment of the military in apprehending persons violating the law.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

30 June, 1834, c. 161, ss. 21, 23, v. 4, p. 732.

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country.

Detention of persons apprehended by the military.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

Ibid., s. 23.

Arrest of absconding Indians guilty of crime.

SEC. 2152. The superintendents, agents, and sub-agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may author-

30 June, 1834, c. 161, s. 19, v. 4, p. 732.

ize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

Executing process.

SEC. 2153. In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively, to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them three dollars for each day in lieu of all expenses and services. [See § 533.]

14 June, 1858, c. 163, s. 3, v. 11, p. 363.

Reparation for injured property.

SEC. 2154. Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

Payment where the offender is unable.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

Injuries to property by Indians.

SEC. 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time not exceeding twelve months, such superintendent, agent, or sub-agent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

30 June, 1834, c. 161, s. 17, v. 4, p. 731.

28 Feb., 1859, c. 66, s. 8, v. 11, p. 401.

Superintendents authorized to take depositions.

SEC. 2157. The superintendents, agents, and sub-agents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents.

30 June, 1834, c. 161, s. 18, v. 4, p. 732.

TITLE XXIX.

IMMIGRATION.

Sec.
2158. Cooly-trade prohibited.
2159. Vessels employed in cooly-trade shall be forfeited.
2160. Building vessels to engage in cooly-trade, how punished.
2161. Punishment for violation of section 2158.
2162. This Title not to interfere with voluntary emigration.
2163. Examination of vessels.
2164. No charge upon particular persons immigrating, &c.

Cooly-trade prohibited.

19 Feb., 1862, c. 27, s. 1, v. 12, p. 340. 9 Feb., 1869, c. 24, v. 15, p. 269. 3 *Mar.*, 1875, *c.* 141, *s.* 4, *v.* 18, *p.* 477.

SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

Vessels employed in cooly-trade shall be forfeited.

Ibid.

SEC. 2159. If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "cooly-trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.

Building vessels to engage in cooly-trade, how punished.

19 Feb., 1862, c. 27, s. 2, v. 12, p. 340.

SEC. 2160. Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

Punishment for violation of section 2158.

19 Feb., 1862, c. 27, s. 3, v. 12, p. 340. 23 *June*, 1874, *c.* 464, *v.* 18, *p.* 251. 3 *Mar.*, 1875, *c.* 141, *s.* 2, *v.* 18, *p.* 477.

SEC. 2161. Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

This Title not to interfere with voluntary emigration.

19 Feb., 1862, c. 27, s. 4, v. 12, p. 341. 3 *Mar.*, 1875, *c.* 141, *v.* 18, *p.* 477.

SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained.

Examination of vessels.

19 Feb., 1862, c. 27, s. 6, v. 12, p. 341.

SEC. 2163. The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever,

in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies;" and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law.

No charge upon particular persons immigrating, &c.

SEC. 2164. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country.

31 May, 1870, c. 114, s. 16, v. 16, p. 144.

TITLE XXX.

NATURALIZATION.

Sec.
2165. Aliens, how naturalized.
2166. Aliens honorably discharged from military service.
2167. Minor residents.
2168. Widow and children of declarants.
2169. Aliens of African nativity and descent.
2170. Residence of five years in United States.
2171. Alien enemies not admitted.
2172. Children of persons naturalized under certain laws to be citizens.
2173. Police court of District of Columbia has no power to naturalize foreigners.
2174. Naturalization of seamen.

Aliens, how naturalized.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

Declaration of intention.

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

14 April, 1802, c. 28, ss. 1, 3, v. 2, pp. 153, 155.
26 May, 1824, c. 186, s. 4, v. 4, p. 69.
1 *Feb.*, 1876, *c.* 5, *v.* 19, *p.* 2.—Campbell *v.* Gordon, 6 Cr., 176; Stark *v.* Chesapeake Ins. Co., 7 Cr., 420; Chirack *v.* Chirack, 2 Wh., 259; Osborn *v.* United States Bank, 9 Wh., 827; Spratt *v.* Spratt, 4 Pet., 393.

Oath to support the Constitution of the United States.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

14 April, 1802, c. 28, s. 1, v. 2, p. 153.

Residence in United States, or States, and good moral character.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Titles of nobility to be renounced.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Persons residing in the United States before 29 January, 1795.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or sub-

ject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Persons residing between 18 June, 1798, and 18 June, 1812.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. [Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.]

22 Mar., 1816, c. 31, s. 2, v. 3, p. 259.
24 May, 1828, c. 116, s. 2, v. 4, p. 310.

Declaration for naturalization, how made.

1 *Feb.*, 1876, *c.* 5, *r.* 19, *p.* 2.

Aliens honorably discharged from military service.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

17 July, 1862, c. 200, s. 21, v. 12, p. 597.

Minor residents.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona-fide intention to become a citizen of the United States;

26 May, 1824, c. 186, s. 1, v. 4, p. 69.

and he shall in all other respects comply with the laws in regard to naturalization.

Widow and children of declarants.

26 Mar., 1804, c. 47, s. 2, v. 2, p. 293.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths proscribed (*) by law.

Aliens of African nativity and descent.

14 July, 1870, c. 254, s. 7, v. 16, p. 256. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

SEC. 2169. The provisions of this Title shall apply to aliens [being free white persons, and to aliens] of African nativity and to persons of African descent.

Residence of five years in United States.

3 Mar., 1813, c. 42, s. 12, v. 2, p. 811.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

Alien enemies not admitted.

14 April, 1802, c. 28, s. 1, v. 2, p. 153. 30 July, 1813, c. 36, v. 3, p. 53.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Children of persons naturalized under certain laws to be citizens.

14 April, 1802, c. 28, s. 4, v. 2, p. 155.

Campbell *v.* Gordon, 6 Cr., 176. U. S. *v.* Hirshfield, 13 Blatch., 330.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

Police court of District of Columbia has no power to naturalize foreigners.

SEC. 2173. The police court of the District of Columbia shall have no power to naturalize foreigners.

17 June, 1870, c. 133, s. 5, v. 16, p. 154.

Naturalization of seamen.

7 June, 1872, c. 322, s. 29, v. 17, p. 268.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

(*) Error in the Roll; should be *prescribed*.

TITLE XXXI.

THE CENSUS.

Sec.
2175. Census to be taken according to this Title, unless, &c.
2176. Marshals to take the census.
2177. Marshals to be sworn.
2178. Subdivisions of districts; estimates of population.
2179. Assistant marshals.
2180. Taking reward for appointing assistant.
2181. Assistant to be commissioned and sworn; oath.
2182. Assistant neglecting or refusing to act.
2183. Secretary of Interior to furnish blanks and instructions.
2184. Instructions for statistics in regard to hemp.
2185. Marshals to supply blanks, &c., to assistants.
2186. Marshals to supervise assistants; substitutes.
2187. Duties of assistants.
2188. Enumeration in California, Oregon, &c.
2189. Marshal may appoint deputies.
2190. When officers of the Army to aid in taking census.
2191. Who may be required to answer questions; penalty for refusing.
2192. Returns.
2193. Making false certificate.
2194. Marshal to examine and transmit returns.
2195. New enumeration.
2196. Secretary of the Interior to see that diligence is employed.
2197. Marshal's fees.
2198. Assistants' compensation.
2199. Additional compensation.
2200. Pay for making and returning copies of census returns.
2201. Marshal and assistants, when paid.
2202. False certificates by marshal.
2203. Fines and penalties.
2204. Superintendent of Census; salary.
2205. Clerks in the Census Office.
2206. Tables.

Census to be taken according to this Title, unless, &c.

23 May, 1850, c. 11, s. 23, v. 9, p. 432.

SEC. 2175. If no other law be passed providing for the taking of any subsequent census of the United States, on or before the first day of January of any year, when, by the Constitution of the United States, any future enumeration of the inhabitants thereof is required to be taken, such census shall, in all things, be taken and completed according to the provisions of this Title.

Marshals to take the census.

23 May, 1850, c. 11, s. 1, v. 9, p. 428.

SEC. 2176. The marshals of the several judicial districts of the United States, and of the District of Columbia and the Territories, are required to cause all the inhabitants to be enumerated, and to collect all the other statistical information within their respective districts, in the manner provided for by law, and specified in the instructions which may be given by the Secretary of the Interior, and in the tables annexed, and to return the same to the Secretary on or before the first day of November next ensuing such enumeration, omitting from the enumeration of the inhabitants Indians not taxed; and omitting, also, at the discretion of the Secretary, any part or all of the statistics of the Territories except those of population; but if the time assigned for making the returns from the Territories proves inadequate, the Secretary may extend the same. And if there be any district or Territory of the United States in which there is no marshal, the President shall appoint some suitable person to discharge the duties assigned herein to marshals.

Marshals to be sworn.

23 May, 1850, c. 11, s. 2, v. 9, p. 428.

SEC. 2177. Every marshal, before entering upon his duties, shall take and subscribe the following oath, before any circuit or district judge of the United States, or before any judge of any State court: "I, , marshal of the district of , do solemnly swear that I will to the best of my ability enumerate, or cause to be enumerated, all the inhabitants of such district, and will collect, or cause to be collected, the other statistical information within the same, and will faithfully perform all the duties enjoined on me by law providing for the taking of the census." When the oath is duly authenticated by the judge, the marshal shall deposit a copy thereof, so authenticated, with the Secretary of the Interior.

Subdivisions of districts; estimates of population.

SEC. 2178. Every marshal shall divide his district into subdivisions containing not exceeding twenty thousand persons in each, unless the limitation to that number causes inconvenient boundaries, in which case

23 May, 1850, c. 11, s. 3, v. 9, p. 428.

the number may be larger; and the limits of the subdivisions shall be known civil divisions, such as county, hundred, parish, township, town, city, ward, or shall be district lines, or highways, or natural boundaries, such as rivers and lakes. He shall also estimate, from the best sources of information which he is able to obtain, the number of square miles in each subdivision, and transmit a statement of such subdivision and estimates to the Secretary of the Interior.

Assistant marshals.

23 May, 1850, c. 11, s. 4, v. 9, p. 428.

SEC. 2179. Every marshal shall appoint for each such subdivision a resident therein to be assistant marshal, to whom he shall give a commission under his hand, authorizing him to perform the duties herein assigned to assistants, and setting forth the boundaries of the subdivision; and he shall keep a true and faithful record of the appointments so made, and of the boundaries of the subdivision.

Taking reward for appointing assistant.

23 May, 1850, c. 11, ss. 6, 14, v. 9, p. 429.

SEC. 2180. If any marshal, by any arrangement or understanding whatever, secures to himself any fee, reward, or compensation for the appointment of an assistant, or in any way secures to himself any part of the compensation provided by law for the services of assistants, or knowingly neglects or refuses to perform the duties herein assigned to him, he shall forfeit not less than one thousand dollars.

Assistant to be commissioned and sworn; oath.

23 May, 1850, c. 11, s. 9, v. 9, p. 430.

SEC. 2181. No assistant shall be deemed qualified to enter upon his duties until he has received from the marshal, under his hand, such a commission as is provided for herein, and shall take and subscribe the following oath, which shall be thereon indorsed: "I, , an assistant to the marshal of the district of , do solemnly swear that I will make a true and exact enumeration of all the inhabitants within the district assigned to me, and will also faithfully collect the other statistics therein, in the manner provided for by law for taking the census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof;" (Signed;) and such oath may be administered by any judge of a court of record, or any justice of the peace empowered to administer oaths, and a copy thereof duly authenticated shall be forwarded to the marshal by such assistant before he proceeds to the business of the appointment.

Assistant neglecting or refusing to act.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

SEC. 2182. Every assistant marshal who, having accepted the appointment, neglects or refuses, without justifiable cause, to perform the duties enjoined on him, shall be liable to a penalty of five hundred dollars.

Secretary of Interior to furnish blanks and instructions.

23 May, 1850, c. 11, s. 19, v. 9, p. 431.

SEC. 2183. The Secretary of the Interior is required to provide blanks, and to distribute them among the marshals, so that the enumeration may commence on the first day of June of each census decade and be taken with reference to that day in every district and subdivision of districts; and to draw up and distribute, at the same time, printed instructions, defining and explaining the duties of such as collect the statistics, and the limits by which such duties are circumscribed, in a clear and intelligible manner.

Instructions for statistics in regard to hemp.

23 May, 1850, c. 11, s. 27, v. 9, p. 433.

SEC. 2184. The Secretary of the Interior, in his instructions to the marshals, shall direct that the statistics in regard to all other descriptions of hemp not embraced in the denomination of dew and water rotted, mentioned in schedule two, shall be taken and estimated in the returns.

Marshal to supply blanks, &c., to assistants.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

SEC. 2185. Every marshal shall seasonably supply to each of his assistants the instructions issued by the Department of the Interior, and the blanks provided for the enumeration of the population, and the collection of other statistics, and shall give to him, from time to time, all such information and directions as may be necessary to enable him to discharge his duty.

Marshal to supervise assistants; substitutes.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

SEC. 2186. Every marshal shall, from time to time, make himself acquainted with the progress made by each of his assistants in the discharge of his duties, and in case of inability or neglect arising from sickness, or otherwise, shall appoint a substitute.

Duties of assistants.

SEC. 2187. Every assistant, when duly qualified, shall perform the service required of him by a personal visit to each dwelling-house and

to each family in his subdivision, and shall ascertain, by inquiries made of some member of each family, if any one can be found capable of giving the information, but if not, then of the agent of such family, the name of each member thereof, the age and place of birth of each, and all the other particulars specified herein, or in the tables hereto subjoined, or in the instructions of the Secretary of the Interior; and shall also visit personally the farms, mills, shops, mines, and other places respecting which information is required in his district, and shall obtain all such information from the best and most reliable sources; and when, in either case, the information is obtained and entered on the tables, as obtained, till the same is complete, such memoranda shall be immediately read to the person furnishing the facts, in order to correct errors and supply omissions, if any exist.

23 May, 1850, c. 11, s. 10, v. 9, p. 430.

Enumeration in California, Oregon, &c.

SEC. 2188. In enumerating persons living in California, Oregon, Utah, and New Mexico, the several assistant marshals or agents shall include those who may have removed from their residence in any State or Territory of the United States prior to the first day of June, preceding such enumeration, and settled subsequent to that date in any of those States or Territories.

30 Aug., 1850, c. 43, s. 2, v. 9, p. 445.

Marshal may appoint deputies.

SEC. 2189. Any marshal may, for any purposes not inconsistent with the duties of the assistants herein provided for, appoint a deputy to act in his behalf; but he shall be responsible for all official acts of such deputy. And an appointment to collect the social statistics shall not be deemed an interference with the duties of the assistants.

23 May, 1850, c. 11, s. 7, v. 9, p. 429.

When officers of the Army to aid in taking census.

SEC. 2190. When, in any of the Territories or places where the population is sparse, the officers of the Army, or any persons thereto belonging, can be usefully employed in taking the census, the Secretary of War is directed to afford such aid, if it can be given without prejudice to the public service.

23 May, 1850, c. 11, s. 18, v. 9 p. 431.

Who may be required to answer questions; penalty for refusing.

SEC. 2191. Every person more than twenty years of age, belonging to any family residing in any subdivision, and in case of the absence of the heads and other members of any such family, then any agent of such family shall, upon the request of the marshal or his assistant, render a true account, to the best of his knowledge, of every person belonging to such family, in the various particulars required herein, and the tables hereto subjoined; and, for any refusal whatever to answer either of the inquiries authorized by law, such person shall be liable to a penalty of thirty dollars, to be sued for and recovered in an action by the assistant marshal, to the use of the United States.

23 May, 1850, c. 11, s. 15, v. 9, p. 431. 6 May, 1870, c. 87, s. 2, v. 16, p. 118.

Returns.

SEC. 2192. Each assistant shall, within one month after the time specified for the completion of the enumeration, furnish the original census-returns to the clerk of the county court of his county, and two copies, duly compared and corrected, to the marshal of the district. He shall affix his signature to each page of the schedules before he returns them to his marshal, and, on the last page thereof, shall state the whole number of pages in each return, and certify that they were well and truly made according to the tenor of his oath of office.

23 May, 1850, c. 11, s. 11, v. 9, p. 430.

Making false certificate.

SEC. 2193. Every assistant marshal who willfully makes a false certificate shall be liable to a penalty of not more than five thousand dollars, and shall be imprisoned not less than two years.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

Marshal to examine and transmit returns.

SEC. 2194. The marshal shall carefully examine whether the return of each assistant marshal is made in conformity with law, and where discrepancies are detected shall require them to be corrected. Of the two sets of the returns required from the assistant marshals as hereinbefore provided, he shall transmit one forthwith to the Census-Office, and the other to the office of the secretary of the State or Territory to which his district belongs.

23 May, 1850, c. 11, s. 5, v. 9, p. 429. 6 May, 1870, c. 87, s. 1, v. 16, p. 118.

The time allowed for transmitting a copy of the returns to the Census-Office is limited as follows: The returns of population upon schedule one shall be sent to that office on or before the tenth day of September, and the complete returns upon all the schedules shall be forwarded before the first day of October following; but the Secretary of the Interior may extend the time allowed for returns on the schedules, other than those

of population, in any case where it appears to him necessary; and whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it is shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior may extend the time allowed for rendering returns of population, not beyond the first day of October.

New enumeration.

30 July, 1852, c. 74, s. 2, v. 10, p. 25.

SEC. 2195. Whenever it is found that the census of any district or subdivision has been improperly taken, or whenever the returns of any district or subdivision are accidentally lost or destroyed, the Secretary of the Interior shall order a new enumeration of such district or subdivision.

Secretary of the Interior to see that diligence is employed.

23 May, 1850, c. 11, s. 19, v. 9, p. 431.

SEC. 2196. The Secretary of the Interior shall see that due diligence is employed by the marshals and assistants to make return of their respective doings completed, at the times herein prescribed; and, as the returns are made, shall cause them to be classified and arranged in the best and most convenient manner for use; and he shall lay the same before Congress at the next session.

Marshal's fees.

23 May, 1850, c. 11, s. 8, v. 9, p. 429.

SEC. 2197. Whenever the population returned in any district exceeds one million, the marshal thereof shall be entitled to receive as a compensation for all his services at the rate of one dollar for each thousand persons; but if the number returned be less than a million in any district, the marshal thereof shall be allowed for his services at the rate of one dollar and twenty-five cents for each thousand persons; but no marshal shall receive less than two hundred and fifty dollars. And when the compensation does not in the whole exceed the sum of five hundred dollars, a reasonable allowance for clerk-hire, to be determined by the Secretary of the Interior, shall be made. And the marshal of any district may, at his discretion, perform the duties of an assistant in any subdivision in which he may reside; and in such case he shall receive therefor the compensation allowed to assistants for like services.

Assistants' compensation.

23 May, 1850, c. 11, s. 12, v. 9, p. 430.

SEC. 2198. Every assistant shall be allowed, as compensation for his services, at the rate of two cents for each person enumerated, and ten cents a mile for necessary travel, to be ascertained by multiplying the square root of the number of dwelling-houses in the division by the square root of the number of square miles in each division. The product shall be taken as the number of miles traveled for all purposes in taking the census.

Additional compensation.

23 May, 1850, c. 11, s. 13, v. 9, p. 430.

SEC. 2199. In addition to the compensation allowed for the enumeration of the inhabitants, there shall be paid for each farm, fully returned, ten cents; for each establishment of productive industry, fully taken and returned, fifteen cents; for the social statistics, two per cent. upon the amount allowed for the enumeration of population, and for each name of a deceased person returned, two cents; but in making returns of farms and establishments of productive industry, the instructions given by the Secretary of the Interior must be strictly observed, and no allowance shall be made for any return not authorized by such instructions, or for any returns not limited to the year next preceding the first day of June in each decennial census.

Pay for making and returning copies of census-returns.

6 May, 1870, c. 87, s. 3, v. 16, p. 118.

SEC. 2200. Every assistant marshal or agent shall be paid, for making out and returning complete copies of the original census-returns, eight cents for each page of the two copies of the original census-returns required by section twenty-one hundred and ninety-two.

Marshal and assistants, when paid.

23 May, 1850, c. 11, s. 21, v. 9, p. 432.

SEC. 2201. Whenever a marshal certifies that an assistant has completed to his satisfaction and made return of the subdivision confided to him, and also certifies the amount of compensation to which, under the provisions of law, such assistant is entitled, designating how much for each kind of service, the Secretary of the Interior shall cause one-half of the sum so due to be paid to such assistant; and when the returns have been carefully examined for classification, if found executed in a satisfactory manner, he shall also cause the other half to be paid. And he shall make payments in the manner and upon like conditions to the several marshals for their services.

SEC. 2202. Every marshal who willfully makes a false certificate shall be fined not more than five thousand dollars, and imprisoned not less than two years. False certificates by marshal.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

SEC. 2203. All fines and penalties provided for in this Title may be enforced in the courts of the United States within the States or Territories where such offense has been committed or forfeiture incurred. Fines and penalties.

23 May, 1850, c. 11, s. 16, v. 9, p. 431.

SEC. 2204. The Secretary of the Interior shall appoint a suitable person as Superintendent of Census, who shall, under his direction, have the general management of matters appertaining to the census, and shall be entitled to receive a compensation at the rate of three thousand dollars a year. Superintendent of Census, salary.

3 Mar., 1849, c. 108, s. 13, v. 9, p. 396.

23 May, 1850, c. 11, s. 19, v. 9, p. 431. 22 April, 1854, c. 52, s. 3, v. 10, p. 276. 16 July, 1862, c. 182, s. 3, v. 12, p. 582. 25 Feb., 1863, c. 59, s. 3, v. 12, p. 696.

SEC. 2205. There may be employed in the Census-Office one chief clerk, and, at the discretion of the Secretary of the Interior, such other clerks of the first class as the requirements of the service may demand, of whom the Secretary may advance, from time to time, not more than ten to the second class, nine to the third class, and six to the fourth class. Clerks in the Census-Office.

5 May, 1860, c. 37, v. 12, p. 14.

SEC. 2206. The tables hereto annexed, and made part hereof, are numbered from one to five inclusive, and are the schedules referred to in this Title. Tables.

23 May, 1850, c. 11, s. 22, v. 9, p. 432.

SCHEDULE 1.—*Inhabitants in* ———, *in the county of* ———, *State of* ———, *enumerated by me, on the* —— *day of* ———, ——.

———— ————, *Assistant.*

Dwelling-houses numbered in the order of visitation.	Families numbered in the order of visitation.	Name of every person whose usual place of abode, on the first day of June, ——, was in this family.	Description.			Profession, occupation, or trade of each male person over 15 years of age.	Value of real estate owned.	Place of birth, naming the State, Territory, or country.	Married within the year.	Attended school within the year.	Persons over 20 years of age who cannot read and write.	Whether deaf and dumb, blind, insane, idiotic, pauper, or convict.
			Age.	Sex.	White, black, or mulatto. Color.							
1	2	3	4	5	6	7	8	9	10	11	12	13
1												1
2												2

SCHEDULE 2.—*Productions of agriculture in* ———, *in the county of* ———, *State of* ———, *during the year ended June* 1, ———, *as enumerated by me on the* ——— *day of* ———, ———.

——— ———, *Assistant.*

Name of owner, agent, or manager of the farm.	Acres of land.		Cash value of farm.	Value of farming implements and machinery.	Live-stock on hand, June 1, ——.							Produce during the year ended June 1, ——.									
	Improved.	Unimproved.			Horses.	Mules and asses.	Working-oxen.	Milch-cows.	Other cattle.	Sheep.	Swine.	The value of live-stock.	The value of animals slaughtered during the year.	Wheat, bushels of.	Rye, bushels of.	Indian corn, bushels of.	Oats, bushels of.	Rice, pounds of.	Tobacco, pounds of.	Ginned cotton, bales of 400 pounds each.	Wool, pounds of.	Beans and peas, bushels of.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

SCHEDULE 2—Continued.

Buckwheat, bushels of.	Barley, bushels of.	Potatoes.		Value of orchard products in dollars.	Wine, gallons of.	Value of produce of market-garden.	Butter, pounds of.	Cheese, pounds of.	Hay, tons of.	Clover-seed, bushels of.	Other grass-seeds, bushels of.	Hops, pounds of.	Hemp.		Flax, pounds of.	Flax-seed, bushels of.	Silk cocoons, pounds of.	Maple-sugar, pounds of.	Cane-sugar, hhds. of—of 1,000 pounds.	Molasses, gallons of.	Honey and bees-wax, pounds of.	Value of home-made manufactures.
		Irish, bushels of.	Sweet, bushels of.										Dew-rotted, tons of.	Water-rotted, tons of.								
24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46

SCEDHULE 3.—*Products of industry in* ———, *in the county of* ———, *State of* ———, *during the year ended June* 1 ———, *as enumerated by me.*

——— ———, *Assistant.*

Name of corporation, company, or individual producing articles to the annual value of $500.	Name of business, manufacture, or product.	Capital invested in real and personal estate in the business.	Raw material used, including fuel.			Kind of motive-power, machinery, structure, or resource.	Average No. hands employed.		Wages.		Annual product.		
			Quantities.	Kinds.	Values.		Male.	Female.	Average monthly cost of male labor.	Average monthly cost of female labor.	Quantities.	Kinds.	Values.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

SCHEDULE 4.—*Social statistics of* ——, *in the county of* ——, *and State of* ——, *compiled by me.*

——— ———, *Assistant.*

Name of town, county, or city.	Aggregate valuation of real and personal estate.	Aggregate amount of taxes assessed.	Public schools.
	Real estate .....$ Personal estate.. Total ..... How valued? True valuation .$	State .....$ County ..... Parish ..... Town..... Total ..... Road-tax .....$ How paid?	Number of colleges. Number of academies. Number of free schools. Number of other schools. Number of school-houses. Amount of money raised by tax for schools last year, $. Raised in other ways for schools last year, $. Received from public funds for schools last year, $

SCHEDULE 4—Continued.

	Public libraries.		Periodicals, including newspapers.				Seasons.
	Number.	Volumes.	Names.	Class.	How often published.	Number of circulation.	Has this season produced average crops? What crops are short? To what extent? What is the average per year.
Social.							
Colleges.							
Academies.							
Public schools.							
Sunday-schools.							

SCHEDULE 4—Continued.

Public paupers.	Criminals.	Cost of labor.	Religious worship.
Whole number of paupers supported during the past year.	Number convicted of crime during year ended June 1.	Average wages to farm-hand per month, hired by the year and boarded, $.	Number of churches.
Number supported on the 1st day of June.	In prison on the 1st June.	Average wages of a day-laborer without board, $ With board, $.	
Native. {White. {Black.	Native. {White. {Black.	Average payment to a carpenter per day without board, $.	Number of persons each will accommodate.
Foreign.	Foreign.	Average wages to a female domestic per week, without board, $.	
Cost of supporting paupers during last year.		Average price of board to a laboring man, per week, $	Value of churches, $

SCHEDULE 5.—*Persons who died during the year ended June* 1, ——, *in the* ——— *of* ———, *in the county of* ———, *and State of* ———, *enumerated by me.*

——— ———, *Assistant.*

Name of every person who died during the year ended June 1, whose usual place of abode at the time of his death was in this family.	Description.			Married or widowed.	Place of birth, (naming the State, Territory, or county.)	The month in which the person died.	Profession, occupation, or trade.	Disease or cause of death.
	Age.	Sex.	Color, (white, black, or mulatto.)					
1	2	3	4	5	6	7	8	9

TITLE XXXII.

THE PUBLIC LANDS.

CHAPTER ONE.

SURVEYORS AND DEPUTY SURVEYORS.

Sec.
2207. Surveyors-general, how and where appointed.
2208. Salary of, in Louisiana, Florida, Minnesota, Nebraska, Iowa, and Dakota.
2209. Salary of, in Oregon and Washington.
2210. Salary of, in Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona.
2211. Salaries of, in Florida, Oregon, and California, how and from what time payable.
2212. Offices, number and location of.
2213. Offices, location of, in Minnesota, Idaho, Nebraska, and Iowa.
2214. Residence of surveyor-general.
2215. Bond of surveyor-general.
2216. New bond of, and additional security.
2217. Duration of office.
2218. Completion of surveys, delivery of field-notes, &c.
2219. Devolution of surveyor-general's powers upon Commissioner of Land-Office, when.
2220. Free access to field-notes, &c., delivered to States.
2221. Conditions of delivery of field-notes to the States.
2222. Continuance of duties after expiration of commission.
2223. General duties of surveyors-general.
2224. Seals of surveyors-general of California, Oregon, and Louisiana, transcripts from records of.
2225. Transcripts from records of Louisiana.
2226. Clerk-hire, allowance of, to surveyors-general.
2227. Office-rent, allowance of, to surveyors-general.
2228. Duties of register and receiver performed by surveyor-general.
2229. Official papers, &c., in office of surveyor-general of California; copies thereof.
2230. Bond of deputy surveyor.
2231. Oath of deputy surveyor.
2232. Suit on bond of deputy surveyor, lien of.
2233. Penalty for default of deputy.

Surveyors-general, how and where appointed.

SEC. 2207. There shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general for the States and Territories herein named, embracing, respectively, one surveying district, namely: Louisiana, Florida, Minnesota, Kansas, California, Nevada, Oregon, Nebraska and Iowa, Dakota, Colorado, New Mexico, Idaho, Washington, Montana, Utah, Wyoming, Arizona.

3 Mar., 1823, c. 29, s. 7, v. 3, p. 755.

3 Mar., 1831, c. 116, s. 1, v. 4, p. 492. 27 Sept., 1850, c. 76, s. 1, v. 9, p. 496. 3 Mar., 1853, c. 145, s. 1, v. 10, p. 244. 17 July, 1854, c. 84, s. 7, v. 10, p. 306. 22 July, 1854, c. 103, ss. 1, 10, v. 10, pp. 308, 309. 21 Feb., 1855, c. 117, s. 1, v. 10, p. 611. 3 Mar., 1857, c. 107, s. 1, v. 11, p. 212. 28 Feb., 1861, c. 59, s. 17, v. 12, p. 176. 2 Mar., 1861, c. 83, s. 17, v. 12, p. 214. 2 Mar., 1861, c. 86, s. 17, v. 12, p. 244. 29 June, 1866, c. 156, v. 14, p. 77. 4 July, 1866, c. 166, s. 4, v. 14, p. 85. 28 July, 1866, c. 311, s. 1, v. 14, p. 344. 2 Mar., 1867, c. 179, s. 1, v. 14, p. 542. 16 July, 1868, c. 175, s. 1, v. 15, p. 91. 5 Feb., 1870, c. 14, s. 2, v. 16, p. 65. 11 July, 1870, c. 246, v. 16, p. 230. 8 May, 1872, c. 140, s. 1, v. 17, p. 76. 3 *Mar.*, 1874, *c.* 43, *v.* 18, *p.* 18. 24 *April*, 1874, *c.* 127, *v.* 18, *p.* 34. 20 *June*, 1874, *c.* 340, *v.* 18, *p.* 121. 20 *June*, 1874, *c.* 341, *v.* 18, *p.* 122. 20 *June*, 1874, *c.* 342, *v.* 18, *p.* 123. 22 *June*, 1874, *c.* 415, *v.* 18, *p.* 201. 28 *Jan.*, 1875, *c.* 26, *v.* 18, *p.* 303. 9 *Aug.*, 1876, *c.* 256, *v.* 19, *p.* 126. 15 *Aug.*, 1876, *c.* 307, *v.* 19, *p.* 207.

Salary of, in Louisiana, Florida, Minnesota, Nebraska, Iowa, and Dakota.

SEC. 2208. The surveyors-general of Louisiana, Florida, Minnesota, Kansas, Nebraska and Iowa, and of Dakota Territory, shall each receive a salary at the rate of two thousand dollars a year.

3 Mar., 1823, c. 29, s. 7, v. 3, p. 755. 3 Mar., 1831, c. 116, s. 5, v. 4, p. 493. 2 Mar., 1861, c. 86, s. 17, v. 12, p. 244. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

Salary of, in Oregon and Washington.

SEC. 2209. The surveyors-general of Oregon and of Washington shall each receive a salary at the rate of two thousand five hundred dollars a year.

27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 14 Feb., 1853, c. 69, s. 4, v. 10, p. 158. 3 Mar., 1853, c. 145, s. 11, v. 10, p. 248. 17 July, 1854, c. 84, s. 7, v. 10, p. 306. 3 Mar., 1855, c. 175, s. 26, v. 10, p. 674. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

Salary of, in Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona.

SEC. 2210. The surveyors-general of Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona, shall each receive a salary at the rate of three thousand dollars a year.

3 Mar., 1853, c. 145, s. 1, v, 10, p. 244. 22 July, 1854, c. 103, s. 1, v. 10, p. 308. 21 Feb., 1855, c. 117, s. 1, v. 10, p. 611. 28 Feb., 1861, c. 59, s. 17, v. 12, p. 176. 2 Mar., 1861, c. 83, s. 17, v. 12, p. 214. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 29 June, 1866, c. 156, v. 14, p. 77. 4 July, 1866, c. 166, s 4, v. 14, p. 85. 2 Mar., 1867, c. 179, s. 1, v. 14, p. 542. 16 July, 1868, c. 175, s. 1, v. 15, p. 91. 5 Feb., 1870, c. 14, s. 2, v. 16, p. 65. 11 July, 1870, c. 246, v. 16, p. 230. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

Salaries of, in Florida, Oregon, and California, how and from what time payable.

SEC. 2211. The salary of each surveyor-general of Florida, Oregon, and California shall be paid quarter-yearly, and shall commence from the time he enters into bond, as provided by law.

3 Mar., 1823, c. 29, s. 7, v. 3, p. 756. 27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 3 Mar., 1853, c. 145, s. 1, v. 10, p. 244.

Offices, number and location of.

SEC. 2212. There shall be but one office of surveyor-general in each surveyor-general's district; and such office shall be located as the President, in view of the public convenience, may from time to time direct, except as provided in the following section.

2 July, 1864, c. 210, s. 8, v. 13, p. 352.

Offices, location of, in Minnesota, Idaho, Nebraska, and Iowa.

SEC. 2213. The surveyor-general's office for Minnesota district shall continue to be located at the city of Saint Paul; that for Idaho Territory, at Boise City; and that for the district of Nebraska and Iowa, at Plattsmouth, in Nebraska.

3 Mar., 1857, c. 107, s. 1, v. 11, p. 212. 29 June, 1866, c. 156, v. 14, p. 77. 28 July, 1866, c. 311, s. 1, v. 14, p. 344.

Residence of surveyor-general.

SEC. 2214. Every surveyor-general, while in the discharge of the duties of his office, shall reside in the district for which he is appointed.

3 Mar., 1843, c. 100, s. 1, v. 5, p. 637.

Bond of surveyor-general.

SEC. 2215. Every surveyor-general shall, before entering on the duties of his office, execute and deliver to the Secretary of the Interior a bond, with good and sufficient security, for the penal sum of thirty thousand dollars, conditioned for the faithful disbursement, according to law, of all public money placed in his hands, and for the faithful performance of the duties of his office.

7 May, 1822, c. 118, s. 1, v. 3, p. 697.

Farrar *v.* U. S., 5 Pet., 373.

New bond of, and additional security.

SEC. 2216. The President is authorized, whenever he may deem it expedient, to require any surveyor-general to give a new bond and additional security, under the direction of the Secretary of the Interior, for the faithful disbursement, according to law, of all money placed in his hands.

7 May, 1822, c. 118, s. 3, v. 3, p. 697.

Duration of office.

SEC. 2217. The commission of every surveyor-general now in office, and of every surveyor-general hereafter appointed, shall cease and expire, unless sooner vacated by death, resignation, or removal from office, in four years from the date of the commission.

7 May, 1822, c. 118, s. 2, v. 3, p. 697.

Completion of surveys, delivery of field-notes, &c.

SEC. 2218. The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying-districts for which surveyors-general have been, or may be, appointed, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the surveyor-general thereof shall be required to deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field-notes, maps, records, and other papers appertaining to land titles within the same; and the office of surveyor-general in every such district shall thereafter cease and be discontinued.

12 June, 1840, c. 36, s. 1, v. 5, p. 384. 31 *July*, 1876, *c.* 246, *v.* 19, *p.* 121.

Devolution of surveyor-general's powers upon Commissioner of Land Office, when.

SEC. 2219. In all cases where, as provided in the preceding section, the field-notes, maps, records, and other papers appertaining to land-titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or

22 Jan., 1853, c. 24, s. 1, v. 10, p. 152.

subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor-general, whose district included such State, shall be vested in, and devolved upon, the Commissioner of the General Land-Office.

Free access to field-notes, &c., delivered to States.

22 Jan., 1853, c. 24, s. 2, v. 10, p. 152.

SEC. 2220. Under the authority and direction of the Commissioner of the General Land-Office, any deputy surveyor or other agent of the United States shall have free access to any such field-notes, maps, records, and other papers, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind.

Conditions of delivery of field-notes to the States.

22 Jan., 1853, c. 24, s. 3, v. 10, p. 152.

6 *June*, 1874, *c.* 223, *s.* 3, *v.* 18, *p.* 62.

SEC. 2221. The field-notes, maps, records, and other papers mentioned in section twenty-two hundred and nineteen, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States.

Continuance of duties after expiration of commission.

3 Mar., 1853, c. 145, s. 10, v. 10, p. 247.

6 *June*, 1874, *c.* 223, *s.* 3, *v.* 18, *p.* 62.

SEC. 2222. Every surveyor-general, register, and receiver, except where the President sees cause otherwise to determine, is authorized to continue in the uninterrupted discharge of his regular official duties, after the day of expiration of his commission, and until a new commission is issued to him for the same office, or until the day when a successor enters upon the duties of such office; and the existing official bond of any officer so acting shall be deemed good and sufficient, and in force, until the date of the approval of a new bond to be given by him, if recommissioned, or otherwise, for the additional time he may so continue officially to act, pursuant to the authority of this section.

General duties of surveyors-general.

18 May, 1796, c. 29, s. 1, v. 1, p. 464.

29 April, 1816, c. 151, s. 1, v. 3, p. 325.

3 Mar., 1831, c. 116, s. 1, v. 4, p. 492.

3 Mar., 1853, c. 145, ss. 3, 10, v. 10, pp. 245, 247.

24 *April*, 1874, *c.* 127, *v.* 18, *p.* 34.

9 *Aug.*, 1876, *c.* 256, *v.* 19, *p.* 126.

SEC. 2223. Every surveyor-general shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the General Land-Office, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the General Land-Office, in respect to the public lands within his surveying-district, to which the Indian title has been or may be hereafter extinguished.

Third. He shall cause to be surveyed all private land-claims within his district after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the register of the respective land-offices within his district general and particular plats of all lands surveyed by him for each land-district; and he shall forward copies of such plats to the Commissioner of the General Land-Office.

Fifth. He shall, so far as is compatible with the desk-duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for a surveyor-general to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars a day during the examination in the field; but such examination shall not be protracted beyond thirty days; and in no case longer than is actually necessary; and when a surveyor-general, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

Seals of surveyors-general of California, Oregon, and Louisiana; tran-

SEC. 2224. The official seals heretofore authorized to be provided for the offices of the surveyors-general of Oregon, California, and Louisiana shall continue to be used; and any copy of or extract from the plats,

field-notes, records, or other papers on file in those offices, respectively, when authenticated by the seal and signature of the proper surveyor-general, shall be evidence in all cases in which the original would be evidence.

Exemplifications from records.

3 Mar., 1853, c. 145, ss. 2, 11, v. 10, pp. 245, 248.

SEC. 2225. Any copy of a plat of survey, or transcript from the records of the office of surveyor-general of Louisiana, duly certified by him, shall be admitted as evidence in all the courts of the United States and the Territories thereof.

Transcripts from records of Louisiana.

3 Mar., 1831, c. 116, s. 5, v. 4, p. 493.

SEC. 2226. There shall be allowed for the offices of the several surveyors-general, for clerk-hire therein, such sums as may be appropriated for the purpose by Congress from year to year.

Clerk-hire, allowance of, to surveyors-general.

See appropriation acts.

SEC. 2227. There shall be allowed for office-rent, fuel, books, stationery, and other incidental expenses of the several offices of surveyors-general such sums as may be appropriated for the purpose by Congress, from year to year.

Office-rent, allowance of, to surveyors-general.

See appropriation acts.

SEC. 2228. The President is authorized, in any case where he thinks the public interest may require it, to transfer the duties of register and receiver in any district to the surveyor-general of the surveying-district in which such land-district is located.

Duties of register and receiver performed by surveyor-general.

30 May, 1862, c. 86, s. 8, v. 12, p. 410.

SEC. 2229. All official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, which have been heretofore authorized by law to be collected and deposited in the surveyor-general's office in California, shall be safely and securely kept by such surveyor-general in the archives of his office; and copies thereof, authenticated by the surveyor-general under his seal of office, shall be evidence in all cases where the originals would be evidence.

Official papers, &c., in office of surveyor-general of California; copies thereof.

18 May, 1858, c. 39, s. 1, v. 11, p. 289.

SEC. 2230. Every deputy-surveyor shall enter into bond, with sufficient security, for the faithful performance of all surveying contracts confided to him; and the penalty of the bond, in each case, shall be double the estimated amount of money accruing under such contracts, at the rate per mile stipulated to be paid therein. The sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor-general.

Bond of deputy surveyor.

3 Mar., 1831, c. 116, s. 4, v. 4, p. 493.
3 Mar., 1853, c. 145, s. 10, v. 10, p. 247.

SEC. 2231. The surveyors-general, in addition to the oath now authorized by law to be administered to deputies on their appointment to office, shall require each of their deputies, on the return of his surveys, to take and subscribe an oath that those surveys have been faithfully and correctly executed, according to law and the instructions of the surveyor-general.

Oath of deputy surveyor.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

SEC. 2232. The district attorney of the United States, in whose district any false, erroneous, or fraudulent surveys have been executed, shall, upon the application of the proper surveyor-general, immediately institute suit upon the bond of such deputy; and the institution of such suit shall act as a lien upon any property owned or held by such deputy, or his sureties, at the time such suit was instituted.

Suit on bond of deputy surveyor, lien of.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

SEC. 2233. In the event of the failure of a deputy in Louisiana to comply with the terms of his contract, unless such failure be satisfactorily shown by him to have arisen from causes beyond his control, he shall forfeit the penalty of his bond on due process of law, and ever afterward be debarred from receiving a contract for surveying public lands.

Penalty for default of deputy.

3 Mar., 1831, c. 116, s. 4, v. 4, p. 493.
3 *Mar.*, 1874, *c.* 43, *v.* 18, *p.* 19.

6 *June*, 1874, *c.* 223, *s.* 3, *v.* 18, *p.* 62. 15 *Aug.*, 1876, *c.* 307, *v.* 19, *p.* 207. 12 *Jan.*, 1877, *c*, 18, *v.* 19, *p.* 221.

CHAPTER TWO.

REGISTERS AND RECEIVERS.

Sec.
2234. Registers and receivers, appointment of.
2235. Residence of register and receiver.
2236. Bond of register and receiver.
2237. Salaries of register and receiver.
2238. Fees and commissions of register and receiver.
2239. Fees of register and receiver for consolidated land-offices.
2240. Maximum of compensation for registers and receivers.
2241. Excess of compensation to be paid in Treasury.
2242. Illegal fees; penalty.
2243. Compensation of registers and receivers when to commence.
2244. Duration of office of registers and receivers.
2245. Monthly and quarterly returns of receivers.
2246. Oaths administered by registers and receivers.
2247. Penalty for false information by register.

Appointment of registers and receivers.

SEC. 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land-office and a receiver of public moneys, for each land-district established by law.

See all acts establishing land-districts.—24 *April*, 1874, *c.* 127, *s.* 2, *v.* 18, *p.* 34. 20 *June*, 1874, *c.* 340, *v.* 18, *p.* 122. 20 *June*, 1874, *c.* 341, *v.* 18, *p.* 122. 20 *June*, 1874, *c.* 342, *v.* 18, *p.* 123. 11 *Jan.*, 1875, *c.* 12, *s.* 2, *v.* 18, *p.* 295.

Residence of register and receiver.

SEC. 2235. Every register and receiver shall reside at the place where the land-office for which he is appointed is directed by law to be kept.

See all acts establishing land-districts.

Bond of register and receiver.

SEC. 2236. Every register and receiver shall, before entering on the duties of his office, give bond in the penal sum of ten thousand dollars, with approved security, for the faithful discharge of his trust.

10 May, 1800, c. 55, ss. 1, 6, v. 2, pp. 73, 75. 3 Mar., 1853, c. 145, s. 5, v. 10, p. 245.

Salaries of register and receiver.

SEC. 2237. Every register and receiver shall be allowed an annual salary of five hundred dollars.

20 April, 1818, c. 123, v. 3, p. 466. 30 May, 1862, c. 86, s. 6, v. 12, p. 409.

Fees and commissions of register and receiver.

SEC. 2238. Registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456. 21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

First. A fee of one dollar for each declaratory statement filed and for services in acting on pre-emption claims.

20 April, 1818, c. 123, v. 3, p. 466.

Second. A commission of one per centum on all moneys received at each receiver's office.

20 May, 1862, c. 75, s. 6, v. 12, p. 393. 21 Mar., 1864, c. 38, s. 2, v. 13, p. 35. 15 July, 1870, c. 294, s. 25, v. 16, p. 320.

Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

3 Mar., 1873, c. 277, s. 6, v. 17, p. 606.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.

22 Mar., 1852, c. 19, s. 2, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505.

Fifth. For locating military bounty-land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural-college land-scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

30 May, 1862, c. 86, s. 6, v. 12, p. 409.

Sixth. A fee, in donation cases, of five dollars for each final certificate for one hundred and sixty acres of land, ten dollars for three hundred and twenty acres, and fifteen dollars for six hundred and forty acres.

1 July, 1864, c. 196, s. 1, v. 13, p. 335.

Seventh. In the location of lands by States and corporations under grants from Congress for railroads and other purposes, (except for

agricultural colleges,) a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location. 13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 21. 5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

Eighth. A fee of five dollars per diem for superintending public-land sales at their respective offices; and, to each receiver, mileage in going to and returning from depositing the public moneys received by him. 24 April, 1820, c. 51, s. 5, v. 3, p. 567

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties. 10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights. 21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

Eleventh. A like fee as provided in the preceding subdivision when such writing is done in the land-office, in establishing claims for mineral lands. 10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section. 21 Mar., 1864, c. 38, s. 6, v. 13, p. 36, and several acts establishing land-offices for Utah, Wyoming, and Montana.

SEC. 2239. The register for any consolidated land-district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land-titles in his consolidated land-district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information. Fees of register and receiver for consolidated land-offices. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year, each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro-rata allowance of such maximum. Maximum of compensation for registers and receivers. 20 April, 1818, c. 123, v. 3, p. 466, 18 Feb., 1861, c. 38. 22 Mar., 1852, c. 19, s. 3, v. 10, p. 4. 2 Feb., 1859, c. 19, v. 11, p. 378. ss. 1, 3, v. 12, p. 131. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 30 May, 1862, c. 86, s. 6, v. 12, p. 409. 2 July, 1862, c. 130, s. 7, v. 12, p. 505. 21 Mar., 1864, c. 38, s. 6, v. 13, p. 36. 1 July, 1864, c. 196, s. 1, v. 13, p. 335.—U. S. *v.* Babbit, 1, Bl., 55.

SEC. 2241. Whenever the amount of compensation received at any land-office exceeds the maximum allowed by law to any register or receiver, the excess shall be paid into the Treasury, as other public moneys. Excess of compensation to be paid in Treasury. 3 Mar., 1853, c. 97, s. 1, v. 10, p. 204. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

SEC. 2242. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office. Illegal fees; penalty. 22 Mar., 1852, c. 19, s. 3, v. 10, p. 4. 17 July, 1854, c. 84, s. 6, v. 10, p. 306.

SEC. 2243. The compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they, respectively, enter on the discharge of their duties. Compensation of registers and receivers, when to commence. 24 Feb., 1855, c. 124, s. 3, v. 10, p. 615.

SEC. 2244. All registers and receivers shall be appointed for the term of four years, but shall be removable at pleasure. Duration of office of registers and receivers. 15 May, 1820, c. 102, s. 1, v. 3, p. 582.

SEC. 2245. The receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land-Office like monthly returns, and transmit to him quarterly accounts-current of the debits and credits of their several offices with the United States. Monthly and quarterly returns of receivers. 4 July, 1836, c. 352, s. 9, v. 5, p. 111.

Oaths administered by registers and receivers.

12 June, 1840, c. 35, v. 5, p. 384.

SEC. 2246. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land-Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

Penalty for false information by register.

4 July, 1836, c. 352, s. 13, v. 5, p. 112.

SEC. 2247. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for five dollars for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

CHAPTER THREE.

LAND-DISTRICTS.

GENERAL PROVISIONS RESPECTING CERTAIN LANDS.

Sec.
2248. When land-office may be discontinued by Secretary of the Interior.
2249. When land-office may be continued by Secretary of the Interior.
2250. When land-office may be annexed to adjacent district by the President.
2251. Change of location of land-office by the President.
2252. Discontinuance of land-offices by the President.
2253. Change of boundaries of land-districts by the President.
2254. Business of original district in case of change of boundaries.
2255. Allowance of office-rent and clerk-hire for consolidated land-offices.
2256. Boundaries of land-districts in the United States on the 1st November, 1872.

When land-office may be discontinued by Secretary of the Interior.

12 June, 1840, c. 36, s. 2, v. 5, p. 385.

SEC. 2248. Whenever the quantity of public land remaining unsold in any land-district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land-office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land-office, the same shall be subject to sale at some one of the existing land-offices most convenient to the district in which the land-office has been discontinued, of which the Secretary of the Interior shall give notice.

When land-office may be continued by Secretary of the Interior.

4 Sept., 1841, c. 16, s. 7, v. 5, p. 455.

SEC. 2249. The Secretary of the Interior may continue any land-district in which is situated the seat of government of any one of the States, and may continue the land-office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land-system in such State.

When land-office may be annexed to adjacent district by the President.

3 Mar., 1853, c. 97, s. 1, v. 10, pp. 189, 194.

SEC. 2250. Whenever the cost of collecting the revenue from the sales of the public lands in any land-district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land-office in such district, and to annex the same to some other adjoining land-district.

Change of location of land-office by the President.

3 Mar., 1853, c. 97, s. 1, v. 10, p. 204.

SEC. 2251. The President is authorized to change the location of the land-offices in the several land-districts established by law, and to relocate the same from time to time at such point in the district as he deems expedient.

3 Mar., 1853, c. 144, v. 10, p. 244.

Discontinuance of land-offices by the President.

30 May, 1862, c. 86, s. 5, v. 12, p. 409.

SEC. 2252. Upon the recommendation of the Commissioner of the General Land-Office, approved by the Secretary of the Interior, the President may order the discontinuance of any land-office and the transfer of any of its business and archives to any other land-office within the same State or Territory.

Change of boundaries of land-districts, by the President.

29 June, 1870, c. 171, v. 16, p. 171.

SEC. 2253. The President is authorized to change and re-establish the boundaries of land-districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land-offices or land-districts.

Business of original district in case of change of boundaries.

31 May, 1872, c. 241, v. 17, p. 192.

SEC. 2254. In case of the division of existing land-districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land-office, after such lands have been made part of another district by any act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights.

Allowance of office-rent and clerk-hire for consolidated land-offices.

18 Feb., 1861, c. 38, s. 2, v. 12, p. 131.

SEC. 2255. The Secretary of the Interior is authorized to make a reasonable allowance for office-rent for each consolidated land-office; and when satisfied of the necessity therefor, to approve the employment by the register of one or more clerks, at a reasonable per-diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section twenty-two hundred and thirty-nine, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land-offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

PROVISIONS RESPECTING PARTICULAR LOCAL LAND-DISTRICTS.

Boundaries of land-districts in the United States on the 1st November, 1872.

6 *June*, 1874, *c.* 223, *v.* 18, *p.* 62.

SEC. 2256. The following boundaries of the ninety-three land-districts, with the location of the respective land-offices, are established until changed in pursuance of law, namely:

OHIO.

Chillicothe.

1. Chillicothe.

The land-district of Chillicothe is co-extensive with the limits of the State of Ohio.

INDIANA.

Indianapolis.

2. Indianapolis.

The land-district of Indianapolis is co-extensive with the limits of the State of Indiana.

ILLINOIS.

Springfield.

3. Springfield.

The land-district of Springfield is co-extensive with the limits of the State of Illinois.

MISSOURI.

Boonville.

4. Boonville.

The land-district of Boonville embraces all that part of the State of Missouri which lies north of the line between townships thirty-seven and thirty-eight north, lying east of the line between ranges ten and eleven west, and townships thirty-four and thirty-five north of ranges eleven to thirty-three west, inclusive, counting from the fifth principal meridian.

Ironton.

5. Ironton.

6 *June*, 1874, *c.* 223, *v.* 18, *p.* 62.

The land-district of Ironton embraces all that part of the State of Missouri which lies south of the line between townships thirty-seven and thirty-eight north, and east of the line between ranges ten and eleven west of the fifth principal meridian.

Springfield.

6. Springfield.

The land-district of Springfield consists of that portion of the State of Missouri which is situated south of the line between townships thirty-four and thirty-five north, and west of the line between ranges ten and eleven west of the fifth principal meridian.

ALABAMA.

Mobile.

7. Mobile.

The land-district of Mobile embraces the southwestern part of the State of Alabama; it lies south of the line between townships thirteen and fourteen north, and west of the line between ranges nine and ten east of the basis meridian of Saint Stephen's.

Huntsville.

8. Huntsville.

This land-district consists of the northern part of the State of Alabama, lying north of the line between townships fourteen and fifteen south of the basis meridian of Huntsville, including the counties of De Kalb and Cherokee, and so much of the counties of Marshall, Etowah, and Jackson as were lately part of the Montgomery land-district in the State of Alabama.

Montgomery.

9. Montgomery.

The land-district of Montgomery embraces the central and southeastern parts of the State of Alabama, situated south of the Huntsville land-district, and extending south to the line between townships thirteen and fourteen north of the basis meridian of Saint Stephen's, across the whole State, and from townships one to thirteen north, inclusive, east from the line between ranges nine and ten east, to the eastern boundary of the State of Alabama.

LOUISIANA.

New Orleans.

10. New Orleans.

The land-district of New Orleans comprehends within its limits that portion of the State of Louisiana which lies south of the basis parallel of thirty-first degree of north latitude, and a portion thereof lying north of the basis and south of the Red River, and east of the line between ranges three and four west of the principal meridian.

Natchitoches.

11. Natchitoches.

This land-district occupies the northwestern part of the State of Louisiana, extending from townships one to thirteen north, inclusive, and west of the line between ranges three and four west; and also from township fourteen north to the north boundary of the State, extending from the line between ranges five and six west of the principal meridian to the western boundary of the State of Louisiana.

Monroe.

12. Monroe.

The land-district of Monroe consists of the northeastern portion of the State; it is bounded on the east by the Mississippi River, on the

south by Red River, and on the west by the line between ranges three and four west from townships six to thirteen north, inclusive, and from township fourteen north to the northern boundary of the State, by the line between ranges five and six west.

MISSISSIPPI.

13. Jackson. Jackson.

The land-district of Jackson is co-extensive with the limits of the State of Mississippi.

MICHIGAN.

14. Detroit. Detroit.

The land-district of Detroit includes all that part of the State of Michigan situated east of the following lines of public surveys, viz: Townships one to five north, inclusive, east of the principal meridian; townships six to nineteen north, inclusive, extending east of the line between ranges eleven and twelve east; townships one to four south, inclusive, lying east of the line between ranges three and four west; townships five to nine south, extending from the line between ranges four and five west. It also includes that part of the late Sheboygan land-district which lies north of the line between townships twenty-eight and twenty-nine north, and east of the line between ranges two and three west of the principal meridian, and extending to Lake Huron in the southern peninsula of Michigan, comprehending within its limits the island of Mackinaw.

15. East Saginaw East Saginaw.

Land-district embraces townships six to ten north, lying east of the principal meridian and west of the line between ranges eleven and twelve east of said meridian; also townships eleven to twenty-eight north, lying east of the line between ranges two and three west of the principal meridian, and west of the line between ranges eleven and twelve east.

16. Ionia Ionia.

Land-district includes the southwestern part of the southern peninsula of Michigan, extending south of the second correction-line north of the base-line and west of the East Saginaw district, and also west of that part of Detroit district adjoining south boundary of the State of Michigan.

17. Marquette Marquette.

Land-district embraces the whole extent of the northern peninsula of Michigan, including Drummond Island and those adjacent to the Big Bay de Noc.

18. Traverse City or Sheboygan Traverse City or Sheboygan.

Land-district includes that portion of the northwestern part of the lower peninsula of Michigan which lies north of the second correction-line and west of the line between ranges two and three west of the principal meridian, including islands in Lakes Huron, Michigan, and the Straits of Mackinac, exclusive of the islands of Mackinaw and Drummond.

ARKANSAS.

19. Dardanelle Dardanelle.

Land-district is bounded on the east by a line between ranges seventeen and eighteen west of the fifth principal meridian, running north from

the base-line to the corner common to townships twelve and thirteen north of the base-line, on the north by the line between townships twelve and thirteen north, on the west by the western boundary of the State of Arkansas, and on the south by the base-line.

Little Rock.

20. Little Rock

Land-district is bounded as follows, viz: Beginning on the south boundary of the State of Arkansas where the line between ranges five and six west of the fifth principal meridian intersects the same; thence north on said range-line to the corner common to townships ten and eleven south; thence west on the line between townships ten and eleven south to the line between ranges seventeen and eighteen west; thence north on the said range-line to the corner common to townships twelve and thirteen north of the base-line; thence east on the line between townships twelve and thirteen north to the line between ranges seven and eight west; thence north along said range-line to the north boundary of the State; thence east with the said boundary to the Saint Francis River; thence down said river to the intersection of the thirty-sixth degree and thirty minutes of north latitude; thence east along said parallel of north latitude to the Mississippi River; thence down said river to the south boundary of the State of Arkansas; and thence west along said boundary to the point of beginning.

Camden.

21. Camden

Land-district is bounded on the north by the base-line extending from the west boundary of the State of Arkansas to the intersection of the line between ranges seventeen and eighteen west of the fifth principal meridian; thence south with the said range-line to the corner common to townships ten and eleven south of the base-line; thence east, on the line between townships ten and eleven south, to the intersection of the line between ranges five and six west of the fifth principal meridian; thence south along said range-line to the south boundary of the State; thence west with the said boundary to the west boundary of the State; and thence with the west boundary to the place of beginning.

Harrison.

22. Harrison

Land-district comprises all that part of the State of Arkansas which lies north of the line between townships twelve and thirteen north of the base-line, and west of the line between ranges seven and eight west of the fifth principal meridian.

FLORIDA.

Tallahassee.

23. Tallahassee

Land-district embraces all that part of the State of Florida which lies west of the line between ranges fourteen and fifteen east of the principal meridian.

Gainesville or East Florida.

24. Gainesville or East Florida

Land-district consists of that part of the State of Florida lying east of the line between ranges fourteen and fifteen east of the principal meridian.

IOWA.

Fort Des Moines.

25. Fort Des Moines

Land-district embraces the eastern portion of the State of Iowa, and is bounded as follows, viz: Beginning on the south boundary of the State

where the line between ranges thirty-three and thirty-four west of the fifth principal meridian intersects the same; thence north along said range-line to the corner common to townships eighty-five and eighty-six north of the base-line; thence east on the line between said townships to the line between ranges eighteen and nineteen west; thence north with said range-line to the corner common to townships ninety-three and ninety-four north; thence west on the line between said townships to the line between ranges twenty-four and twenty-five west; thence north on said range-line to the north boundary of the State; thence east with said boundary to the Mississippi River; thence down the river to the mouth of Des Moines River; thence up said river to the south boundary of Iowa, and thence west along the said boundary to the place of beginning.

26. Council Bluffs — Council Bluffs.

Land-district is bounded on the north by the line between townships eighty-five and eighty-six north, extending east from the Missouri River to the line between ranges thirty-three and thirty-four west of the fifth principal meridian; thence south with said range-line to the south boundary of the State; thence west with said boundary to the Missouri River; thence up the Missouri River to the place of beginning.

27. Fort Dodge — Fort Dodge.

Land-district is bounded on the north by the north boundary of the State of Iowa, extending east from the line between ranges thirty-three and thirty-four west of the fifth principal meridian to the line between ranges twenty-four and twenty-five west; thence south with said range-line to the corner common to townships ninety-three and ninety-four north; thence east on the line between townships ninety-three and ninety-four north to the line between ranges eighteen and nineteen west; thence south along said range-line to the corner common to townships eighty-five and eighty-six north; thence west on the line between said townships to the line between ranges thirty-three and thirty-four west; thence north with said range-line to the place of beginning.

28. Sioux City — Sioux City.

Land-district is bounded on the north by the north boundary of the State of Iowa; on the east by the line between ranges thirty-three and thirty-four west of the fifth principal meridian; on the south by the line between townships eighty-five and eighty-six north; and on the west by the Missouri and Big Sioux Rivers.

WISCONSIN.

29. Menasha — Menasha.

Land-district embraces eastern part of the State of Wisconsin lying east of the line between ranges eight and nine east, extending from the south boundary of the State to the corner common to townships fourteen and fifteen north; thence east on said township-line to the line between ranges eleven and twelve east; thence north along the said range-line to the north boundary of the State.

30. Falls Saint Croix — Falls Saint Croix.

Land-district is bounded on the north by the fourth correction-line north of the base-line; on the east by the line between ranges eleven and twelve west of the fourth principal meridian; on the south by the Chippeway and Mississippi Rivers, and on the west by the Saint Croix River.

Wausau.

31. Wausau

Land-district embraces all that portion of the State of Wisconsin lying north of the line between townships fourteen and fifteen north of the base-line; west of the line between ranges eleven and twelve east of the fourth principal meridian; and east of the line between ranges one and two east of the fourth principal meridian.

La Crosse.

32. La Crosse

Land-district is included within the following boundaries, to wit: Beginning on the south boundary of the State of Wisconsin, where the line between ranges eight and nine east of the fourth principal meridian intersects the same; thence north with the said range-line to the corner common to townships fourteen and fifteen north of the base-line; thence west with said line to the line between ranges one and two east; thence north along said range-line to the corner common to townships twenty-four and twenty-five north; thence west on the line between said townships to the line between ranges eleven and twelve west; thence north with said range-line to the intersection with the Chippeway River; thence down said river to its mouth; thence down the Mississippi River to the southern boundary of Wisconsin; and thence east along the said boundary to the place of beginning.

Bayfield.

33. Bayfield

Land-district embraces all that part of the northwestern corner of the State of Wisconsin lying north of the fourth correction-line and west of the line between ranges one and two east of the fourth principal meridian.

Eau Claire.

34. Eau Claire

Land-district is bounded on the north by the fourth correction-line running through ranges one east and one to eleven west of the fourth principal meridian; on the west by the line running south between ranges eleven and twelve west to the corner common to townships twenty-four and twenty-five north of the base-line; on the south by the line running east between said townships to the line between ranges one and two east of the fourth principal meridian, and on the east by the said range-line extending north to the corner common to townships forty and forty-one north of the base-line, to the place of beginning.

CALIFORNIA.

San Francisco.

35. San Francisco

Land-district is bounded as follows: Beginning on the Pacific Ocean where the line between townships seventeen and eighteen north intersects the ocean, and running thence east with the said township-line to the line between ranges six and seven west of the Mount Diablo meridian; thence south on said range line to the corner common to townships sixteen and seventeen north; thence east between said townships to the line between ranges five and six west; thence south along the line between ranges five and six west to the second standard north of the Mount Diablo base-line; thence east along said standard-line, to the line between ranges four and five west; thence south on line between ranges four and five west to the corner common to townships nine and ten north; thence east between townships nine and ten north to the line between ranges three and four west; thence south between ranges three and four west to the corner common to townships seven and eight north; thence east on the line between townships seven and eight north to the line between ranges three and four east; thence south on the line between ranges three and four east to the first standard north; thence west along

said standard to the line between ranges two and three east; thence south on the line between ranges two and three east to the corner common to townships three and four north; thence west between townships three and four north to the line between ranges one and two east; thence south on line between ranges one and two east to the corner common to townships one and two north; thence east to the line between ranges two and three east; thence north between ranges two and three east to the corner common to townships two and three north; thence east on said township-line to the line between ranges four and five east; thence south on the line between ranges four and five east to the corner common to townships one and two south of the Mount Diablo base-line; thence east between townships one and two south to the line between ranges five and six east; thence south on said range-line to the corner common to townships seven and eight south; thence east on the line between townships seven and eight south to the line between ranges six and seven east; thence south on said range-line to the corner common to townships nine and ten south; thence east to the line between ranges seven and eight east; thence south to the corner common to townships ten and eleven south; thence east on line between townships ten and eleven south to the line between ranges eight and nine east; thence south on said range-line to the intersection of the third standard south; thence east along said standard to the line between ranges nine and ten east; thence on said range-line to the corner common to townships thirteen and fourteen south; thence east on the line between townships thirteen and fourteen south to the line between ranges ten and eleven east; thence south between ranges ten and eleven east to the corner common to townships fifteen and sixteen south; thence east on the line between townships fifteen and sixteen south to the line between ranges eleven and twelve east; thence south to the fourth standard south; thence east along said standard to the line between ranges twelve and thirteen east; thence south on said range-line to the corner common to townships eighteen and nineteen south; thence east along said township-line to the line between ranges thirteen and fourteen east; thence south to the fifth standard-line south; thence east along said standard-line to the line between ranges fourteen and fifteen east; thence south to the corner common to townships twenty-two and twenty-three south; thence east on the line between townships twenty-two and twenty-three south to the line between ranges fifteen and sixteen east; thence south on said range-line to the corner common to townships twenty-three and twenty-four south; thence east on said township-line to the line between ranges sixteen and seventeen east; thence south on said range-line to the corner common to townships twenty-six and twenty-seven south; thence east on said township-line to the line between ranges seventeen and eighteen east; thence south between said ranges to the corner common to townships twenty-seven and twenty-eight south; thence east on the line between said townships to the line between ranges eighteen and nineteen east; thence south on said range-line to the seventh standard-line south of the base-line; thence east along said standard-line to the line between ranges nineteen and twenty east; thence south on said range-line to the corner common to townships twenty-nine and thirty south; thence east on said township-line to the line between ranges twenty and twenty-one east; thence south on said range-line to the corner common to townships thirty and thirty-one south; thence east on said township-line to the line between ranges twenty-one and twenty-two east; thence south on said range-line to the corner common to townships thirty-one and thirty-two south; thence east on line between townships thirty-one and thirty-two south to the line between ranges twenty-two and twenty-three east; thence south to the eighth standard-line south; thence east along said standard-line of the Mount Diablo base-line to the line between ranges twenty-three and twenty-four west of the San Bernardino meridian; thence south on said range-line to the corner common to townships ten and eleven north of the San Bernardino base-line; thence east on line between said townships to the line between ranges twenty and twenty-one west; thence south on said range-line to the first standard north of the San Bernardino base-line;

thence west along said standard-line to the Pacific Ocean, and thence northwesterly along the ocean to the place of beginning.

Marysville.

36. Marysville

Land-district is bounded as follows: Beginning at a point where the north boundary of township twenty-five north is intersected by the line between ranges seven and eight west of the Mount Diablo meridian; thence east along the fifth standard north to the southeast corner of township twenty-six north, range four east; thence north to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence south to the fifth standard north; thence east along said standard to the line between ranges eight and nine east; thence south to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence east to the line between ranges eleven and twelve east; thence south to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence west to the corner of townships twenty-one and twenty-two north, ranges ten and eleven east; thence south to the fourth standard north; thence west along said standard, to the line between ranges nine and ten east; thence south, to the corner of townships nineteen and twenty north, ranges nine and ten east; thence west to the line between ranges eight and nine east; thence south to the corner of townships sixteen and seventeen north; thence west to the line between ranges six and seven east; thence south to the corner of townships thirteen and fourteen north, ranges six and seven east; thence west to the line between ranges five and six east; thence south to the corner of townships twelve and thirteen north; thence west to the line between ranges four and five east; thence south to the corner of townships eleven and twelve north; thence west to the line between ranges three and four east; thence south to the corner of townships seven and eight north; thence west to the line between ranges three and four west; thence north to the corner of townships nine and ten north; thence west to the line between ranges four and five west; thence north to the intersection of the second standard north; thence west along said standard to the southwest corner of township eleven north, range five west; thence north to the corner of townships sixteen and seventeen north; thence west to the corner of townships sixteen and seventeen north, ranges six and seven west; thence north to the corner of townships nineteen and twenty north; thence west to the line between ranges seven and eight west, and thence north to the place of beginning.

Humboldt.

37. Humboldt

Land-district is bounded as follows: Beginning at a point where the northern boundary of the State of California intersects the Pacific Ocean; thence east to the intersection of the line between ranges ten and eleven west of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-five and twenty-six north; thence east to the line between ranges seven and eight west; thence south to the corner of townships nineteen and twenty north, ranges seven and eight west; thence east to the line between ranges six and seven west; thence south to the corner of townships seventeen and eighteen north; thence west to the Pacific Ocean, and thence northwesterly, with the ocean, to the point of beginning.

Stockton.

38. Stockton

Land-district is bounded as follows: Beginning at the northwest corner of township five north, range five east of the Mount Diablo meridian, and running thence east along the first standard north to the line between ranges nine and ten east; thence south to the corner of town hi' s

three and four north, ranges nine and ten east; thence east to the line between ranges seventeen and eighteen east; thence north to the corner of townships four and five north, ranges seventeen and eighteen east; thence east to the line between ranges twenty-two and twenty-three east; thence south to the first standard south of the Mount Diablo base-line; thence east along said standard-line to the line between ranges twenty-six and twenty-seven east; thence south to the third standard south; thence west along said standard to the line between ranges eight and nine east; thence north to the corner of townships ten and eleven south; thence west to the line between ranges seven and eight east; thence north to the corner of townships nine and ten south; thence west to the line between ranges six and seven east; thence north to the corner of townships seven and eight south; thence west to the line between ranges five and six east; thence north to the corner of townships one and two south; thence west to the line between ranges four and five east; and thence north to the place of beginning.

39. Visalia

Visalia.

Land-district is bounded as follows: Beginning at the northwest corner of township thirteen south, range ten east, of the Mount Diablo meridian; running thence east along the third standard south to the line between ranges thirty-two and thirty-three east; thence south to the sixth standard south; thence east along said standard to the line between ranges thirty-two and thirty-three east; thence south along said range-line to the sixth standard south; thence east along said standard to the intersection of the San Bernardino meridian; thence north along said meridian to the intersection of the eastern boundary of the State of California; thence southeasterly along said boundary to the intersection of the line between townships eleven and twelve north of the San Bernardino base-line; thence west to the intersection of the San Bernardino meridian; thence with said meridian to the point where the same is intersected by the eighth standard south of the Mount Diablo meridian; thence west with the eighth standard south to the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence north to the corner of townships thirty-one and thirty-two south; thence west to the line between ranges twenty-one and twenty-two east; thence north to the corner of townships thirty and thirty-one south; thence west to the line between ranges twenty and twenty-one east; thence north to the corner of townships twenty-nine and thirty south; thence west to the line between ranges nineteen and twenty east; thence north to the seventh standard south; thence west along said standard to the line between ranges eighteen and nineteen east; thence north to the corner of townships twenty-seven and twenty-eight south; thence west to the line between ranges seventeen and eighteen east; thence north to the corner of townships twenty-six and twenty-seven south; thence west to the line between ranges sixteen and seventeen east; thence north along said range-line to the corner of townships twenty-three and twenty-four south; thence west to the line between ranges fifteen and sixteen east; thence north to the corner of townships twenty-two and twenty-three south; thence west to the line between ranges fourteen and fifteen east; thence north to the fifth standard south; thence west along said standard-line, to the line between ranges thirteen and fourteen east; thence north to the corner of townships eighteen and nineteen south; thence west to the line between ranges twelve and thirteen east; thence north to the fourth standard south; thence west along said standard to the line between ranges eleven and twelve east; thence north to the corner of townships fifteen and sixteen south; thence west to the line between ranges ten and eleven east; thence north to the corner of townships thirteen and fourteen south; thence west to the line between ranges nine and ten east; and thence north to the place of beginning.

Sacramento.

40. Sacramento

Land-district is bounded as follows: Beginning at the northwest corner of township twenty north, range ten east; thence east along the fourth standard north of the Mount Diablo base-line to the line between ranges ten and eleven east; thence north to the corner of townships twenty-one and twenty-two north; thence east to the line between ranges thirteen and fourteen east; thence south along said line to the corner of townships nineteen and twenty east; thence east to the intersection of the eastern boundary of California; thence south to the intersection of the boundary with the thirty-ninth parallel of north latitude; thence southeasterly with the eastern boundary of California to the intersection of the western boundary of the Aurora land-district, or the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence south on said range-line to the corner of townships four and five north; thence west to the line between ranges seventeen and eighteen east; thence south to the corner of townships three and four north; thence west to the line between ranges nine and ten east; thence north to the first standard north; thence west with the said standard to the line between ranges four and five east; thence south to the corner of townships two and three north; thence west to the line between ranges two and three east; thence south to the corner of townships one and two north; thence west to the line between ranges one and two east; thence north to the corner of townships three and four north; thence east to the line between ranges two and three east; thence north on the line between ranges two and three east to the intersection of the first standard north; thence east along said standard-line to the line between ranges three and four east; thence north to the corner of townships eleven and twelve north; thence east to the line between ranges four and five east; thence north to the corner of townships twelve and thirteen north; thence east to the line between ranges five and six east; thence north to the corner of townships thirteen and fourteen north; thence east to the line between ranges six and seven east; thence north to the corner of townships sixteen and seventeen north; thence east to the line between ranges eight and nine east; thence north to the corner of townships nineteen and twenty north; thence east to the line between ranges nine and ten east; thence north to the point of beginning.

Los Angeles.

41. Los Angeles

Land-district is bounded as follows: Beginning at a point of the intersection of the first standard north of the San Bernardino base-line with the Pacific Ocean; thence east along said standard-line to the line between ranges twenty and twenty-one west of the San Bernardino meridian; thence north to the corner of townships ten and eleven north; thence west to the line between ranges twenty-three and twenty-four west; thence north with said range-line to the intersection of the eighth standard-line south of the Mount Diablo base-line; thence east with said standard-line to the intersection of the San Bernardino meridian; thence south to the corner of townships eleven and twelve north of San Bernardino base-line; thence east to the intersection of the eastern boundary of the State of California; thence in a southeasterly direction with said boundary to the intersection of the Colorado River of the West; thence down said river to the intersection of the boundary between the United States and Mexico; thence southwesterly with said boundary to the Pacific Ocean; and thence in a northwesterly direction along the ocean to the place of beginning.

Shasta.

42. Shasta

Land-district is bounded as follows: Beginning on the northern boundary of the State of California, where the line between ranges ten and eleven west of the Mount Diablo meridian intersects said boundary; thence east

with said boundary to the intersection of the line between ranges five and six east; thence south on said range-line to the corner to townships thirty and thirty-one north; thence west to the line between ranges four and five east; thence south to the fifth standard north of the Mount Diablo base-line; thence west along said standard-line to the line between ranges ten and eleven west; and thence north with said range-line to the north boundary of the State, the point of beginning.

43. Susanville — Susanville.

Land-district is bounded as follows: Beginning at a point where the north boundary of township nineteen north, Mount Diablo base-line, intersects the eastern boundary of the State of California; thence west on the north boundary of township nineteen north to the corner of townships nineteen and twenty north, ranges thirteen and fourteen east; thence north to the corner of townships twenty-one and twenty-two north, ranges thirteen and fourteen east; thence west to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence north to the corner of townships twenty-three and twenty-four north, ranges eleven and twelve east; thence west to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence north to the corner of townships twenty-five and twenty-six north, ranges eight and nine east; thence west to the corner of townships twenty-five and twenty-six north, ranges five and six east; thence north between ranges five and six east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence west to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence north to the corner of townships thirty and thirty-one north, ranges four and five east; thence east to the corner of townships thirty and thirty-one north, ranges five and six east; thence north along said range-line to the northern boundary of the State of California; thence east with the said boundary to the intersection of the eastern boundary of the State, and thence south along the eastern boundary to the place of beginning.

NEVADA.

44. Carson City — Carson City.

Land-district is bounded as follows: Beginning at the northwest corner of the State of Nevada; thence east with the north boundary of the State to the intersection of the line between ranges forty-four and forty-five east of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-four and twenty-five north of the Mount Diablo base-line; thence west to the lines between ranges thirty-nine and forty east; thence south along said range-line to the corner of townships thirteen and fourteen north; thence west to the line between ranges twenty-six and twenty-seven east; thence south along said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east; thence south along said range-line to the intersection of the eastern boundary of California; thence northwesterly along said boundary to the intersection of the thirty-ninth parallel of north latitude with the one hundred and twentieth meridian of west longitude from Greenwich; thence north with said meridian to the place of beginning.

45. Austin — Austin.

Land-district is bounded as follows: Beginning at the corner to townships twenty-four and twenty-five north, ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with the said boundary to the line between townships thirteen and fourteen north; thence west with said township-line to the intersection of the line between ranges thirty-nine and forty east; thence north with said range-line to the place of beginning.

Belmont.

46. Belmont

Land-district is bounded as follows: Beginning at the corner to townships thirteen and fourteen north of Mount Diablo base-line, between ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with said boundary to the Colorado River of the West; thence down said river to the intersection of the thirty-fifth degree of north latitude; thence northwesterly along the east boundary of the State of California to the intersection of the line between ranges thirty-nine and forty east; thence along said range-line to the place of beginning.

Aurora.

47. Aurora

Land-district is bounded as follows: Beginning at the corner common to townships thirteen and fourteen north, ranges thirty-nine and forty east of the Mount Diablo base-line; thence west on the line between townships thirteen and fourteen north, to the intersection of the line between ranges twenty-six and twenty-seven east; thence south on said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east; thence south along the said range-line to the intersection of the first standard parallel south; thence east to the line between ranges twenty-six and twenty-seven east; thence south on the said range-line to the intersection of the third standard parallel south; thence east to the line between ranges thirty-two and thirty-three east; thence south on the said range-line to the intersection of the sixth standard parallel south; thence east to the San Bernardino meridian; thence north with said meridian to the intersection of the eastern boundary of California; thence northwesterly with said eastern boundary to the intersection of the line between ranges thirty-nine and forty east of Mount Diablo meridian; thence north on the said range-line to the place of beginning.

Elko.

48. Elko

Land-district is bounded as follows: Commencing at the corner common to townships twenty-four and twenty-five north, range forty-four and forty-five east, Mount Diablo base and meridian; thence running due east to the eastern boundary-line of the State of Nevada; thence north on said eastern boundary of said State to the north boundary of said State; thence west on said north boundary of said State to the eastern boundary of the Carson land-district; thence south along said eastern boundary of the Carson land-district to the place of beginning.

WASHINGTON.

Olympia.

49. Olympia

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, and on the summit of the Cascade Mountains, at the nearest range-line to the east line of range twelve east of the Willamette meridian; thence south on the nearest range-lines on the summit of said mountains to the line dividing townships ten and eleven north of the base-line; thence west to the line dividing ranges six and seven west; thence north on said range-line to the third standard parallel; thence west to Shoal Water Bay; thence with the Shoal Water Bay to the Pacific Ocean; thence northwesterly with the ocean to the Strait of Juan de Fuca; and thence along the boundary-line between the United States and British possessions, running through the said strait and that of De Harro, to the intersection of the forty-ninth parallel of north latitude; and thence due east along said parallel to the place of beginning.

50. Vancouver or Columbia River — Vancouver or Columbia River.

Land-district is bounded as follows: Beginning at a point where the line between townships twelve and thirteen north intersects Shoal Water Bay; thence with the Shoal Water Bay, including any islands therein, to the Pacific Ocean; thence southerly with the ocean to the mouth of Columbia River; thence up the river to the point opposite the line between ranges nineteen and twenty east of the Willamette meridian; thence north with said range-line to the corner common to townships ten and eleven north; thence west along said township-line to the line between ranges six and seven west; thence north on said range-line to the intersection of the third standard parallel north; thence west with the said standard parallel to the place of beginning.

51. Walla-Walla — Walla-Walla.

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, on the summit of the Cascade Mountains; thence southerly along the line established by the first section of the act of May sixteen, eighteen hundred and sixty, entitled "An act to create an additional land-district in Washington Territory," to the line dividing townships ten and eleven north; thence east to the line dividing ranges nineteen and twenty east; thence south along said line to the Columbia River; thence up the Columbia River to the point where the forty-sixth parallel of north latitude crosses the river; thence east along the parallel to the eastern boundary of the Territory of Washington; thence north with said eastern boundary to the boundary-line between the United States and the British possessions; and thence west along the said boundary to the place of beginning.

MINNESOTA.

52. Taylor's Falls — Taylor's Falls.

Land-district is bounded as follows: Beginning at a point where the northern boundary of township forty-five north of the base-line and fourth principal meridian intersects the boundary between the States of Minnesota and Wisconsin; thence south along said boundary to the intersection of the Saint Croix River; thence down with said river to its mouth; thence up the Mississippi River to the intersection of the line between ranges twenty-seven and twenty-eight west of the fourth principal meridian with said river; thence north with said range-line to the corner of townships forty-five and forty-six north; and thence east to the place of beginning.

53. Saint Cloud — Saint Cloud.

Land-district is bounded as follows: Beginning at a point of intersection of the fifth standard parallel north of the base-line with the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence north with the said range-line to the boundary-line between the United States and British possessions; thence east and southeasterly along said boundary to the intersection of the line between ranges twenty-three and twenty-four west of the fourth principal meridian; thence south with said range-line to the corner of townships forty-five and forty-six north; thence west to the line between ranges twenty-seven and twenty-eight west; thence south with said range-line to the Mississippi River; thence up the river to the intersection of the line between ranges twenty-four and twenty-five west of the fifth principal meridian with said river; thence south on the line between ranges twenty-four and twenty-five west to the intersection of the fifth standard parallel north; thence west with said standard parallel to the place of beginning.

Du Luth.

54. Du Luth

Land-district is bounded as follows: Commencing at a corner common to townships forty-five and forty-six north, ranges twenty-three and twenty-four west of the fourth principal meridian; thence north with said range-line to the intersection of the boundary-line between the United States and the British possessions; thence eastwardly with said boundary to Lake Superior; thence southwesterly with said lake to the mouth of Saint Louis River; thence up said river to the intersection of the boundary-line between Wisconsin and Minnesota; thence south along said boundary-line to the intersection of the line between townships forty-five and forty-six north; and thence west between townships forty-five and forty-six north to the place of beginning.

Alexandria.

55. Alexandria

Land-district is bounded as follows: On the east by the line between ranges thirty-five and thirty-six west of the fifth principal meridian; on the north by the ninth standard parallel north of the base-line; on the south by the sixth standard parallel north; and on the west by the western boundary of the State of Minnesota.

Jackson.

56. Jackson.

Root River land-district is bounded on the south by the boundary-line between the States of Iowa and Minnesota; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and five and one hundred and six north; and on the east by the Mississippi River.

New Ulm.

57. New Ulm.

Winona land-district is bounded on the north by the line between townships one hundred and ten and one hundred and eleven north; on the south by the line between townships one hundred and five and one hundred and six north of the base-line; on the east by the Mississippi River, and on the west by the western boundary of the State of Minnesota.

Litchfield.

58. Litchfield

Land-district is bounded as follows: Beginning on the Mississippi River at a point of the intersection of the south boundary of township twenty-seven north of the base-line with said river; thence west on said township-line to the southwest corner of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence north to the intersection of the line between townships one hundred and fifteen and one hundred and sixteen north; thence west with said township-line to the western boundary of Minnesota; thence north with the western boundary of the State of Minnesota to the intersection of the said boundary, with the sixth standard parallel north; thence east with said standard parallel to the intersection of the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence south along said range-line to the intersection of the fifth standard parallel north; thence east with the said standard parallel to the third guide-meridian west of the fifth principal meridian; thence north with said third guide-meridian to the Mississippi River; thence down the Mississippi River to the place of beginning.

Redwood Falls.

59. Redwood Falls

Land-district is bounded on the south by the line between townships one hundred and ten and one hundred and eleven north; on the west by the western boundary of the State of Minnesota; on the north by

the line between townships one hundred and fifteen and one hundred and sixteen north, extending east from the western boundary of the State of Minnesota to the intersection of the western boundary of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence south with said west boundary of township twenty-seven north to the southwest corner thereof; thence east with the south boundary of township twenty-seven north to the Mississippi River; thence down the Mississippi River to the intersection of the line between townships one hundred and ten and one hundred and eleven north of the base-line.

60. Oak Lake — Oak Lake.

Land-district embraces all that part of the State of Minnesota which lies north of township number one hundred and thirty-six north and west of range number thirty-five west of the fifth principal meridian.

OREGON.

61. Oregon City — Oregon City.

11 *Jan.*, 1875, *c.* 13, *v.* 18, *p.* 294.

Land-district is bounded as follows: Beginning at a point of the intersection of the third standard parallel south of the Willamette base-line with the Pacific Ocean; thence east along said standard-line to the summit of the Cascade Mountains; thence south to the fourth standard parallel south; thence east with said fourth standard-line to the intersection of the line between ranges twenty-two and twenty-three east of the Willamette meridian; thence north along said range-line to the Columbia River; thence down the Columbia River to the Pacific Ocean; thence with the ocean to the place of beginning.

62. Roseburgh — Roseburgh.

Land-district is bounded on the north by the third standard parallel south of the base-line extending from the Pacific Ocean east to the summit of the Cascade Mountains; on the east by said Cascade Mountains extending south to the intersection of the fourth standard south; thence west along said standard to the intersection of the line between ranges five and six east; thence south along said range-line to the south boundary of Oregon; thence west with said boundary to the Pacific Ocean; and thence along the ocean to the place of beginning.

63. Le Grand — Le Grand.

Land-district is bounded on the west by the line between ranges twenty-two and twenty-three east of the Willamette meridian; on the south by the fourth standard parallel south of the base-line; on the east by the Snake River, and on the north by the boundary-line between Washington Territory and the State of Oregon and the Columbia River.

64. Linkville. — Linkville.

Linkton district embraces all that portion of the State of Oregon lying south of the fourth standard parallel south of the base-line between townships eighteen and nineteen south, and east of the meridian-line between ranges five and six in said State.

KANSAS.

65. Topeka — Topeka.

20 *June*, 1874, *c* 340, *v.* 18, *p.* 121.

Land-district is bounded on the north by the boundary-line between the States of Kansas and Nebraska; on the east by the Missouri River and the boundary-line between the States of Arkansas and Missouri; on the

south by the line between townships twenty-two and twenty-three south of the base-line; and on the west by guide-meridian east of the sixth principal meridian.

Salina.

66. Salina.

Western land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the fourth standard parallel south of the base-line; on the west by the boundary-line between Kansas and Colorado; and on the north by the second standard parallel south of the base-line.

Independence.

67. Independence

Land-district is bounded on the north by the line between townships twenty-two and twenty-three south of the base-line; on the east by the western boundary of the State of Missouri; on the south by the south boundary of the State of Kansas; and on the west by the guide-meridian east of the sixth principal meridian.

Wichita.

68. Wichita.

3 *Mar.*, 1875, *c.* 140, *ss.* 1, 2, *v.* 18, *p.* 476.

Arkansas land-district is bounded on the north by the fourth standard parallel south; on the east by the guide-meridian east of the sixth principal meridian; on the south by the south boundary of the State of Kansas; and on the west by the boundary between the State of Kansas and the Territory of Colorado.

Concordia.

69. Concordia.

Republican land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the second standard parallel south of the base-line; on the west by the first guide-meridian west; and on the north by the boundary-line between the States of Kansas and Nebraska.

Cawker.

70. Cawker.

Northwestern land-district embraces all that portion of the State of Kansas lying west of the first guide-meridian west of the sixth principal meridian and north of the second standard parallel south of the base-line.

NEBRASKA.

West Point.

71. West Point

Land-district is bounded as follows: Beginning at the confluence of the Platte River with the Missouri; thence up the Missouri River to the intersection of the line between townships twenty-three and twenty-four north of the base-line; thence west with said township-line to the intersection of the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; thence south along said range-line to the fifth standard parallel north; thence east with said fifth standard parallel north to the intersection of the line between ranges six and seven east of the sixth principal meridian; thence south with said range-line to the Platte River; thence down with the Platte River to the place of beginning.

Beatrice.

72. Beatrice.

Nemaha land-district is bounded on the north by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the south by the boundary-line between Kansas and Nebraska; and on the east by the Missouri River.

73. Lincoln. Lincoln.

South Platte district is bounded on the south by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the north by the Platte River; and on the east by the Missouri River.

74. Dakota City. Dakota City.

Dakota land-district is bounded on the south by the line between townships twenty-three and twenty-four north of the base-line; on the west by the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; on the north by the boundary-line between Dakota Territory and the State of Nebraska; and on the east by the Missouri River.

75. Grand Island Grand Island.

Land-district is bounded as follows: Beginning at the corner common to townships twenty and twenty-one north of the base-line, ranges six and seven east of the sixth principal meridian; thence south with said range-line to Platte River; thence up the Platte River to the intersection of the line between ranges twenty-four and twenty-five west of the sixth principal meridian; thence south with said range-line to the second standard parallel north; thence west along said standard parallel to the intersection of the line between ranges twenty-eight and twenty-nine west; thence north with said range-line to the intersection of the line between townships twenty and twenty-one north; thence east with said township line to the place of beginning.

76. North Platte. North Platte.

Western district embraces all that portion of the State of Nebraska which lies west of range twenty-eight west of the sixth principal meridian, and north of the line between townships eight and nine north of the base-line.

77. Lowell. Lowell.

Republican Valley district is bounded as follows: Beginning on the base-line, on the range-line between ranges eight and nine west of the sixth principal meridian; thence north with said range-line to the Platte River; thence up said river to the intersection of the line between ranges twenty-four and twenty-five west; thence south with said range-line to the second standard parallel north; thence west with said standard parallel to the western boundary of Nebraska; thence south with the western boundary of Nebraska to the intersection of the base-line; and thence east with said base-line to the place of beginning.

TERRITORY OF NEW MEXICO.

78. Santa Fé. Santa Fé.

3 *Mar.*, 1874, *c.* 43, *v.* 18, *p.* 18.

District of New Mexico is co-extensive with the limits of the Territory of New Mexico.

DAKOTA TERRITORY.

79. Vermillion. Vermillion.

24 *April*, 1874, *c.* 127, *v.* 18, *p.* 34.

The Yankton land-district is bounded as follows: Beginning at a point on the north bank of Missouri River, on the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north along said range-line to the line between townships one hundred and twenty and one hundred and twenty-one north, ranges fifty-two and

fifty-three west; thence east with said range-line to the western boundary of the State of Minnesota; thence south with said boundary to the north boundary of Iowa; thence west with said boundary of the State of Iowa to the Big Sioux River; thence down said river to its mouth; thence up the middle channel of the Missouri River to the point opposite the place of beginning; and thence north to the point of beginning.

Springfield.

80. Springfield

Land-district is bounded as follows: Beginning at a point of the intersection of the line between ranges fifty-seven and fifty-eight west of the fifth principal meridian with the Missouri River; thence north with said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west on said township-line to the west boundary of Dakota Territory; thence south with said boundary to the south boundary of the Territory of Dakota; thence east with the south boundary of Dakota to the place of beginning.

Pembina.

81. Pembina

Land-district is bounded on the east by the western boundary of the State of Minnesota; on the south by the line between townships one hundred and twenty and one hundred and twenty-one north of the base-line, extending west from the west boundary of the State of Minnesota to the intersection of the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north with said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight west; thence south along said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west along said township-line to the west boundary of Dakota Territory; thence north with said boundary to the forty-ninth parallel of north latitude; and thence east with said parallel to the western boundary of the State of Minnesota.

Yankton.

82. Yankton

Land-district is bounded as follows: Beginning at a point on the north bank of Missouri River at the intersection of the line between ranges fifty-two and fifty-three; thence north along said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight; thence south along said range-line to the Missouri River; thence easterly along the north bank of said stream to the place of beginning.

COLORADO TERRITORY.

Pueblo.

83. Pueblo.

20 *June*, 1874, *c.* 341, *v.* 18, *p.* 122.

Arkansas Valley land-district embraces all that part of the Territory of Colorado falling within the following limits: Beginning on the east boundary of the Territory of Colorado at a point where the second correction-line south intersects the same; running thence west on the said correction-line to the line dividing ranges numbered seventy-five and seventy-six west of the sixth principal meridian; thence south with said range-line to the third correction-line south; thence west on said line to the western boundary of the Territory; thence south to the southern boundary of said Territory; thence east to the eastern boundary of said Territory; and thence north to the point of beginning.

Denver City.

84. Denver City

Land-district is bounded as follows: Beginning at a point where the summit of the Rocky Mountains is intersected by the northern boundary of the Territory of Colorado; thence southerly with said mountains to

the north boundary of Boulder County; thence east with said north boundary to the intersection of the line between ranges seventy and seventy-one west of the sixth principal meridian; thence south along said range-line to the intersection of South Platte River; thence up said river to the second correction-line south; thence east along said correction-line to the eastern boundary of the Territory of Colorado; thence north with said eastern boundary to the northern boundary of Colorado; and thence west along said northern boundary of the Territory to the place of beginning.

85. Fair Play — Fair Play.

Land-district is bounded as follows: Beginning at a point where the second correction-line south of the base-line intersects South Platte River; thence down said river to the boundary-line between Clear Creek and Park Counties; thence north with said boundary to the intersection of the first correction-line south; thence west along said correction-line to the western boundary of the Territory of Colorado; thence south with said western boundary to the intersection of the third correction-line south; thence east with said correction-line to the line between ranges seventy-five and seventy-six west of the sixth principal meridian; thence north along said range-line to the intersection of the second correction-line south; and thence east to the place of beginning.

86. Central City — Central City.

Land-district is composed of the counties of Clear Creek and Gilpin; all that part of Boulder and Jefferson Counties lying west of the line between ranges seventy and seventy-one west of the sixth principal meridian; and all that part of Summit County, Colorado, which lies north of the first correction-line south of the base-line.

IDAHO TERRITORY.

87. Boise City. — Boise City.

Idaho land-district comprises all that part of the Territory of Idaho which lies south of the Salmon range of mountains, to which the Indian title is, or shall be, extinguished.

88. Lewiston — Lewiston.

Land-district consists of all that portion of the Territory of Idaho lying north of the Salmon River range of mountains.

MONTANA TERRITORY.

89. Helena. — Helena.

Montana land-district consists of all the public lands within the Territory to which the Indian title is, or shall be, extinguished. — 20 *June*, 1874, *c.* 342, *v.* 18, *p.* 123.

UTAH TERRITORY.

90. Salt Lake City. — Salt Lake City.

Utah land-district consists of all the public lands within the Territory. — 25 *April*, 1876, *c.* 78, *v.* 19, *p.* 36.

WYOMING TERRITORY.

91. Cheyenne City. — Cheyenne City.

Wyoming land-district consists of all the public lands embraced within the limits of the Territory.

ARIZONA TERRITORY.

Office to be located by President.

92. Office to be located as the President may direct.

5 *Feb.*, 1875, *c.* 34, *v.* 18, *p.* 305.

The Gila land-district embraces all that portion of the Territory within the following limits, to wit: Commencing at the eastern boundary of the Territory, at the intersection of the first standard-line north; and running thence west on that line to the western boundary of the Territory; thence south with said boundary-line to the southern boundary of the Territory; thence east on said line to the eastern boundary of the Territory; and thence north on said line to the place of beginning.

Prescott.

93. Prescott.

Arizona land-district consists of all the public lands within the Territory, not described above in the Gila land-district.

CHAPTER FOUR

PRE-EMPTIONS.

Sec.
2257. Lands subject to pre-emption.
2258. Lands not subject to pre-emption.
2259. Persons entitled to pre-emption.
2260. Persons not entitled to pre-emption.
2261. Limitation of pre-emption right.
2262. Oath of pre-emptionist where filed, penalty.
2263. Proof of settlement, assignment of pre-emption rights.
2264. Statement to be filed by settler with intent to purchase on lands subject to private entry.
2265. Claim filed by settler on land not proclaimed for sale.
2266. Declaratory statement of settlers on unsurveyed lands, when filed.
2267. Pre-emption claimants, time of making proof and payment.
2268. Extension of time in certain cases to persons in military and naval service.
2269. Death before consummating claim; who to complete, &c.
2270. Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.
2271. No pre-emption of lands sold but not confirmed by Land-Office.
2272. Purchase by private entry after expiration of pre-emption right.
2273. When more than one settler, rights of, appeals to Commissioner.

Sec.
2274. Settlements of two or more persons on same subdivision before survey.
2275. Settlements before survey on sections 16 or 36, deficiencies thereof.
2276. Selections to supply deficiencies of school-lands.
2277. Military bounty-land warrants receivable for pre-emption payments.
2278. Agricultural-college scrip receivable in payment of pre-emptions.
2279. Pre-emption limit along railroad lines.
2280. Pre-emption rights on lands reserved for grants found invalid.
2281. Pre-emption rights on lands reserved for railroads.
2282. Sale of land not to be delayed, &c.
2283. Certain lands in Kansas, how to be sold.
2284. Transfer of above claims prior to, &c., subsequent right of entry.
2285. Pre-emption restrictions not to apply to certain lands in Kansas.
2286. Pre-emption by counties for seats of justice.
2287. Where claimant of entry becomes register or receiver.
2288. Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Lands subject to pre-emption.

2 June, 1862, c. 94, s. 1, v. 12, p. 413.

SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

11 *Feb.*, 1874, *c.* 25, *v.* 18, *p.* 18. 23 *Feb.*, 1875, *c.* 99, *v.* 18, *p.* 334. 21 *April*, 1876, *c.* 72, *v.* 19, *p.* 35.—Shepley et al. *v.* Cowan et al., 91 U. S., 330.

Lands not subject to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

SEC. 2258. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to wit:

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town.

12 *Jan.*, 1877, *c.* 18, *v.* 19, *p.* 221.

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture.

Fourth. Lands on which are situated any known salines or mines.

Wilcox *v.* Jackson, 13 Pet., 498; Josephs *v.* U. S., 1 N. and H., 197; Turner *v.* American Baptist Union, 5 McLean, 344; U. S. *v.* Railroad Bridge Company, 6 McLean, 517; Russell *v.* Beebe, Hemps., 704.

Persons entitled to pre-emption.

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455. 22 *June*, 1874, *c.* 400, *v.* 18, *p.* 194. 28 *Dec.*, 1874, *c.* 10, *v.* 18, *p.* 294. 23 *Feb.*, 1875, *c.* 99, *v.* 18, *p.* 334. 21 *April*, 1876, *c.* 72, *v.* 19, *p.* 35. 3 *Mar.*, 1877, *c.* 123, *v.* 19, *p.* 404. 3 *Mar.*, 1877, *c.* 127, *v.* 19, *p.* 405.—U. S. *v.* Fitzgerald, 15 Pet., 407; Lytle *v.* Arkansas, 9 How., 333; Cunningham *v.* Ashley, 14 How., 377; Barnard's Heirs *v.* Ashley's Heirs, 18 How., 44; Garland *v.* Wynn, 20 How., 6; Harkness *v.* Underhill, 1 Bl., 325; Witherspoon *v.* Duncan, 4 Wall., 218.

Persons not entitled to pre-emption.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding section, to wit:

First. No person who is the proprietor of three hundred and twenty acres of land in any State or Territory.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Second. No person who quits or abandons his residence on his own land to reside on the public lands in the same State or Territory.

Limitation of pre-emption right.

SEC. 2261. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section twenty-two hundred and fifty-nine; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455. 3 Mar., 1843, c. 86, s. 4, v. 5, p. 620.

Oath of pre-emptionist, where filed, penalty.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land-district in which the land is situated that he has never had the benefit of any right of pre-emption under section twenty-two hundred and fifty-nine; that he is not the owner of three hundred and twenty acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, for a valuable consideration, shall be null and void, except as provided in section twenty-two hundred and eighty-eight. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land-office of such district, and to transmit a duplicate copy to the General Land-Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

4 Sept., 1841, c. 16, s. 13, v. 5, p. 456.

Proof of settlement, assignment of pre-emption rights.

SEC. 2263. Prior to any entries being made under and by virtue of the provisions of section twenty-two hundred and fifty-nine, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land-district in which such lands lie, agreeably to such rules as may be prescribed by the Secretary of the

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456.

Lytle *v.* Arkansas, 9 How., 333; Cunningham *v.* Ashley, 14 How., 377; Barnard's Heirs *v.* Ashley's Heirs, 18 How., 44; Garland *v.* Wynn, 20 How., 6; Lytle *v.* Arkansas, 22 How., 193; Harkness *v.* Underhill, 1 Bl., 325; Lindsey *v.* Hawse, 2 Bl., 554; Myers *v.* Croft, 13 Wall., 291.

Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

Statement to be filed by settler with intent to purchase, on lands subject to private entry.

4 Sept., 1841, c. 16, s. 15, v. 5, p. 457.

SEC. 2264. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit, and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof, and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

Claim filed by settler on land not proclaimed for sale.

3 Mar., 1843, c. 86, s. 5, v. 5, p. 620.

Johnson *v.* Towsley, 13 Wall., 72.

SEC. 2265. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land-office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

Declaratory statement of settlers on unsurveyed lands, when filed.

30 May, 1862, c. 86, s. 7, v. 12, p. 410.

SEC. 2266. In regard to settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land-office of the approved plat of the township embracing such pre-emption settlement.

Pre-emption claimants; time of making proof and payment.

14 July, 1870, c. 272, s. 2, v. 16, p. 279. 3 Mar., 1871, c. 308, r. 18, p. 81.

SEC. 2267. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the lands claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

Res. 52, v. 16, p. 604. 3 *June*, 1874, c. 206, *v.* 18, *p.* 52. 18 *June*, 1874, 23 *May*, 1876, *c.* 104, *v.* 19, *p.* 55.

Extension of time in certain cases to persons in military and naval service.

21 Mar., 1864, c. 38, s. 5, v. 13, p. 35.

SEC. 2268. Where a pre-emptor has taken the initiatory steps required by law in regard to actual settlement, and is called away from such settlement by being engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office to make before the register or receiver the affidavit, proof, and payment, respectively, required by the preceding provisions of this chapter, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that such pre-emptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

Death before consummating claim; who to complete, &c.

3 Mar., 1843, c. 86, s. 2, v. 5, p. 620.

SEC. 2269. Where a party entitled to claim the benefits of the pre-emption laws dies before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same; but the entry in such cases shall be made in favor of the heirs of the deceased pre-emptor, and a patent thereon shall cause the title to inure to such heirs, as if their names had been specially mentioned.

Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.

SEC. 2270. Whenever the vacancy of the office either of register or receiver, or of both, renders it impossible for the claimant to comply with any requisition of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim; but such

requisition must be complied with within the same period after the disability is removed as would have been allowed had such disability not existed.

3 Mar., 1843, c. 86, s. 6, v. 5, p. 620.

No pre-emption of lands sold but not confirmed by Land-Office.

SEC. 2271. The provisions of this chapter shall be so construed as not to confer on any one a right of pre-emption, by reason of a settlement made on a tract theretofore disposed of, when such disposal has not been confirmed by the General Land-Office, on account of any alleged defect therein.

26 Aug., 1842, c. 205, v. 5, p. 534.

Purchase by private entry after expiration of pre-emption right.

SEC. 2272. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

3 Mar., 1843, c. 86, s. 9, v. 5, p. 621.

When more than one settler, rights of, appeals to Commissioner.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land-Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

4 Sept., 1841, c. 16, s. 11, v. 5, p. 456.

12 June, 1858, c. 154, s. 10, v. 11, p. 326.

Barnard *v.* Ashley, 18 How., 43; Garland *v.* Wynn, 20 How., 6; Lindsey *v.* Hawse, 2 Bl., 554; Minnesota *v.* Batchelder, 1 Wall., 109; Johnson *v.* Tawsley, 13 Wall., 72.

Settlements of two or more persons on same subdivision before survey.

SEC. 2274. When settlements have been made upon agricultural public lands of the United States, prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land-office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after a patent is issued to him, and, after making said contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sole occupation and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

3 Mar., 1873, c. 283, s. 1, v. 17, p. 609.

Settlements before survey on sections 16 or 36, deficiencies thereof.

SEC. 2275. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

26 Feb., 1859, c. 58, v. 11, p. 385.

22 *June*, 1874, *c.* 422, *v.* 18, *p.* 202.

Selections to supply deficiencies of school lands.

SEC. 2276. The lands appropriated by the preceding section shall be selected, within the same land-district, in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half, of a township, one-half section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land.

26 Feb., 1859, c. 58, v. 11, p. 385.

20 May, 1826, c. 83, s. 1, v. 4, p. 179.

22 *June*, 1874, *c.* 422, *v.* 18, *p.* 202.

Military bounty-land warrants receivable for pre-emption payments.

22 Mar., 1852, c. 19, s. 1, v. 10, p. 3.

SEC. 2277. All warrants for military bounty-lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Agricultural-college scrip receivable in payment of pre-emptions.

1 July, 1870, c. 196, v. 16, p. 186.

SEC. 2278. Agricultural-college scrip, issued to any State under the act approved July second, eighteen hundred and sixty-two, or acts amendatory thereof, shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as authorized in case of military bounty-land warrants, by the preceding section.

Pre-emption limit along railroad lines.

SEC. 2279. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

3 Mar., 1853, c. 143, v. 10, p. 244. 3 *Mar.*, 1875, *c.* 196, *v.* 18, *p.* 519.

Pre-emption rights on lands reserved for grants found invalid.

3 Mar., 1853, c. 143, v. 10, p. 244.

SEC. 2280. Any settler on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or may be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

Pre-emption rights on lands reserved for railroads.

27 Mar., 1854, c. 25, v. 10, p. 269.

14 July, 1870, c. 272, s. 2, v. 16, p. 279. 3 *Mar.*, 1875, *c.* 196, *v.* 18, *p.* 519.

SEC. 2281. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

Sale of land not to be delayed, &c.

4 Sept., 1841, c. 16, s. 14, v. 5, p. 457.

SEC. 2282. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President.

Certain lands in Kansas, how to be sold.

9 May, 1872, c. 149, s. 1, v. 17, p. 90. 23 *June*, 1874, *c.* 488, *r.* 18, *p.* 283. 11 *Aug.*, 1876, *c.* 259, *r.* 19, *p.* 127.

SEC. 2283. The Osage Indian trust and diminished-reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land-Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township-plat in the district office where such plat is not on file at date of settlement.

Transfer of above claims prior to, &c., subsequent right of entry.

9 May, 1872, c. 149, s. 3, v. 17, p. 90. 23 *June*, 1874, *c.* 488, *r.* 18, *p.* 283.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

Pre-emption restrictions not to apply to certain lands in Kansas.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

SEC. 2285. The restrictions of the pre-emption laws, contained in sections twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished-reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

Pre-emptions by counties for seats of justice.

26 May, 1824, c. 169, s. 1, v. 4, p. 50.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of

each of such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

Where claimant of entry becomes register or receiver.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

Act of 3 Mar., 1873, c. 266, v. 17, p. 602.

CHAPTER FIVE.

HOMESTEADS.

Sec.
2289. Who may enter certain unappropriated public lands.
2290. Mode of procedure.
2291. Certificate and patent, when given and issued.
Proof of residence.
False swearing, penalty for.
2292. When rights inure to the benefit of infant children.
2293. Persons in military or naval service, when and before whom to make affidavit.
2294. When persons may make affidavit before clerk of court.
2295. Record of applications.
2296. Homestead lands not to be subject to prior debts.
2297. When lands entered for homestead revert to Government.
2298. Limitation of amount entered for homestead.
2299. Existing pre-emption rights not impaired.
2300. What minors may have the privileges of this chapter.
2301. Payment before expiration of five years, rights of applicant.
2302. No distinction on account of race or color, &c.
2303. What lands disposed of only as homesteads.

Sec.
2303. Repeal of section and further disposition of lands.
2304. Soldiers' and sailors' homestead.
2305. Deduction of military and naval service from time, &c.
2306. Persons who have entered less than 160 acres, rights of.
2307. Widows and minor children of persons entitled to homestead, &c.
2308. Actual service in the Army or Navy equivalent to residence, &c.
2309. Who may enter by agent.
2310. Chiefs, &c., of Stockbridge Munsees, homestead rights of.
2311. Exemptions of homestead of Stockbridge Munsees.
2312. Stockbridge Munsees becoming citizens.
2313. Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.
2314. Selection for minors under preceding section.
2315. Bona-fide settlers on above lands prior to, &c.
2316. Certain lands to be patented to Indians making selection.
2317. Cultivation of trees on homestead tracts.

Who may enter certain unappropriated public lands.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in con-

20 May, 1862, c. 75, s. 1, v. 12, p. 392.
11 *Feb.*, 1874, *c.* 25, *v.* 18, *p.* 15.
13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 22.

22 *June*, 1874, *c.* 400, *r.* 18, *p.* 194. 23 *Feb.*, 1875, *c.* 99, *r.* 18, *p.* 334. 3 *Mar.*, 1875, *c.* 131, *ss.* 15, 16, *r.* 18, *p.* 420. 21 *April*, 1875, *c.* 72, *r.* 19, *p.* 35. 3 *Mar.*, 1877, *c.* 127, *r.* 19, *p.* 405.

formity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Mode of procedure.

20 May, 1862, *c.* 75, *s.* 2, *v.* 12, p. 392. 21 Mar., 1864, *c.* 38, *s.* 2, *v.* 13, p. 35. 21 June, 1866, *c.* 127, *s.* 2, *v.* 14, p. 67. 22 *June*, 1874, *c.* 394, *r.* 18, *p.* 192. 3 *Mar.*, 1875, *c.* 131, *ss.* 15, 16, *v.* 18, *p.* 420.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issued.

21 June, 1866, *c.* 127, *s.* 2, *v.* 14, *p.* 67. 18 *June*, 1874, *c.* 308, *v.* 18, *p.* 81.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law. [That the proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance, required to be made by section twenty-two hundred and ninety-one of the Revised Statutes, may be made before the judge, or, in his absence, before the clerk, of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land-district; and the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him; and the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same. That if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register.]

Proof of residence, &c.

3 *Mar.*, 1877, *c.* 122, *v.* 19, *p.* 403.

False swearing, penalty for.

When rights inure to the benefit of infant children.

21 June, 1866, *c.* 127, *s* 2, *v.* 14, p. 67.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office-fees and sum of money above specified.

Persons in military or naval service, when and before whom to make affidavit.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

When persons may make affidavit before clerk of court.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

21 Mar., 1864, c. 38, s. 3, v. 13, p. 35. 22 *June*, 1874, *c.* 394, *v.* 18, *p.* 192.

Record of applications.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

20 May, 1862, c. 75, s. 3, v. 12, p. 393.

Homestead lands not to be subject to prior debts.

SEC. 2296. No lands required under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

20 May, 1862, c. 75, s. 4, v. 12, p. 393.—Seymour *v.* Saunders, 3 Dill., 437.

When lands entered for homestead revert to Government.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

20 May, 1862, c. 75, s. 5, v. 12, p. 393. 28 *Dec.*, 1874, *c.* 10, *v.* 18, *p.* 294. 21 *April*, 1876, *c.* 72, *v.* 19, *p.* 36.

Limitation of amount entered for homestead.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Existing pre-emption rights not impaired.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

What minors may have the privileges of this chapter.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Payment before expiration of five years; rights of applicant.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

20 May, 1862, c. 75, s. 8, v. 12, p. 393.

No distinction on account of race or color, &c.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.—Morton *v.* Nebraska, 21 Wall., 660.

What lands disposed of only as homesteads.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

4 *July*, 1876, *c.* 165, *v.* 19, *p.* 73.

3 *Mar.*, 1877, *c.* 108, *v.* 19, *p.* 377.

SEC. 2303. [*All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.*] [That section two thousand three hundred and three of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect, shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act, shall be offered at public sale, as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.]

Disposition of lands in certain States.

Soldiers' and sailors' homestead.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

Deduction of military and naval service from time, &c.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

Persons who have entered less than 160 acres, rights of.

8 June, 1872, c. 338, s. 2, v. 17, p. 333.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a hometead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

Widow and minor children of persons entitled to homestead, &c.

8 June, 1872, c. 338, s. 3, v. 17, p. 333.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlisment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

Actual service in the Army or Navy equivalent to residence, &c.

8 June, 1872, c. 338, s. 4, v. 17, p. 333.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

Who may enter by agent.

8 June, 1872, c. 338, s. 5, v. 17, p. 334.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

Chiefs, &c., of Stockbridge Munsees, homestead rights of.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

Exemption of homestead of Stockbridge Munsees.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section.

Stockbridge Munsees becoming citizens.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

3 *Mar.*, 1875, *c.* 188, *v.* 18, *p.* 516.

23 *May*, 1876, *c.* 105. *v.* 19, *p.* 55.

SEC. 2313. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes, who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land-office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper

proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

Selection for minors under preceding section.

10 June, 1872, c. 424, s. 2, v. 17, p. 381. 3 *Mar.*, 1875, *c.* 188, *v.* 18, *p.* 516. 23 *May*, 1876, *c.* 105, *v.* 19, *p.* 55.

SEC. 2314. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

Bona-fide settlers on above lands prior to, &c.

10 June, 1872, c. 424, s. 3, v. 17, p. 381. 3 *Mar.*, 1875, *c.* 188, *v.* 18, *p.* 516. 23 *May*, 1876, *c.* 105, *v.* 19, *p.* 55.

SEC. 2315. All actual, permanent, bona-fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws or to pay for at the minimum or double minimum price, as the case may be, not exceeding one hundred and sixty acres of the former or eighty acres of the latter class of land on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

Certain lands to be patented to Indians making selection.

10 June, 1872, c. 424, s. 4, v. 17, p. 381. 3 *Mar.*, 1875, *c.* 188, *v.* 18, *p.* 516. 23 *May*, 1876, *c.* 105, *v.* 19, *p.* 55.

SEC. 2316. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

Cultivation of trees on homestead tracts.

3 Mar., 1873, c. 277, s. 4, v. 17, p. 606. 13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 21. 3 *Mar.*, 1875, *c.* 151, *v.* 18, *p.* 481. 3 *Mar.*, 1875, *c.* 188, *v.* 18, *p.* 516. 20 *May*, 1876, *c.* 102, *v.* 19, *p.* 54.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

CHAPTER SIX.

MINERAL LANDS AND MINING RESOURCES.

Sec.
2318. Mineral lands reserved.
2319. Mineral lands open to purchase by citizens.
2320. Length of mining-claims upon veins or lodes.
2321. Proof of citizenship.
2322. Locators' rights of possession and enjoyment.
2323. Owners of tunnels, rights of.
2324. Regulations made by miners. Tunnels, cost of, how treated.
2325. Patents for mineral lands, how obtained.
2326. Adverse claim, proceedings on.
2327. Description of vein-claims on surveyed and unsurveyed lands.
2328. Pending applications; existing rights.
2329. Conformity of placer-claims to surveys, limit of.
2330. Subdivision of ten-acre tracts, maximum of placer locations.
2331. Conformity of placer-claims to surveys, limitation of claims.
2332. What evidence of possession, &c., to establish a right to a patent.
2333. Proceedings for patent for placer-claim, &c.
2334. Surveyor-general to appoint surveyors of mining-claims, &c.
2335. Verification of affidavits, &c.

Sec.
2336. Where veins intersect, &c.
2337. Patents for non-mineral lands, &c.
2338. What conditions of sale may be made by local legislature.
2339. Vested rights to use of water for mining, &c., right of way for canals.
2340. Patents, pre-emptions, and homesteads, subject to vested and accrued water-rights.
2341. Mineral lands in which no valuable mines are discovered, open to homesteads.
2342. Mineral lands how set apart as agricultural lands.
2343. Additional land districts and officers, power of the President to provide.
2344. Provisions of this chapter not to affect certain rights.
2345. Mineral lands in certain States excepted.
2346. Grants of lands to States or corporations not to include mineral lands.
2347. Entry of coal-lands.
2348. Pre-emption of coal-lands.
2349. Pre-emption claims of coal-land to be presented within sixty days, &c.
2350. Only one entry allowed.
2351. Conflicting claims.
2352. Rights reserved.

Mineral lands reserved.

SEC. 2318. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

4 July, 1866, c. 166, s. 5, v. 14, p. 86. 3 *Mar.*, 1875, *c.* 139, *ss.* 11, 15, *v.* 18, *p.* 476.—Morton *v.* Nebraska, 21 Wall., 660.

Mineral lands open to purchase by citizens.

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining-districts, so far as the same are applicable and not inconsistent with the laws of the United States.

10 May, 1872, c. 152, s. 1, v. 17, p. 91. 5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52. U. S. *v.* Gear, 3 How., 120; Forbes *v.* Gracey, 94 U. S., 762.

Length of mining-claims upon veins or lodes.

SEC. 2320. Mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining-claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end-lines of each claim shall be parallel to each other.

10 May, 1872, c. 152, s. 2, v. 17, p. 91. 5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

Proof of citizenship.

SEC. 2321. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

10 May, 1872, c. 152, s. 7, v. 17, p. 94. 5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

Locators' rights of possession and enjoyment.

SEC. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

10 May, 1872, c. 152, s. 3, v. 17, p. 91. 5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

Owners of tunnels, rights of.

SEC. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to

10 May, 1872, c. 152, s. 4, v. 17, p. 92.

5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

Regulations made by miners.

10 May, 1872, c. 152, s. 5, v. 17, p. 92.
6 *June*, 1874, *c.* 220, *v.* 18, *p.* 61.
5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2324. The miners of each mining-district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures. [That section two thousand three hundred and twenty-four of the revised statutes be, and the same is hereby, amended so that where a person or company has or may run a tunnel for the purposes of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act.]

Tunnels, cost of, how treated.

11 *Feb.*, 1875, *c.* 41, *v.* 18, *p.* 315.

Patents for mineral lands, how obtained.

10 May, 1872, c. 152, s. 6, v. 7, p. 92.
5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land-office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affi-

davit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land-office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land-office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land-office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

Adverse claim, proceedings on.

10 May, 1872, c. 152, s. 7, v. 17, p. 93. 5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2326. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land-office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land-Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land-Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining-claim to any person whatever.

Description of vein-claims on surveyed and unsurveyed lands.

10 May, 1872, c. 152, s. 8, v. 17, p. 94. 5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2327. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

Pending applications; existing rights.

10 May, 1872, c. 152, s. 9, v. 17, p. 94. 5 *May*, 1876, c. 91, *v.* 19, *p.* 52.

SEC. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land-Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

Conformity of placer-claims to surveys, limit of.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

Subdivisions of ten-acre tracts; maximum of placer locations.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

SEC. 2330. Legal subdivisions of forty acres may be subdivided into ten acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer-claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona-fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona-fide settler to any purchaser.

Conformity of placer-claims to surveys, limitation of claims.

10 May, 1872, c. 152, s. 10, v. 17, p. 94. 5 *May*, 1876, c. 91, *v.* 19, *p.* 52.

SEC. 2331. Where placer-claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular sub-divisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

What evidence of possession, &c., to establish a right to a patent.

9 July, 1870, c. 235, s. 13, v. 16, p. 217.

SEC. 2332. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining-claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining-claim or property thereto attached prior to the issuance of a patent.

Proceedings for patent for placer-claim, &c.

10 May, 1872, c. 152, s. 11, v. 17, p. 94. 5 *May*, 1876, c. 91, *v.* 19, *p.* 52.

SEC. 2333. Where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer-claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode-claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent

for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

Surveyor-general to appoint surveyors of mining-claims, &c.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2334. The surveyor-general of the United States may appoint in each land-district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land-Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land-district where mines are situated for the publication of mining-notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land-Office.

Verification of affidavits, &c.

10 May, 1872, c. 152, s. 13, v. 17, p. 95.

5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land-office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

Where veins intersect, &c.

10 May, 1872, c. 152, s. 14, v. 17, p. 96.

5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2336. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

Patents for non-mineral lands, &c.

10 May, 1872, c. 152, s. 15, v. 17, p. 96.

5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2337. Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

What conditions of sale may be made by local legislature.

26 July, 1866, c. 262, s. 5, v. 14, p. 252.

5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

SEC. 2338. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

Vested rights to use of water for mining, &c.; right of way for canals.

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and

26 July, 1866, c. 262, s. 9, v. 14, p. 253.—Basey *v.* Gallagher, 20 Wall., 670; Union M. & M. Co. *v.* Ferris, 2 Saw., 176.

owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Patents, pre-emptions, and homesteads subject to vested and accrued water-rights.

SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

Mineral lands in which no valuable mines are discovered open to homesteads.

SEC. 2341. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "HOMESTEADS."

26 July, 1866, c. 262, s. 10, v. 14, p. 253.

Heydenfeldt *v.* Daney Gold, &c., Co., 93 U. S., 634.

Mineral lands how set apart as agricultural lands.

SEC. 2342. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

26 July, 1866, c. 262, s. 11, v. 14, p. 253.

Additional land-districts and officers, power of the President to provide.

SEC. 2343. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

26 July, 1866, c. 262, s. 7, v. 14, p, 252.

Provisions of this chapter not to affect certain rights.

SEC. 2344. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

10 May, 1872, c. 152, s. 16, v. 17, p. 96.

5 *May*, 1876, *c.* 91, *v.* 19, *p.* 52.

Mineral lands in certain States excepted.

SEC. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona-fide entries of such lands within the States named since the tenth day of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

18 Feb., 1873, c. 159, v. 17, p. 465.

Grants of lands to States or corporations not to include mineral lands.

SEC. 2346. No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

30 Jan., 1865, Res. No. 10, v. 13, p. 567.

Entry of coal-lands.

3 Mar., 1873, c. 279, s. 1, v. 17, p. 607.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land-office, have the right to enter, by legal subdivisions, any quantity of vacant coal-lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Pre-emption of coal-lands.

Ibid., s. 2.

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference-right of entry, under the preceding section, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Pre-emption claims of coal-land to be presented within sixty days, &c.

Ibid., s. 3.

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land-district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

Only one entry allowed.

Ibid., s. 4.

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Conflicting claim.

Ibid., s. 5.

SEC. 2351. In case of conflicting claims upon coal-lands where the improvements shall be commenced, after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land-Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Rights reserved.

Ibid., s. 6.

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

CHAPTER SEVEN.

SALE AND DISPOSAL OF THE PUBLIC LANDS.

Sec.
2353. Public sale of lands in half quarter-sections.
2354. Private sales, in what bodies.
2355. Private sales, proceedings in.
2356. No credit on sales of public lands.
2357. Price of lands $1.25 per acre.
2358. Public lands may be offered for sale in such proportions as the President chooses.
2359. Advertisement of sales.
2360. Duration of sales.
2361. Several certificates issued to two or more purchasers of same section.
2362. Purchase-money refunded where sale cannot be confirmed.
2363. Refunding in certain cases, how done.
2364. Minimum price, how fixed when reservations sold.
2365. Highest bidder when preferred in private sales.
2366. What coins receivable in payment for public lands.
2367. Lands in California subject to private entry and withdrawn, how to be opened to entry.
2368. Certain lands located in good faith by claims arising under treaty of September 30, 1854, may be purchased, &c.
2369. Mistakes in entry of lands, provisions for.
2370. Mistakes in patent lands.
2371. Mistakes in location of warrants.
2372. Error in entry by mistake of numbers, proceedings upon.
2373. Agreement and acts intended to prevent bids, penalty.
2374. Agreements to pay premium to purchasers at public sales.
2375. Recovery of premiums paid to purchasers at public sales.
2376. Discovery of agreements to pay premiums by bill in equity.
2377. Limitation of entries by agricultural-college scrip.
2378. Grant to new States.
2379. Selections and locations of lands granted in last section.

Public sale of lands in half quarter-sections.

SEC. 2353. All the public lands, the sale of which is authorized by law, shall, when offered at public sale to the highest bidder, be offered in half quarter-sections.

24 April, 1820, c. 51, s. 1, v. 3, p. 566.—U. S. *v.* Gratiot, 14 Pet., 526; Oliver *v.* Piatt, 3 How., 333; Brown's Lessee *v.* Clements, 3 How., 650; Gazzam *v.* Phillips, 20 How., 372. Eldred *v.* Septon, 19 Wall., 189.

Private sales in what bodies.

SEC. 2354. All the public lands, when offered at private sale, may be purchased, at the option of the purchaser, in entire sections, half-sections, quarter-sections, half quarter-sections, or quarter quarter-sections.

5 April, 1832, c. 65, v. 4, p. 503.

Private sales, proceedings in.

SEC. 2355. Every person making application at any of the land-offices of the United States for the purchase at private sale of a tract of land shall produce to the register a memorandum in writing, describing the tract, which he shall enter by the proper number of the section, half-section, quarter-section, half quarter-section, or quarter quarter-section, as the case may be, and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office.

24 Feb., 1810, c. 11, s. 1, v. 2, p. 556.

No credit on sales of public lands.

SEC. 2356. Credit shall not be allowed for the purchase-money on the sale of any of the public lands, but every purchaser of land sold at public sale shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land-office a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase-money on any tract, before he enters the same at the land-office; and if any person, being the highest bidder at public sale for a tract of land, fails to make payment therefor on the day on which the same was purchased, the tract shall be again offered at public sale on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

24 April, 1820, c. 51, s. 2, v. 3, p. 566.

Chotard *v.* Pope, 12 Wh., 589.

U. S. *v.* Boyd, 5 How., 49; Bell *v.* Hearne, 19 How., 260.

Price of lands, $1.25 per acre.

SEC. 2357. The price at which the public lands are offered for sale shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who makes payment as provided in the preceding section, shall be the purchaser; but no land shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which are hereafter offered at public sale, according to law, and remain unsold at the close of such

24 April, 1820, c. 51, s. 3, v. 3, p. 566.

3 *Mar.*, 1877, *c.* 107, *v.* 19, *p.* 377.

public sales, shall be subject to be sold at private sale, by entry at the land-office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry: *Provided*, That the price to be paid for alternate reserved lands, along the line of railroads within the limits granted by any act of Congress, shall be two dollars and fifty cents per acre.

Public lands may be offered for sale in such proportions as the President chooses.

SEC. 2358. Whenever the President is authorized to cause the public lands, in any land-district, to be offered for sale, he may offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times he may offer for sale in the same manner any other part, or the remainder of the lands contained in the same.

31 Mar., 1808, c. 40, s. 1, v. 2, p. 479. 12 *Jan.*, 1877, *c.* 18, *s.* 2, *v.* 19, *p.* 221. 3 *Mar.*, 1877, *c.* 107, *v.* 19, *p.* 377.

Advertisement of sales.

SEC. 2359. The public lands which are exposed to public sale by order of the President shall be advertised for a period of not less than three nor more than six months prior to the day of sale, unless otherwise specially provided.

28 June, 1834, c. 102, v. 4, p. 702. 12 *Jan.*, 1877, *c.* 18, *s.* 2, *v.* 19, *p.* 221. 3 *Mar.*, 1877, *c.* 107, *v.* 19, *p.* 377.

Duration of sales.

SEC. 2360. The public sales of lands shall, respectively, be kept open for two weeks, and no longer, unless otherwise specially provided by law.

24 April, 1820, c. 51, s. 5, v. 3, p. 567.

Several certificates issued to two or more purchasers of same section.

SEC. 2361. Where two or more persons have become purchasers of a section or fractional section, the register of the land-office of the district in which the lands lie shall, on application of the parties, and a surrender of the original certificate, issue separate certificates, of the same date with the original, to each of the purchasers, or their assignees, in conformity with the division agreed on by them; but in no case shall the fractions so purchased be divided by other than north and south, or east and west, lines; nor shall any certificate issue for less than eighty acres.

23 May, 1828, c. 71, s. 7, v. 4, p. 287.

Purchase-money refunded where sale cannot be confirmed.

SEC. 2362. The Secretary of the Interior is authorized, upon proof being made, to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated.

12 Jan., 1825, c. 5, v. 4, p. 80. 28 Feb., 1859, c. 64, s. 1, v. 11, p. 387.

Refunding in certain cases; how done.

SEC. 2363. Where any tract of land has been erroneously sold, as described in the preceding section, and the money which was paid for the same has been invested in any stocks held in trust, or has been paid into the Treasury to the credit of any trust-fund, it is lawful, by the sale of such portion of the stocks as may be necessary for the purpose, or out of such trust-fund, to repay the purchase-money to the parties entitled thereto.

28 Feb., 1859, c. 64, s. 2, v. 11, p. 388.

Minimum price, how fixed when reservations sold.

SEC. 2364. Whenever any reservation of public lands is brought into market, the Commissioner of the General Land-Office shall fix a minimum price, not less than one dollar and twenty-five cents per acre, below which such lands shall not be disposed of.

2 July, 1864, c. 221, v. 13, p. 374.

Highest bidder, when preferred in private sales.

SEC. 2365. Where two or more persons apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder.

24 April, 1820, c. 51, s. 6, v. 3, p. 567.

What coins receivable in payment for public lands.

SEC. 2366. The gold coins of Great Britain and other foreign coins shall be received in all payments on account of public lands, at the value estimated annually by the Director of the Mint, and proclaimed by the Secretary of the Treasury, in accordance with the provisions of section thirty-five hundred and sixty-four, Title, "THE COINAGE." [See § 3474.]

3 Mar., 1823, c. 53, s. 1, v. 3, p. 779. 21 Feb., 1857, c. 56, s. 1, v. 11, p. 163.

Lands in California subject to private entry and withdrawn, how to be opened to entry.

SEC. 2367. Wherever lands in California subject to private entry have been or are hereafter withdrawn from market for any cause, such lands shall not thereafter be held subject to private entry until they have first been open for at least ninety days to homestead and pre-emption settlers, and again offered at public sale.

15 July, 1870, c. 292, s. 1, v. 16, p. 304. 3 *Mar.*, 1875, *c.* 160, *v.* 18, *p.* 497.

Certain lands located in good faith by claims arising under treaty of Sept. 30, 1854, may be purchased, &c.

8 June, 1872, c. 357, v. 17, p. 340.

SEC. 2368. The Secretary of the Interior is authorized to permit the purchase, with cash or military bounty-land warrants, of such lands as may have been located with claims arising under the seventh clause of the second article of the treaty of September thirty, eighteen hundred and fifty-four, at such price per acre as he deems equitable and proper, but not at a less price than one dollar and twenty-five cents per acre, and the owners and holders of such claims in good faith are also permitted to complete their entries, and to perfect their titles under such claims upon compliance with the terms above mentioned; but it must be shown to the satisfaction of the Secretary of the Interior that such claims are held by innocent parties in good faith, and that the locations made under such claims have been made in good faith and by innocent holders of the same.

Mistakes in entry of lands, provisions for.

3 Mar., 1819, c. 98, v. 3, p. 526.

SEC. 2369. In every case of a purchaser of public lands, at private sale, having entered at the land-office, a tract different from that he intended to purchase, and being desirous of having the error in his entry corrected, he shall make his application for that purpose to the register of the land-office; and if it appears from testimony satisfactory to the register and receiver, that an error in the entry has been made, and that the same was occasioned by original incorrect marks made by the surveyor, or by the obliteration or change of the original marks and numbers at corners of the tract of land; or that it has in any otherwise arisen from mistake or error of the surveyor, or officers of the land-office, the register and receiver shall report the case, with the testimony, and their opinion thereon, to the Secretary of the Interior, who is authorized to direct that the purchaser is at liberty to withdraw the entry so erroneously made, and that the moneys which have been paid shall be applied in the purchase of other lands in the same district, or credited in the payment for other lands which have been purchased at the same office.

Mistakes in patent lands.

24 May, 1828, c. 96, v. 4, p. 301.

SEC. 2370. The provisions of the preceding section are declared to extend to all cases where patents have issued or may hereafter issue; upon condition, however, that the party concerned surrenders his patent to the Commissioner ot the General Land-Office, with a relinquishment of title thereon, executed in a form to be prescribed by the Secretary of the Interior.

Mistakes in location of warrants.

SEC. 2371. The provisions of the two preceding sections are made applicable in all respects to errors in the location of land-warrants.

3 Mar., 1853, c. 147, s. 2, v. 10, p. 257.

Error in entry by mistake of numbers, proceedings upon.

24 May, 1824, c. 138, s. 1, v. 4, p. 31.

SEC. 2372. In all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half-section, and where the certificate of the original purchaser has not been assigned, or his right in any way transferred, the purchaser, or, in case of his death, the legal representatives, not being assignees or transferees, may, in any case coming within the provisions of this section, file his own affidavit, with such additional evidence as can be procured, showing the mistake of the numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land-district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion, both as to the existence of the mistake and the credibility of each person testifying thereto, to the Commissioner of the General Land-Office, who, if he be entirely satisfied that the mistake has been made, and that every reasonable precaution and exerertion had been made to avoid it, is authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry; nor shall anything herein contained affect the right of third persons.

Agreement and acts intended to prevent bids, penalty.

SEC. 2373. Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts, or agrees, or attempts to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for

sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders, or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

31 Mar., 1830, c. 48, s. 4, v. 4, p. 392.

Fackler *v.* Ford, 24 How., 331.

Agreements to pay premium to purchasers at public sales.

SEC. 2374. If any person before, or at the time of the public sale of any of the lands of the United States, enters into any contract, bargain, agreement, or secret understanding with any other person, proposing to purchase such land, to pay or give to such purchasers for such land a sum of money or other article of property, over and above the price at which the land is bid off by such purchasers, every such contract, bargain, agreement, or secret understanding, and every bond, obligation, or writing of any kind whatsoever, founded upon or growing out of the same, shall be utterly null and void.

31 Mar., 1830, c. 48, s. 5, v. 4, p. 392.

Fackler *v.* Ford, 24 How., 331.

Recovery of premiums paid to purchasers at public sales.

SEC. 2375. Every person being a party to such contract, bargain, agreement, or secret understanding, who pays to such purchaser any sum of money or other article of value, over and above the purchase-money of such land, may sue for and recover such excess from such purchaser in any court having jurisdiction of the same.

31 Mar., 1830, c. 48, s. 5, v. 4, p. 392.

Discovery of agreements to pay premium by bill in equity.

SEC. 2376. If the party aggrieved have no legal evidence of such contract, bargain, agreement, or secret understanding, or of the payment of the excess, he may, by bill in equity, compel such purchaser to make discovery thereof; and if in such case the complainant shall ask for relief, the court in which the bill is pending may proceed to final decree between the parties to the same; but every such suit either in law or equity shall be commenced within six years next after the sale of such land by the United States.

31 Mar., 1830, c. 48, s. 5, v. 4, p. 392.

Limitation of entries by agricultural-college scrip.

SEC. 2377. In no case shall more than three sections of public lands be entered at private entry in any one township by scrip issued to any State under the act approved July two, eighteen hundred and sixty-two, for the establishment of an agricultural college therein.

27 July, 1868, c. 256, v. 15, p. 227.

Grant to new States.

SEC. 2378. There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

Foley *v.* Harrison, 15 How., 433.

Selections and locations of lands granted in last section.

SEC. 2379. The selections of lands, granted in the preceding section, shall be made within the limits of each State so admitted into the Union, in such manner as the legislatures thereof, respectively, may direct; and such lands shall be located in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location, on any public land not reserved from sale by law of Congress or by proclamation of the President. The locations may be made at any time after the public lands in any such new State have been surveyed according to law.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

CHAPTER EIGHT.

RESERVATION AND SALE OF TOWN-SITES ON THE PUBLIC LANDS.

Sec.
2380. Town-sites to be reserved.
2381. Reservations to be surveyed into lots.
2382. Town or city sites in public lands.
2383. When towns established upon unsurveyed lands, extension limits, how adjusted.
2384. When transcript-maps of town are not filed in twelve months, proceedings by Secretary of Interior.
2385. Where size of lots or town plats vary from general rule.
2386. Title to lots subject to mineral rights.
2387. Entry of town authorities in trust for occupants.
2388. Entry under preceding section when to be made.
2389. Entry in proportion to number of inhabitants.
2390. Authorities of Salt Lake City, rights of, as to entry.
2391. Certain acts of trustees to be void.
2392. No title acquired to gold mines, &c., or to mining claim, &c.
2393. Military or other reservations, &c.
2394. Inhabitants of towns on public lands, rights of, to enter.

Town-sites to be reserved.

3 Mar., 1863, c. 80, s. 1, v. 12, p. 754.

3 *Mar.*, 1877, *c.* 113, *v.* 19, *p.* 392.

SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town-sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population.

Reservations to be surveyed into lots.

3 Mar., 1863, c. 80, s. 2, v. 12, p. 754.

SEC. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the register and receiver of the land-office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land-Office.

Town or city sites in public lands.

1 July, 1864, c. 205, s. 2, v. 13, p. 343.

SEC. 2382. In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land-Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land-district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the General Land-Office it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale.

When towns established upon unsurveyed lands, extension limits, how adjusted.

1 July, 1864, c. 205, s. 3, v. 13, p. 344.

SEC. 2383. When such cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

When transcript maps of town are not filed in twelve months, proceedings by Secretary of Interior.

1 July, 1864, c. 205, s. 4, v. 13, p. 344.

SEC. 2384. If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the General Land-Office a transcript map, with the statement and testimony called for by the provisions of section twenty-three hundred and eighty-two, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of fifty per centum on the minimum of ten dollars per lot.

Where size of lots or town plat vary from general rule.

3 Mar., 1865, c. 107 s.2, v.13, p.530.

SEC. 2385. In the case of any city or town, in which the lots may be variant as to size from the limitation fixed in section twenty-three hundred and eighty-two, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town, which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish.

Title to lots subject to mineral rights.

3 Mar., 1865, c. 107, s.2, v.13, p.530.

SEC. 2386. Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town-lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States.

Entry of town authorities in trust for occupants.

2 Mar., 1867, c. 177, v. 14, p. 541. 23 *June*, 1874, *c.* 469, *s.*3, *v.*18, *p.*254.

SEC. 2387. Whenever any portion of the public lands have been or may be settled upon and occupied as a town-site, not subject to entry under the agricultural pre-emption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land-office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

Entry under preceding section, when to be made.

2 Mar., 1867, c. 177, v. 14, p. 541. 23 *June*, 1874, *c.* 469, *s.*3, *v.*18, *p.*254.

SEC. 2388. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town-site shall be filed with the register of the proper land-office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land-office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying-district in which the lands are situated; who shall transmit the same to the General Land-Office.

Entry in proportion to number of inhabitants.

2 Mar., 1867, c. 177, v. 14, p. 541. 23 *June*, 1874, *c.* 469, *s.*3, *v.*18, *p.*254. 3 *Mar.*, 1877, *c.* 113, *ss.* 2, 4, *v.* 19, *p.* 392.

SEC. 2389. If upon surveyed lands the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred, and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

Authorities of Salt Lake City, rights of, as to entry.

1 July, 1870, c. 193, v. 16, p. 183. 23 *June*, 1874, *c.* 469, *s.* 3, *v.* 18, *p.* 254.

SEC. 2390. The words "not exceeding five thousand in all," in the preceding section, shall not apply to Salt Lake City, in the Territory of Utah; but such section shall be so construed in its application to that city that lands may be entered for the full number of inhabitants contained therein, not exceeding fifteen thousand; and as that city covers school-section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant is made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes.

Certain acts of trustees to be void.

2 Mar., 1867, c. 177, v. 14, p. 541. 23 *June*, 1874, *c.* 469, *s.* 3, *v.* 18, *p.* 254.

SEC. 2391. Any act of the trustees not made in conformity to the regulations alluded to in section twenty-three hundred and eighty-seven shall be void.

No title acquired to gold-mines, &c., or to mining-claim, &c.

SEC. 2392. No title shall be acquired, under the foregoing provisions of this chapter, to any mine of gold, silver, cinnabar, or copper; or to any valid mining-claim or possession held under existing laws.

2 Mar., 1867, c. 177, v. 14, p. 541. 8 June, 1868, c. 53, v. 15, p. 67. 23 *June*, 1874, *c.* 469, *s.* 3, *v.* 18, *p.* 254.

Military or other reservations, &c.

2 Mar., 1867, c. 177, v. 14, p. 541. 28 *Feb.*, 1877, *c.* 74, *v.* 19, *p.* 264.

SEC. 2393. The provisions of this chapter shall not apply to military or other reservations heretofore made by the United States, nor to reservations for light-houses, custom-houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land-Office by title derived from the Crown of Spain, or otherwise.

Inhabitants of towns on public lands, right of, to enter.

8 June, 1868, c. 53, v. 15, p. 67. 23 *June*, 1874, *c.* 469, *s.* 3, *v.* 18, *p.* 254.

SEC. 2394. The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections twenty-three hundred and eighty-seven, twenty-three hundred and eighty-eight, and twenty-three hundred and eighty-nine; and in addition to the minimum price of the lands embracing any town-site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town-site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited shall prevent the issuance of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town-sites in this chapter set forth.

CHAPTER NINE.

SURVEY OF THE PUBLIC LANDS.

Sec.
2395. Rules of survey.
2396. Boundaries and contents of public lands, how ascertained.
2397. Lines of division of half quarter-sections, how run.
2398. Contracts for surveys of public lands, when binding.
2399. What instructions to be deemed part of contract.
2400. Prices of surveys, how established.
2401. When survey may be had by settlers in township.
2402. Deposit for expenses of surveys deemed an appropriation, &c.
2403. Deposits made by settlers for public surveys to go in part payment of lands.
2404. Augmented rates for surveys of lands covered with forests, &c., in Oregon.
2405. Ibid. for California and Washington.
2406. Geological surveys, extension of public surveys, expenses of subdividing.
2407. Surveys on rivers in certain cases.
2408. Lines of surveys in Nevada.
2409. Geodetic method of survey in Oregon and California.
2410. Rectangular mode of survey, when may be departed from.
2411. Compensation for surveying by the day in Oregon and California.
2412. Penalty for interrupting surveys.
2413. Protection of surveyor by marshal of district.

Rules of survey.

18 May, 1796, c. 29, s. 2, v. 1, p. 465. 10 May, 1800, c. 55, s. 3, v. 2, p. 73. 3 *Mar.*, 1877, *c.* 105, *v.* 19, *p.* 348.

SEC. 2395. The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Second. The corners of the townships must be marked with progressive numbers from the beginning; each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by making a corner on each of such lines, at the end of every mile. The

sections shall be numbered respectively, beginning with the number one in the northeast section and proceeding west and east alternately through the township with progressive numbers till the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field-books, the names of the corner-trees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all water-courses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field-books shall be returned to the surveyor-general, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall be kept open at the surveyor-general's office for public information, and other copies shall be sent to the places of the sale, and to the General Land-Office.

Boundaries and contents of public lands, how ascertained.

11 Feb., 1805, c. 14, s. 2, v. 2, p. 313.

Bates *v.* Illinois Central R. R., 1 Bl., 208; Railroad Commissioners *v.* Schurmeir, 7 Wall., 272.

SEC. 2396. The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the surveyor-general, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the surveys, shall be placed as nearly as possible equidistant from two corners which stand on the same line.

Second. The boundary-lines, actually run and marked in the surveys returned by the surveyor-general, shall be established as the proper boundary-lines of the sections, or subdivisions, for which they were intended, and the length of such lines, as returned, shall be held and considered as the true length thereof. And the boundary-lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary-lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the water-course, Indian boundary-line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the surveyor-general, shall be held and considered as containing the exact quantity expressed in such return; and the half-sections and quarter-sections, the contents whereof shall not have been

thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.

Lines of division of half quarter-sections, how run.

24 April, 1820, c. 51, s. 1, v. 3, p. 566. 5 April, 1832, c. 65, v. 4, p. 503.

SEC. 2397. In every case of the division of a quarter-section the line for the division thereof shall run north and south, and the corners and contents of half quarter-sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by the section preceding, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter-sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Contracts for surveys of public lands when binding.

30 May, 1862, c. 86, s. 1, v. 12, p. 409.

Magwire *v.* Tyler, 1 Bl., 201.

SEC. 2398. Contracts for the survey of the public lands shall not become binding upon the United States until approved by the Commissioner of the General Land-Office, except in such cases as the Commissioner may otherwise specially order.

What instructions to be deemed part of contract.

30 May, 1862, c. 86, s. 2, v. 12, p. 409.

SEC. 2399. The printed manual of instructions relating to the public surveys, prepared at the General Land-Office, and bearing date February twenty-second, eighteen hundred and fifty-five, the instructions of the Commissioner of the General Land-Office, and the special instructions of the surveyor-general, when not in conflict with such printed manual, or the instructions of the Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands.

Prices of surveys, how established.

30 May, 1862, c. 86, s. 3, v. 12, p. 409. 3 *Mar.*, 1875, *c.* 130, *c.* 18, *p.* 384.

SEC. 2400. The Commissioner of the General Land-Office has power, and it shall be his duty, to fix the prices per mile for public surveys, which shall in no case exceed the maximum established by law; and, under instructions to be prepared by the Commissioner, an accurate account shall be kept by each surveyor-general of the cost of surveying and platting private land-claims, to be reported to the General Land-Office, with the map of such claim, and patents shall not issue for any such private claim until the cost of survey and platting has been paid into the Treasury by the claimant.

When survey may be had by settlers in township.

30 May, 1862, c. 86, s. 10, v. 12, p. 410.

SEC. 2401. When the settlers in any township, not mineral or reserved by Government, desire a survey made of the same, under the authority of the surveyor-general, and file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land-Office, and in accordance with law, to survey such township and make return thereof to the general and proper local land-office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys.

Deposit for expenses of surveys deemed an appropriation, &c.

1 July, 1864, Res. No. 60, v. 13, p. 414.

SEC. 2402. The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying-service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

Deposits made by settlers for public surveys to go in part payment of lands.

SEC. 2403. Where settlers make deposits in accordance with the provisions of section twenty-four hundred and [*seven*] [one,] the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits.

The statute of amendment provides that the amendment shall have the same force and effect as though originally so enacted.

3 Mar., 1871, c. 127, v. 16, p. 581.

27 *April*, 1876, *c.* 84, *c.* 19, *p.* 38.

Augmented rates for surveys of lands covered with forests, &c., in Oregon.

SEC. 2404. The Commissioner of the General Land-Office may authorize, in his discretion, public lands in Oregon, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per mile for standard parallels, fifteen dollars for townships, and twelve dollars for section lines.

15 July, 1870, c. 292, s. 1, v. 16, pp. 304, 305.

Ibid. for California and Washington.

SEC. 2405. The Commissioner of the General Land-Office, in his discretion, may hereafter authorize public lands in California and in Washington Territory, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per linear mile for standard parallels, sixteen dollars for townships, and fourteen dollars for section lines.

10 June, 1872, c. 415, s. 1, v. 17, p. 358.

Geological surveys, extension of public surveys, expenses of subdividing.

SEC. 2406. There shall be no further geological survey by the Government, unless hereafter authorized by law. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands.

21 July, 1852, c. 66, s. 1, v. 10, pp. 15, 21. 9 July, 1870, c. 235, s. 16, v. 16, p. 218.

Surveys on rivers in certain cases.

SEC. 2407. Whenever, in the opinion of the President, a departure from the ordinary method of surveying land on any river, lake, bayou, or water-course would promote the public interest, he may direct the surveyor-general in whose district such land is situated, and where the change is intended to be made, to cause the lands thus situated to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land so surveyed shall be offered for sale entire, instead of in half-quarter sections, and in the usual manner and on the same terms in all respects as the other public lands of the United States.

24 May, 1824, c. 141, v. 4, p. 34.

Lines of surveys in Nevada.

SEC. 2408. In extending the surveys of the public lands in the State of Nevada, the Secretary of the Interior may vary the lines of the subdivisions from a rectangular form, to suit the circumstances of the country.

4 July, 1866, c. 166, s. 5, v. 14, p. 86.

Geodetic method of survey in Oregon and California.

SEC. 2409. The Secretary of the Interior, if he deems it advisable, is authorized to continue the surveys in Oregon and California, to be made after what is known as the geodetic method, under such regulations and upon such terms as have been or may hereafter be prescribed by the Commissioner of the General Land-Office; but none other than township-lines shall be run where the land is unfit for cultivation; nor shall any deputy surveyor charge for any line except such as may be actually run and marked, or for any line not necessary to be run.

27 Sept., 1850, c. 76, s. 3, v. 9, p. 496. 3 Mar., 1853, c. 145, s. 4, v. 10, p. 245.

Rectangular mode of survey, when may be departed from.

SEC. 2410. Whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands in California would promote the public interests, he may direct such change to be made in the mode of surveying and designating such lands as he deems proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water privileges; but such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres.

3 Mar., 1853, c. 145, s. 4, v. 10, p. 245.

Compensation for surveying by the day in Oregon and California.

SEC. 2411. Whenever the public surveys, or any portion of them, in the States of Oregon and California, are so required to be made as to render it expedient to make compensation for the surveying thereof by the day instead of by the mile, it shall be lawful for the Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, may be necessary to insure the accurate and faithful execution of the work.

3 Mar., 1853, c. 145, s. 8, v. 10, p. 247.

Penalty for interrupting surveys.

29 May, 1830, c. 163, s. 1, v. 4, p. 417.

SEC. 2412. Every person who in any manner, by threats or force, interrupts, hinders, or prevents the surveying of the public lands, or of any private land-claim which has been or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land-Office, shall be fined not less than fifty dollars nor more than three thousand dollars, and be imprisoned not less than one nor more than three years.

Protection of surveyor by marshal of district.

29 May, 1830, c. 163, s. 2, v. 4, p. 417.

SEC. 2413. Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered.

CHAPTER TEN.

BOUNTY-LANDS.

Sec.
2414. Military bounty-land warrants and locations assignable.
2415. Warrants located at $1.25; excess paid in cash.
2416. Claims for bounty-lands in virtue of certain acts named, &c.
2417. Same subject.
2418. Bounty-lands for soldiers in certain wars.
2419. Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.
2420. Militia and volunteers in service since 1812.
2421. Persons not entitled under preceding sections.
2422. Period of captivity added to actual service.
2423. Warrant and patent, to issue when.
2424. Widows of persons entitled.
2425. Additional bounty-lands, &c.
2426. Classes under last section specified.
2427. What classes of persons entitled under section 2425, without regard to length of service.
2428. Widows and children of persons entitled under section 2425.
2429. Subsequent marriage of widow.
2430. Minors under section 2428.
2431. Proof of service.
2432. Former evidence of right to bounty-land to be received in certain cases.
2433. Allowance of time of service for distance from home to place of muster or discharge.
2434. Indians included.
2435. Former evidence of right to a pension to be received in certain cases, on application for bounty-land.
2436. Sales, mortgages, letters of attorney, &c., made before issue of warrant to be void.
2437. Warrants to be located free of expense by Commissioner of Land-Office, &c.
2438. Deserters not entitled to bounty-land.
2439. Lost warrants, provisions for.
2440. Discharges, omissions, and loss of, provided for.
2441. New warrant issued in lieu of lost warrant.
2442. Regulations by Secretary of Interior.
2443. Mode of issuing patents to the heirs of persons entitled to bounty-lands.
2444. Death of claimant after establishing right, and before issuing of warrant.
2445. When proofs may be filed by legal representatives.
2446. Relocation of military bounty-land warrants in cases of error.

Military bounty-land warrants and locations assignable.

22 Mar., 1852, c. 19, s. 1, v. 10, p. 3.
3 June, 1858, c. 84, s. 2, v. 11, p. 309.

SEC. 2414. All warrants for military bounty-lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land-Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

Warrants located at $1.25; excess paid in cash.

22 Mar., 1852, c. 19, s. 1, v. 10, p. 3.

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the

locator shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on. But where such tract is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Claims for bounty-lands in virtue of certain acts named, &c.

2 July, 1864, c. 226, s. 1, v. 13, p. 378.

SEC. 2416. In all cases of warrants for bounty-lands, issued by virtue of an act approved July twenty-seven, one thousand eight hundred and forty-two, and of two acts approved January twenty-seven, one thousand eight hundred and thirty-five, therein and thereby revised, and of two acts to the same intent, respectively, approved June twenty-six, eighteen hundred and forty-eight, and February eight, eighteen hundred and fifty-four, for military services in the revolutionary war, or in the war of eighteen hundred and twelve with Great Britain, which remained unsatisfied on the second day of July, eighteen hundred and sixty-four, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter in quarter-sections, at the proper local land-office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant.

Same subject.

2 July, 1864, c. 226, s. 2, v. 13, p. 379.

SEC. 2417. All warrants for bounty-lands referred to in the preceding section may be located at any time, in conformity with the general laws in force at the time of such location.

Bounty-lands for soldiers in certain wars.

11 Feb., 1847, c. 8, s. 9, v. 9, pp. 125, 126.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

SEC. 2418. Each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and prior to the third of March, eighteen hundred and fifty, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve. All the persons enumerated in this section who enlisted in the regular army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the war with Mexico and received an honorable discharge, or who were killed or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of land: or at option Treasury scrip for one hundred dollars bearing interest at six per cent. per annum, payable semi-annually, at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or scrip shall be issued in favor of his family or relatives; first, to the widow and his children: second, his father; third, his mother; fourth, his brothers and sisters.

Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.

Ibid., p. 126.

SEC. 2419. The persons enumerated in the preceding section received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged are entitled to receive a certificate or warrant for forty acres, or scrip for twenty-five dollars if preferred, and in the event of the death of such person during service, or after honorable discharge before the eleventh of February, eighteen hundred and forty-seven, the warrant or scrip

shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier.

Militia and volunteers in service since 1812.

22 Mar., 1852, c. 19, s. 4, v. 10, p. 4.

SEC. 2420. Where the militia, or volunteers, or State troops of any State or Territory, subsequent to the eighteenth day of June, eighteen hundred and twelve, and prior to March twenty-second, eighteen hundred and fifty-two, were called into service, the officers and soldiers thereof shall be entitled to all the benefits of section two thousand four hundred and eighteen upon proof of length of service as therein required.

Persons not entitled under preceding sections.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

SEC. 2421. No person shall take any benefit under the provisions of the three preceding sections, if he has received, or is entitled to receive, any military land-bounty under any act of Congress passed prior to the twenty-second March, eighteen hundred and fifty-two.

Period of captivity added to actual service.

28 Sept., 1850, c. 85, s. 2, v. 9, p. 520.

SEC. 2422. The period during which any officer or soldier remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so retained in captivity shall receive land under the provisions of sections twenty-four hundred and eighteen and twenty-four hundred and twenty, in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such term.

Warrant and patent to issue, when.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

SEC. 2423. Every person for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty shall receive a warrant from the Department of the Interior for the quantity of land to which he is entitled; and, upon the return of such warrant, with evidence of the location thereof having been legally made to the General Land-Office, a patent shall be issued therefor.

Widows of persons entitled.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

SEC. 2424. In the event of the death of any person, for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty, and who did not receive bounty-land for his services, a like warrant shall issue in favor of his widow, who shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle; nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application.

Additional bounty-lands, &c.

3 Mar., 1855, c. 207, ss. 1, 3, v. 10, pp. 701, 702.

SEC. 2425. Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year seventeen hundred and ninety, and prior to the third day of March, eighteen hundred and fifty-five, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the third day of March, eighteen hundred and fifty-five, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres.

Classes under last section specified.

3 Mar., 1855, c. 207, ss. 1, 8, 10, v. 10, p. 701.

14 May, 1856, c. 26, ss. 4, 5, v. 11, pp. 8, 9.

SEC. 2426. The classes of persons embraced as beneficiaries under the preceding section, are as follows, namely:

First. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

Second. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotilla-men, marines, clerks, and landsmen in the Navy.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

Fourth. Wagon-masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

Fifth. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

Sixth. Chaplains who served with the Army.

Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

What classes of persons entitled under section 2425, without regard to length of service.

SEC. 2427. The following class of persons are included as beneficiaries under section twenty-four hundred and twenty-five, without regard to the length of service rendered.

First. Any of the classes of persons mentioned in section twenty-four hundred and twenty-six who have been actually engaged in any battle in any of the wars in which this country has been engaged since seventeen hundred and ninety, and prior to March third, eighteen hundred and fifty-five.

3 Mar., 1855, c. 207, ss. 3, 9, 11, v. 10, p. 702.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, eighteen hundred and fourteen.

Third. The volunteers who served at the battle of King's Mountain, in the revolutionary war.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South.

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve.

Widows and children, of persons entitled under section 2425.

SEC. 2428. In the event of the death of any person who would be entitled to a warrant, as provided in section twenty-four hundred and twenty-five, leaving a widow, or, if no widow, a minor child, such widow or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the third day of March, eighteen hundred and fifty-five.

3 Mar., 1855, c. 207, s. 2, v. 10, p. 702.

Subsequent marriage of widow.

SEC. 2429. A subsequent marriage shall not impair the right of any widow, under the preceding section, if she be a widow at the time of her application.

3 Mar., 1855, c. 207, s. 2, v. 10, p. 702.

Minors under section 2428.

SEC. 2430. Persons within the age of twenty-one years on the third day of March, eighteen hundred and fifty-five, shall be considered minors within the intent of section twenty-four hundred and twenty-eight.

3 Mar., 1855, c. 207, s. 2, v. 10, p. 702.

Proof of service.

SEC. 2431. Where no record evidence of the service for which a warrant is claimed exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe.

3 Mar., 1855, c. 207, s. 3, v. 10, p. 702.
14 May, 1856, c. 26, s. 3, v. 11, p. 8.

Former evidence of right to bounty-land to be received in certain cases.

SEC. 2432. Where certificate or a warrant for bounty-land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding section, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

14 May, 1856, c. 26, s. 1, v. 11, p. 8.

Allowance of time of service for distance from home to place of muster or discharge.

SEC. 2433. When any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service, provided that such march was in obedience

14 May, 1856, c. 26, s. 7, v. 11, p. 9.
22 Mar., 1852, c. 19, s. 5, v. 10, p. 4.

to the command or direction of the President, or some general officer of the United States, commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

Indians included.
3 Mar., 1855, c. 207, s. 7, v. 10, p. 702.

SEC. 2434. The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons.

Former evidence of right to a pension to be received in certain cases on application for bounty-land.
14 May, 1856, c. 26, s. 2, v. 11, p. 8.

SEC. 2435. Where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty-land; and upon proof of his identity as such pensioner, a warrant may be issued to him for the quantity of land to which he is entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow; and in case of the death of such officer or soldier, leaving a minor child and no widow, or where the widow may have deceased before the issuing of any warrant, such minor child shall be entitled to a warrant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service.

Sales, mortgages, letters of attorney, &c., made before issue of warrant to be void.
28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

SEC. 2436. All sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant issued, or to be issued, or any land granted, or to be granted, under the preceding provisions of this chapter, made or executed prior to the issue of such warrant, shall be null and void to all intents and purposes whatsoever; nor shall such warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by any officer or soldier, prior to the issuing of the patent.

Warrants to be located free of expense by Commissioner of Land-Office, &c.
28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

SEC. 2437. It shall be the duty of the Commissioner of the General Land-Office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the General Land-Office for that purpose, in such State or land-district as the holder or warrantee may designate, and upon good farming-land, so far as the same can be ascertained from the maps, plats, and field-notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made, the Secretary shall cause a patent to be transmitted to such warrantee or holder.

Deserters not entitled to bounty-land.
28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

SEC. 2438. No person who has been in the military service of the United States shall, in any case, receive a bounty-land warrant if it appears by the muster-rolls of his regiment or corps that he deserted or was dishonorably discharged from service.

3 Mar., 1855, c. 207, s. 1, v. 10, p. 701.

Lost warrants, provisions for.
27 April, 1816, c. 127, s. 1, v. 3, p. 317.

SEC. 2439. When a soldier of the Regular Army, who has obtained a military land-warrant, loses the same, or such warrant is destroyed by accident, he shall, upon proof thereof to the satisfaction of the Secretary of the Interior, be entitled to a patent in like manner as if the warrant was produced.

Discharges, omissions, and loss of, provided for.
27 April, 1816, c. 127, s. 2, v. 3, p. 317.

SEC. 2440. In all cases of discharge from the military service of the United States of any soldier of the Regular Army, when it appears to the satisfaction of the Secretary of War that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it is proved that any soldier of the Regular Army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier as will entitle him to his land-warrant and patent, provided such measure is justified by the

time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

New warrant issued in lieu of lost warrant.

SEC. 2441. Whenever it appears that any certificate or warrant, issued in pursuance of any law granting bounty-land, has been lost or destroyed, whether the same has been sold and assigned by the warrantee or not, the Secretary of the Interior is required to cause a new certificate or warrant of like tenor to be issued in lieu thereof; which new certificate or warrant may be assigned, located, and patented in like manner as other certificates or warrants for bounty-land are now authorized by law to be assigned, located, and patented; and in all cases where warrants have been, or may be, re-issued, the original warrant, in whoseever hands it may be, shall be deemed and held to be null and void, and the assignment thereof, if any there be, fraudulent; and no patent shall ever issue for any land located therewith, unless such presumption of fraud in the assignment be removed by due proof that the same was executed by the warrantee in good faith and for a valuable consideration.

23 June, 1860, c. 203, s. 1, v. 12, p. 90. 20 *June*, 1874, c. 330, *v.* 18, *p.* 111.

Regulations by Secretary of Interior.

SEC. 2442. The Secretary of the Interior is required to prescribe such regulations for carrying the preceding section into effect as he may deem necessary and proper in order to protect the Government against imposition and fraud by persons claiming the benefit thereof; and all laws and parts of laws for the punishment of frauds against the United States are made applicable to frauds under that section.

23 June, 1860, c. 203, s. 2, v. 12, p. 91. 20 *June*, 1874, c. 330, *v.* 18, *p.* 111.

Mode of issuing patents to the heirs of persons entitled to bounty-lands.

SEC. 2443. In all cases where an officer or soldier of the revolutionary war, or a soldier of the war of eighteen hundred and twelve, was entitled to bounty-land, has died before obtaining a patent for the land, and where application is made by a part only of the heirs of such deceased officer or soldier for such bounty-land, it shall be the duty of the Secretary of the Interior to issue the patent in the name of the heirs of such deceased officer or soldier, without specifying each; and the patent so issued in the name of the heirs, generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the officer or soldier belonged at the time of his death.

3 Mar., 1843, Res. No. 7, v. 5, p. 650.

Death of claimant after establishing right and before issuing of warrant.

SEC. 2444. When proof has been or hereafter is filed in the Pension-Office, during the life-time of a claimant, establishing, to the satisfaction of that office, his right to a warrant for military services, and such warrant has not been, or may not be, issued until after the death of the claimant, and all such warrants as have been heretofore issued subsequent to the death of the claimant, the title to such warrants shall vest in his widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all military bounty-land warrants issued pursuant to law shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

3 June, 1858, c. 84, s. 1, v. 11, p. 308.

When proofs may be filed by legal representatives.

SEC. 2445. The legal representatives of a deceased claimant for a bounty-land warrant, whose claim was filed prior to his death, may file the proofs necessary to perfect such claim.

3 Mar., 1869, c. 138, v. 15, p. 336.

Relocation of military bounty-land warrants in cases of error.

SEC. 2446. Where an actual settler on the public lands has sought, or hereafter attempts, to locate the land settled on and improved by him, with a military bounty-land warrant, and where, from any cause, an error has occurred in making such location, he is authorized to relinquish the land so erroneously located, and to locate such warrant upon the land so settled upon and improved by him, if the same then be vacant, and if not, upon any other vacant land, on making proof of those facts to the satisfaction of the land-officers, according to such rules and regulations as may be prescribed by the Commissioner of the General Land-Office, and subject to his final adjudication.

3 Mar., 1853, c. 147, s. 1, v. 10, p. 256.

CHAPTER ELEVEN.

MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS.

Sec.
2447. Patents to issue for claims heretofore confirmed.
2448. Patents issued to persons who had died before issue, effect of.
2449. Fee-simple to pass in all grants of land to States and Territories.
2450. Cases of suspended entries of public lands and suspended pre-emption land-claims.
2451. Adjudications under above, how approved.
2452. Report of adjudications under preceding sections.
2453. Decisions to be arranged into classes.
2454. Patents to issue for lands in the first class, and lands in second class to revert to the United States.
2455. Commissioner to order into market lands of second class.
2456. Patents surrendered and new ones issued in certain cases.
2457. Extent of foregoing provisions.
2458. Live-oak and red-cedar lands.
2459. Selection of live-oak and red-cedar tracts.
2460. Protection of live-oak and red-cedar timber.
2461. Cutting or destruction of live-oak or red-cedar, penalty.
2462. Vessels employed in carrying away live-oak and red-cedar, forfeiture of.
2463. Clearance of vessels laden with live-oak, prosecution of depredators.
2464. Growth of timber on public lands.
2465. Mode of application for benefit of preceding section.
2466. Certificate or patent to issue after ten years.
2467. Effect of an abandonment or failure to cultivate.
2468. Land in cultivation for timber not liable to be taken for debt.
2469. Copies of records, &c., to be certified.
2470. Exemplifications valid without names of officers signing and countersigning.
2471. The false making, altering, &c., of any instrument in writing, &c., concerning lands, &c., in California, penalty.
2472. Falsely dating any evidence of title under Mexican authority, &c., to lands in California, penalty.
2473. Presenting false or counterfeited evidences of title, &c., to lands in California, and prosecuting suits thereon, penalty.
2474. Public park established near the headwaters of the Yellowstone River.
2475. Secretary of the Interior to have exclusive control of the park; removal of trespassers.
2476. Navigable rivers within public lands to be public highways.
2477. Right of way for highways over public lands.
2478. Power of Commissioner of Land-Office to enforce this Title.
2479. Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c.
2480. Secretary of the Interior to make lists of such lands, for transmission to the governors of the States.
2481. Legal subdivisions mostly wet and unfit for cultivation.
2482. Indemnity to States where lands have been sold by United States.
2483. Patents to issue for swamp-lands to purchasers and locators prior to issuing of patents to States, &c.
2484. Selection of swamp and overflowed lands confirmed.
2485. Certain lands selected by California confirmed to that State.
2486. Where selections are on lands already surveyed.
2487. Where selections are upon lands surveyed only by State authority.
2488. Swamp and overflowed lands to be certified to State within one year in certain cases.
2489. List of lands selected to be sent to General Land-Office.
2490. Act of 1850, c. 84, v. 9, p. 519, extended to Minnesota and Oregon.

Patents to issue for claims heretofore confirmed.

22 Dec., 1854, c. 10, v. 10, p. 599.

SEC. 2447. In case of any claim to land in any State or Territory which has heretofore been confirmed by law, and in which no provision is made by the confirmatory statute for the issue of a patent, it may be lawful, where surveys for the land have been or may hereafter be made, to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land-Office of plats of survey thereof, duly approved by the surveyor-general of any State or Territory, if the same be found correct by the Commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

Patents issued to persons who had died before issue, effect of.

SEC. 2448. Where patents for public lands have been or may be issued, in pursuance of any law of the United States, to a person who had died, or who hereafter dies, before the date of such patent, the title to the land designated therein shall inure to and become vested in the heirs, devisees,

or assignees of such deceased patentee as if the patent had issued to the deceased person during life.

20 May, 1836, c. 76, v. 5, p. 31.

Fee-simple to pass in all grants of land to States and Territories.

SEC. 2449. Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands, or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land-Office, under the seal of his office, either as originals or copies of the originals or records shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

3 Aug., 1854, c. 201, v. 10, p. 346. 3 *Mar.*, 1875, c. 139, *s.* 8, *v.* 18, *p.* 475.

Cases of "suspended entries of public lands" and "suspended pre-emption land-claims."

SEC. 2450. The Commissioner of the General Land-Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the [*Treasury*,][Interior] the Attorney-General, and the Commissioner, conjointly, consistently with such principles, all cases of suspended entries of public lands and of suspended pre-emption land-claims, and to adjudge in what cases patents shall issue upon the same.

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51.

3 Mar., 1853, c. 152, s. 1, v. 10, p. 258. 26 June, 1856, c. 47, v. 11, p. 22. 1 *June*, 1874, c. 200, *v.* 18, *p.* 50. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Adjudications under above, how approved.

SEC. 2451. Every such adjudication shall be approved by the Secretary of the [*Treasury*] [Interior] and the Attorney-General, acting as a board; and shall operate only to divest the United States of the title of the lands embraced thereby, without prejudice to the rights of conflicting claimants.

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Report of adjudications under preceding sections.

SEC. 2452. The Commissioner is directed to report to Congress at the first session after any such adjudications have been made a list of the same under the classes prescribed by law, with a statement of the principles upon which each class was determined.

3 Aug., 1846, c. 78, s. 3, v. 9, p. 51.

Decisions to be arranged into classes.

SEC. 2453. The Commissioner shall arrange his decisions into two classes; the first class to embrace all such cases of equity as may be finally confirmed by the board, and the second class to embrace all such cases as the board reject and decide to be invalid.

3 Aug., 1846, c. 78, s. 3, v. 9, p. 51.

Patents to issue for lands in the first class, and lands in second class to revert to the United States.

SEC. 2454. For all lands covered by claims which are placed in the first class, patents shall issue to the claimants; and all lands embraced by claims placed in the second class shall ipso facto revert to, and become part of, the public domain.

3 Aug., 1846, c. 78, s. 4, v. 9, p. 51.

Commissioner to order into market lands of second class.

SEC. 2455. It may be lawful for the Commissioner of the General Land-Office to order into market, after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale in like manner. But public notice of at least thirty days shall be given by the land-officers of the district in which such lands may be situated, pursuant to the directions of the Commissioner.

3 Aug., 1846, c. 78, s. 5, v. 9, p. 51.

Patents surrendered and new ones issued in certain cases.

SEC. 2456. Where patents have been already issued on entries which are confirmed by the officers who are constituted the board of adjudication, the Commissioner of the General Land-Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such confirmation, to the person who made the entry, his heirs or assigns.

3 Mar., 1853, c. 152, s. 2, v. 10, p. 258.

Extent of foregoing provisions.

SEC. 2457. The preceding provisions from section twenty-four hundred and fifty to section twenty-four hundred and fifty-six, inclusive, shall be

26 June, 1856, c. 47, v. 11, p. 22.

applicable to all cases of suspended entries and locations, which have arisen in the General Land-Office since the twenty-sixth day of June, eighteen hundred and fifty-six, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and pre-emption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or pre-emptor are prejudiced, or where there is no adverse claim.

Live-oak and red-cedar lands.

1 Mar., 1817, c. 22, s. 1, v. 3, p. 347. 15 May, 1820, c. 136, v. 3, p. 607. 3 Mar., 1827, c. 94, s. 3, v. 4, p. 242.

SEC. 2458. The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the same.

Selection of live-oak and red-cedar tracts.

1 Mar., 1817, c. 22, s. 1, v. 3, p. 347.

SEC. 2459. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of any person claiming lands, which may be reserved in the manner herein provided.

Protection of live-oak and red-cedar timber.

23 Feb., 1822, c. 9, v. 3, p. 651.

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Cutting or destruction of live-oak or red-cedar, penalty.

2 Mar., 1831, c. 66, s. 1, v. 4, p. 472.

SEC. 2461. If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months. [See § 4751.]

Vessels employed in carrying away live-oak and red-cedar, forfeiture of.

2 Mar., 1831, c. 66, s. 2, v. 4, p. 472.

SEC. 2462. If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place

within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars. [See § 4751.]

Clearance of vessels laden with live-oak; prosecution of depredators.

SEC. 2463. It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands. [See §§ 4205, 4751.]

2 Mar., 1833, c. 67, s. 3, v. 4, p. 647.

Growth of timber on public lands.

SEC. 2464. Every person who plants, protects, and keeps in a healthy growing condition for ten years forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands, shall be entitled to a patent for the whole of such quarter-section at the expiration of the ten years, on making proof of such fact by not less than two credible witnesses: *Provided*, That only one quarter in any section shall be thus granted.

3 Mar., 1873, c. 277, s. 1, v. 17, pp. 605, 606.
13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 21.
3 *Mar.*, 1875, *c.* 151, *v.* 18, *p.* 481. 20 *May*, 1876, *c.* 102, *v.* 19, *p.* 54. 19 *June*, 1876, *c.* 134, *v.* 19, *p.* 59.

Mode of application for benefit of preceding section.

SEC. 2465. Every person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that such entry is made for the cultivation of timber, and upon filing his affidavit with the register and receiver, and on payment of ten dollars, he shall thereupon be permitted to enter the quantity of land specified.

3 Mar., 1873, c. 277, s. 2, v. 17, p. 606.
13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 21.
3 *Mar.*, 1875, *c.* 151, *v.* 18, *p.* 481. 20 *May*, 1876, *c.* 102, *v.* 19, *p.* 54. 19 *June*, 1876, *c.* 134, *v.* 19, *p.* 59.

Certificate or patent to issue after ten years.

SEC. 2466. No certificate shall be given or patent issue therefor until the expiration of at least ten years from the date of such entry; and if at the expiration of such time, or at any time within three years thereafter, the person making such entry, or, if he be dead, his heirs or legal representatives, shall prove by two credible witnesses that he has planted and for not less than ten years has cultivated and protected such quantity and character of timber, he shall receive the patent for such quarter-section of land.

3 Mar., 1873, c. 277, s. 2, v. 17, p. 606.
13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 21.
3 *Mar.*, 1875, *c.* 151, *v.* 18, *p.* 481.
19 *June*, 1876, *c.* 134, *v.* 19, *p.* 59.

Effect of an abandonment or failure to cultivate.

SEC. 2467. If at any time after the filing of such affidavit, and prior to the issuing of the patent for the land, it is proved, after due notice to the party making such entry and claiming to cultivate such timber, to the satisfaction of the register of the land-office, that such person has abandoned or failed to cultivate, protect, and keep in good condition such timber, then, and in that event, the land shall revert to the United States.

3 Mar., 1873, c. 277, s. 3, v. 17, p. 606.
13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 21.
3 *Mar.*, 1875, *c.* 151, *v.* 18, *p.* 481.

Land in cultivation for timber not liable to be taken for debt.

SEC. 2468. No land acquired under the provisions of the four preceding sections shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of a patent therefor.

3 Mar., 1873, c. 277, s. 5, v. 17, p. 606.

Copies of records, &c., to be certified.

SEC. 2469. The Commissioner of the General Land-Office shall cause to be prepared, and shall certify, under the seal of the office, such copies of records, books, and papers on file in his office, as may be applied for, to be used in evidence in courts of justice. [See § 891.]

4 July, 1836, c. 352, s. 7, v. 5, p. 111.
13 *Mar.*, 1874, *c.* 55, *v.* 18, *p.* 21. 3 *Mar.*, 1875, *c.* 151, *v.* 18, *p.* 481.

Exemplifications valid without names of officers signing and countersigning.

SEC. 2470. Literal exemplifications of any records which have been or may be granted in virtue of the preceding section shall be deemed of the same validity in all proceedings, whether at law or in equity, wherein such exemplifications are adduced in evidence, as if the names of the

3 Mar., 1843, c. 95, s. 1, v. 5, p. 627.

officers signing and countersigning the same had been fully inserted in such record.

The false making, altering, &c., of any instrument in writing, &c., concerning lands, &c., in California, penalty.

18 May, 1858, c. 40, s. 1, v. 11, p. 290.

SEC. 2471. Every person who falsely makes, alters, forges, or counterfeits, or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids and assists in the false making, altering, forging, or counterfeiting any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or evidence of right, title, or claim to lands, mines, or minerals in California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, for the purpose of setting up or establishing against the United States any claim, right, or title to lands, mines, or minerals within the State of California, or for the purpose of enabling any person to set up or establish any such claim; and every person, who, for such purpose, utters or publishes as true and genuine any such false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, evidence of right, title, or claim to lands or mines or minerals in the State of California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, shall be punishable by imprisonment at hard labor not less than three years and not more than ten years, and by a fine of not more than ten thousand dollars. [See §§ 5411, 5412.]

Falsely dating any evidence of title under Mexican authority, &c., to lands in California, penalty.

18 May, 1858, c. 40, s. 2, v. 11, p. 291.

SEC. 2472. Every person who makes, or causes or procures to be made, or willingly aids and assists in making any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or written evidence of right, title, or claim, under Mexican authority, to any lands, mines, or minerals in the State of California, or any instrument of writing in relation to lands or mines or minerals in the State of California, having a false date, or falsely purporting to be made by any Mexican officer or authority prior to the seventh day of July, eighteen hundred and forty-six, for the purpose of setting up or establishing any claim against the United States to lands or mines or minerals within the State of California, or of enabling any person to set up or establish any such claim; and every person who signs his name as governor, secretary, or other public officer acting under Mexican authority, to any instrument of writing falsely purporting to be a grant, concession, or denouncement under Mexican authority, and during its existence in California, of lands, mines, or minerals, or falsely purporting to be an informe, report, record, confirmation, or other proceeding on an application for a grant, concession, or denouncement under Mexican authority, during its existence in California, of lands, mines, or minerals, shall be punishable as prescribed in the preceding section. [See §§ 5411, 5412.]

Presenting false or counterfeited evidences of title, &c., to lands in California and prosecuting suits thereon, penalty.

18 May, 1858, c. 40, s. 3, v. 11, p. 291.

SEC. 2473. Every person who, for the purpose of setting up or establishing any claim against the United States to lands, mines, or minerals within the State of California, presents, or causes or procures to be presented, before any court, judge, commission, or commissioner, or other officer of the United States, any false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim to lands, minerals, or mines in the State of California, knowing the same to be false, forged, altered, or counterfeited, or any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim to lands, mines, or minerals in California, knowing the same to be falsely dated; and every person who prosecutes in any court of the United States, by appeal or otherwise, any claim against the United States for lands, mines, or minerals in California, which claim is founded upon, or evidenced by, any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, or written evidence

of right, title, or claim, which has been forged, altered, counterfeited, or falsely dated, knowing the same to be forged, altered, counterfeited, or falsely dated, shall be punishable as prescribed in section twenty-four hundred and seventy-one. [See §§ 5411, 5412.]

Public park established near the head-waters of the Yellowstone River.

1 Mar., 1872, c. 24, s. 1, v. 17, p. 32.

SEC. 2474. The tract of land in the Territories of Montana and Wyoming, lying near the head-waters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River, with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom.

Secretary of the Interior to have exclusive control of the park; removal of trespassers.

Ibid., s. 2, p. 33.

SEC. 2475. Such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all other revenues that may be derived from any source connected with the park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

Navigable rivers within public lands to be public highways.

18 May, 1796, c. 29, s. 9, v. 1, p. 468.

3 Mar., 1803, c. 27, s. 17, v. 2, p. 235.

SEC. 2476. All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

Right of way for highways over public lands.

26 July, 1866, c. 262, s. 8, v. 14, p. 253.

SEC. 2477. The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

Power of Commissioner of Land-Office to enforce this Title.

SEC. 2478. The Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this Title not otherwise specially provided for.

Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c.

28 Sept., 1850, c. 84, ss. 1, 4, v. 9, p. 520.

SEC. 2479. To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the twenty-eighth day of September, A. D. eighteen hundred and fifty, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however*,

12 Mar., 1860, c. 5, s. 1, v. 12, p. 3. 19 *Feb.*, 1874, *c.* 30, *r.* 18, *p.* 16.

That said grant of swamp and overflowed lands, as to the State of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified, as applicable to said three last-named States respectively.

Secretary of the Interior to make lists of such lands, for transmission to the governors of the States.

SEC. 2480. It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee-simple of said land.

28 Sept., 1850, c. 84, s. 2, v. 9, p. 519.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains.

French *v.* Fyan et al., 93 U. S., 169.

Legal subdivisions mostly wet and unfit for cultivation.

SEC. 2481. In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

Ibid., s. 3, p. 519.

Indemnity to States where lands have been sold by United States.

SEC. 2482. Upon proof by the authorized agent of the State, before the Commissioner of the General Land-Office, that any of the lands purchased by any person from the United States, prior to March 2d, 1855, were "swamp-lands," within the true intent and meaning of the act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp-lands within their limits," approved September twenty-eight, eighteen hundred and fifty, the purchase-money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at one dollar and twenty-five cents per acre, or less, and patents shall issue therefor. The decision of the Commissioner of the General Land-Office shall be first approved by the Secretary of the Interior.

2 Mar., 1855, c. 147, s. 2, v. 10, pp. 634, 635.

Patents to issue for swamp-lands to purchasers and locators, prior to issuing of patents to States, &c.

SEC. 2483. The President of the United States shall cause patents to be issued to the purchaser or purchasers, locator or locators, who made entries of the public lands claimed as swamp lands, either with cash or land-warrants, or scrip, or under any homestead or pre-emption laws prior to the issue of patents to the State or States: *Provided*, That in all cases where any State through its constituted authorities, may have sold or disposed of any tract or tracts of land prior to the entry sale or location of the same under the pre-emption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land, until such State through its constituted authorities, shall release its claim thereto in such form as shall be prescribed by the Secretary of the Interior. In all cases where such State did not within ninety days from the second day of March, 1855, the date of an act entitled, "An act for the relief of purchasers and locators of swamp and overflowed lands" through its constituted authorities, return to the General Land-Office of the United States, a list of all the lands sold as aforesaid, together with the dates of such sales and the names of the purchasers, the President shall issue patents to persons who made such entries of the public lands so claimed as swamp-land.

2 Mar., 1855, c. 147, s. 1, v. 10, p. 634.

Selection of swamp and overflowed lands confirmed.

SEC. 2484. All lands selected and reported to the General Land-Office as swamp and overflowed land by the several States entitled to the provisions of said act of Sept. 28, 1850, prior to March third, A. D. eighteen hundred and fifty-seven, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States.

3 Mar., 1857, c. 117, v. 11, p. 251.

Certain lands selected by California confirmed to that State.

SEC. 2485. All selections of any portion of the public domain, to which no homestead, pre-emption or other right had been acquired by any settler under the laws of the United States, and not being mineral land, nor reserved for naval, military or Indian purposes nor held or claimed under any valid Mexican or Spanish grant, and not included within the limits of any city, town or village or of the county of San Francisco, made prior to the twenty-third day of July, one thousand eight hundred and sixty-

23 July, 1866, c. 219, s. 1, v. 14, p. 218. 3 *Mar.*, 1875, *c.* 139, *s.* 7, *v.* 18, *p.* 475.

six, and theretofore sold to bona-fide purchasers by the State of California are confirmed to the State of California: *Provided, however*, That said State shall not receive any greater quantity of land for school or improvement purposes than she is entitled to by law.

1 *Mar.*, 1877, c. 81, v. 19, p. 267.

Huff v. Doyle et al., 93 U. S., 558.

SEC. 2486. When selections named in the foregoing section have been made upon lands already surveyed by authority of the United States, the authorities of said States, where the same has not been already done, shall notify the register of the land-office, for the district in which the land is situated, which notice shall be regarded as the date of the State selection; and the said registers of the several land-offices, after investigation and decision, shall, under the instruction of the Commissioner of the General Land-Office, forward all such selections to the General Land-Office, and the Commissioner of the General Land-Office shall certify the same over to the State in the usual manner.

Where selections are on lands already surveyed.

23 July, 1866, c. 219, s. 2, v. 14, p. 219.

SEC. 2487. When the State of California has made such selections from the lands not surveyed by the authority of the United States, but which selections have been surveyed by the authority of said State, and the land sold to purchasers in good faith, under the laws of the State, such selections, from said twenty-third of July, eighteen hundred and sixty-six, when marked off and designated in the field, shall have the same force and effect as the pre-emption rights of a settler upon unsurveyed public lands; and if upon a survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon filing with the register of the proper United States land-office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as is allowed pre-emptors under existing laws—and if found in accordance with the law the land embraced therein shall be certified over to the State by the Commissioner of the General Land-Office.

Where selections are upon land surveyed only by State authority.

Ibid., s. 3, p. 219.

SEC. 2488. It shall be the duty of the Commissioner of the General Land-Office, to certify over to the State of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July, 1866, under the authority of the United States.

Swamp and overflowed lands to be certified to State within one year, in certain cases.

Ibid., s. 4, p. 219.

The surveyor-general of the United States for California, shall under the direction of the Commissioner of the General Land-Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land-Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor-general, to make segregation surveys, upon application to the surveyor-general, by the governor of said State, within one year of such application, of all the swamp and overflowed lands in such townships, and to report the same to the General Land-Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September twenty-eight, eighteen hundred and fifty, and the right to the same shall be determined by testimony, to be taken before the surveyor-general, who shall decide the same, subject to the approval of the Commissioner of the General Land-Office.

List of lands selected to be sent to General Land-Office.

Ibid., s. 5, p. 220.

SEC. 2489. It shall be the duty of the Commissioner of the General Land-Office, to require the officers of the local land-offices in said State (in case the same has not already been done) and the surveyor-general immediately to forward lists of all selections made by the State hereinbefore specified and lists and maps of all swamp and overflowed lands, claimed by said State or surveyed as provided in the ten preceding sections, for final disposition and determination, which final disposition shall be made by the Commissioner of the General Land-Office without delay.

Act of 1850, c. 84, v. 9, p. 519, extended to Minnesota and Oregon.

12 Mar., 1860, c. 5, ss. 1, 2, v. 12, p. 3.

SEC. 2490. The provisions of the act of Congress entitled "An act to enable the State of Arkansas and other States to redeem" the swamp lands within their limits, approved September 28, A. D. 1850, extend to the States of Minnesota and Oregon: *Provided*, That the grant shall not include any lands which the Government of the United States may have sold or disposed of under any law, enacted prior to March 12, 1860, prior to the confirmation of title to be made under the authority of said act—and the selections to be made from lands already surveyed in each of the States last named, under the authority of the act aforesaid, shall have been made within two years from the adjournment of the legislature of each State, at its next session after the 12th day of March, A. D. 1860—and as to all lands surveyed or to be surveyed, thereafter, within two years from such adjournment, at the next session after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed.

TITLE XXXIII.

DUTIES UPON IMPORTS.

Sec.
2491. Prohibition upon importation of obscene articles.
2492. Mode of proceeding.
2493. Importation of neat cattle.
2494. When permitted.
2495. Penalty.
2496. Prohibition upon importation of simulated watch-movements.
2497. Upon importation in foreign vessels.
2498. Limitation upon the foregoing.
2499. Rate for articles resembling enumerated articles; and for articles manufactured from two or more materials.
2500. For re-imported goods.
2501. For goods produced east of the Cape of Good Hope, when imported from west of that cape.
2502. For merchandise imported in foreign vessels.
2503. Schedules of special rates of duty.
2504. A. Cotton and cotton goods.
B. Earths and earthenware.
C. Hemp, jute, and flax goods.
D. Liquors.
E. Metals.
F. Provisions.
G. Sugars.
H. Silks and silk goods.
I. Spices.
J. Tobacco.
K. Wood.
L. Wool and woolen goods.
M. Sundries.
2505. Free list.
2506. Fish-oil and fish the produce of the fisheries of Canada, Prince Edward's Island, and Newfoundland, when free.
2507. Special exemption as to merchandise sunk and abandoned.
2508. As to lumber from St. John River.
2509. As to lumber from St. Croix River.
2510. As to machinery for manufacture of beet-root sugar.
2511. As to machinery imported for repair.
2512. Certain paintings, statuary, &c., to be admitted free of duty.
2513. Importation of materials for construction, &c., of vessels.
2514. Importation of articles intended for the repair of vessels.
2515. Peltries and other goods of Indians, when to be admitted free.
2516. Duty on articles not enumerated, raw or manufactured.

Prohibition upon importation of obscene articles.

2 Mar., 1857, c. 63, v. 11, p. 168.
3 Mar., 1873, c. 258, ss. 1, 3, v. 17, pp. 598, 599.

U. S. *v.* One Case Stereoscopic Slides, Sprague, 467.

SEC. 2491. All persons are prohibited from importing into the United States, from any foreign country, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion. No invoice or package whatever, or any part of one, in which any such articles are contained shall be admitted to entry; and all invoices and packages whereof any such articles shall compose a part are liable to be proceeded against, seized, and forfeited by due course of law. All such prohibited articles in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as prescribed in the following section: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section. [See § 1785.]

Mode of proceeding.

3 Mar., 1873, c. 258, s. 5, v. 17, p. 599.

SEC. 2492. Any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the preceding section is made, to the satisfaction of such judge, and founded on knowledge or belief, and, if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal, or any deputy marshal, in the proper district, directing him to search for, seize, and take possession of any such article or thing hereinbefore mentioned, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in case of municipal seizure, and with the same right of appeal or writ of error.

Importation of neat cattle.

SEC. 2493. The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*,

6 Mar., 1866, c. 12, s. 1, v. 14, p. 3.

That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

When permitted.

Ibid., s. 2, p. 4.

SEC. 2494. The President of the United States, whenever in his judgment the importation of neat cattle and the hides of neat cattle may be made without danger of the introduction or spread of contagious or infectious disease among the cattle of the United States, may, by proclamation, declare the provisions of the preceding section to be inoperative, and the same shall be afterward inoperative and of no effect from and after thirty days from the date of said proclamation.

Penalty.

Ibid., s. 2, p. 4.

SEC. 2495. Any person convicted of a willful violation of any of the provisions of the two preceding sections, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

Prohibition upon importation of simulated watch-movements.

3 Mar., 1871, c. 125, v. 16, p. 580.

SEC. 2496. No watches, watch-cases, watch-movements, or parts of watch-movements, of foreign manufacture, which shall copy or simulate the name or trade-mark of any domestic manufacturer, shall be admitted to entry at the custom-houses of the United States, unless such domestic manufacturer is the importer of the same. And in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer of watches who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department fac-similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs.

Upon importation in foreign vessels.

1 Mar., 1817, c. 31, ss. 1, 2, v. 3, p. 351.

The Merritt, 17 Wall., 582.

SEC. 2497. No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

Limitation upon the foregoing.

1 Mar., 1817, c. 31, s. 1, v. 3, p. 351.

SEC. 2498. The preceding section shall not apply to vessels, or goods, wares, or merchandise, imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

Rate for articles resembling enumerated articles, and for articles manufactured from two or more materials.

30 Aug., 1842, c. 270, s. 20, v. 5, p. 565.

SEC. 2499. There shall be levied, collected, and paid, on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this Title, as chargeable with duty, the same rate of duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles, on which different rates of duty are chargeable, there shall be levied,

collected, and paid, on such non-enumerated article, the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable.

Stewart *v.* Maxwell, 16 How., 150; Ross *v.* Peaslee, 2 Curt. C. C., 499; Morlot *v.* Lawrence, 1 Blatch., 608; Lottimer *v.* Lawrence, 1 Blatch., 613; Field *v.* Schell, 5 Blatch., 1; Gamble *v.* Mason, 7 Am. Law Reg., 178; Cohen *v.* Phelps, 2 Saw., 530.

For re-imported goods.

28 July, 1866, c. 298, s. 12, v. 14, p. 330.

SEC. 2500. Upon the re-importation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles.

For goods produced east of the Cape of Good Hope, when imported from west of that cape.

6 June, 1872, c. 315, s. 3, v. 17, p. 232.

SEC. 2501. There shall be levied, collected, and paid on all goods, wares, and merchandise of the growth or produce of the countries east of the Cape of Good Hope, (except wool, raw cotton, and raw silk, as reeled from the cocoon, or not further advanced than tram, thrown, or organzine,) when imported from places west of the Cape of Good Hope, a duty of ten per centum ad valorem in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production.

Hodden *v.* The Collector, 5 Wall., 107; Sturgis *v.* The Collector, 12 Wall., 19; Campbell *v.* Barney, 5 Blatch., 221; Williams *v.* Barney, 5 Blatch., 219; Gautier *v.* Arthur, 13 Blatch., 432.

For merchandise imported in foreign vessels.

30 June, 1864, c. 171, s. 17, v. 13, p. 215.

See President's Proclamation, No. 4, v. 18, p. 844.

SEC. 2502. A discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported on vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States.

Schedule of special rates of duty.

6 June, 1872, c. 315, s. 2, v. 17, p. 231.

Repealed in part by 3 *Mar.*, 1875, *c.* 127, *s.* 4, *v.* 18, *p.* 340.

SEC. 2503. There shall be levied, collected, and paid upon all articles mentioned in the schedules contained in the next section, imported from foreign countries, the rates of duty which are by the schedules respectively prescribed: *Provided*, That on the goods, wares, and merchandise in this section enumerated and provided for, imported from foreign countries, there shall be levied, collected, and paid only ninety per centum of the several duties and rates of duty imposed by the said schedules upon said articles severally, that is to say:

On all manufactures of cotton of which cotton is the component part of chief value.

On all wools, hair of the alpaca, goat, and other animals, and all manufactures wholly or in part of wool or hair of the alpaca and other like animals, except umbrellas, parasols, and sun-shades covered with silk or alpaca.

On all iron and steel, and on all manufactures of iron and steel, of which such metals or either of them shall be the component part of chief value, excepting cotton-machinery.

On all metals not herein otherwise provided for, and on all manufactures of metals of which either of them is the component part of chief value, excepting percussion-caps, watches, jewelry, and other articles of ornament: *Provided*, That all wire rope and wire strand or chain made of iron wire, either bright, coppered, galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the iron wire of which said rope or strand or chain is made; and all wire rope, and wire strand or chain made of steel wire, either bright, coppered, galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the steel wire of which said rope or strand or chain is made.

On all paper, and manufactures of paper, excepting unsized printing-

U. S. *v.* Vowell, 5 C. R., 368; Arnold *v.* U. S., 9 Cr., 104; Brig Concord, 9 Cr., 387; Two hundred Chests of Tea, 9 Wh., 430; Barlow *v.* U. S., 7 Pet., 404; U. S. *v.* One hundred and twelve Casks of Sugar, 8 Pet., 277; Elliott *v.* Swartwout, 10 Pet., 137; Meredith *v.* U. S., 13 Pet., 493; Curtis *v.* Martin, 3 How., 106; De Forest v. Lawrence, 13 How., 274; Maitland *v.* Lawrence, 16 How., 251; U. S. *v.* Clarke, 5 Mas., 30; U. S. *v.* Breed, 1 Sumn., 159;

Bacon *v.* Bancroft, 1 Story, 341; The Gertrude, 3 Story, 71; U. S. *v.* Dodge, 1 Deady, 124; Coggill *v.* Lawrence, 1 Blatch., 602; U. S. *v.* Lutz, 2 Blatch., 383; Roosevelt *v.* Maxwell, 3 Blatch., 391; Wilkinson *v.* Greely, 1 Curt. C. C., 439.

paper, books and other printed matter, and excepting sized or glued paper suitable only for printing-paper.

On all manufactures of India rubber, gutta-percha, or straw, and on oil-cloths of all descriptions.

On glass and glass ware, and on unwrought pipe-clay, fine clay, and fullers' earth.

On all leather not otherwise herein provided for, and on all manufactures of skins, bone, ivory, horn, and leather, except gloves and mittens, and of which either of said articles is the component part of chief value; and on liquorice-paste or liquorice-juice.

The statute of 1875, c. 127, s. 4, v. 18, p. 340, repeals the ninety per centum rate and re-enacts the rates of duty specified in s. 2504.

SCHEDULE A.—COTTON AND COTTON GOODS.

Cotton and cotton goods.

3 Mar., 1865, c. 80, s. 1, v. 13, p. 491. 3 *Mar.*, 1875, c. 127, *s.* 4, *v.* 18, *p.* 340.

SEC. 2504. On all manufactures of cotton (except jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuff, and goods of like description) not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard; if bleached, five cents and a half per square yard; if colored, stained, painted, or printed, five cents and a half per square yard, and in addition thereto, ten per centum ad valorem.

On finer and lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem.

On goods of like description, exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem.

On cotton jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuffs, and goods of like description, or for similar use, if unbleached, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding five ounces to the square yard, six cents per square yard; if bleached, six cents and a half per square yard; if colored, stained, painted, or printed, six cents and a half per square yard, and, in addition thereto, ten per centum ad valorem;

On finer, or lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, six cents per square yard; if bleached, six and a half cents per square yard; if colored, stained, painted, or printed, six and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem;

On goods of lighter description, exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, seven cents per square yard; if bleached, seven and a half cents per square yard; if colored, stained, painted, or printed, seven and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem: *Provided*, That upon all plain woven cotton goods, not included in the foregoing schedule, unbleached, valued at over sixteen cents per square yard; bleached, valued at over twenty cents per square yard; colored, valued at over twenty-five cents per square yard, and cotton jeans, denims and drillings, unbleached, valued at over twenty cents per square yard, and all other cotton goods of every description, the value of which shall exceed twenty-five cents per square yard, there shall be levied, collected, and paid a duty of thirty-five per centum ad valorem: *And provided further*, That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted to a less rate of duty than is provided for goods which are of that number of threads.

Cotton thread, yarn, warps, or warp-yarn, not wound upon spools, whether single or advanced beyond the condition of single by twisting two or more single yarns together, whether on beams or in bundles, skeins, or cops, or in any other form, valued at not exceeding forty cents per pound: ten cents per pound; valued at over forty cents per pound and not exceeding sixty cents per pound: twenty cents per pound; valued at over sixty cents per pound and not exceeding eighty cents per pound: thirty cents per pound; valued at over eighty cents per pound: forty cents per pound; and, in addition to such rates of duty, twenty per centum ad valorem. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Spool-thread of cotton: six cents per dozen spools, containing on each spool not exceeding one hundred yards of thread, and, in addition thereto, thirty per centum ad valorem; exceeding one hundred yards, for every additional hundred yards of thread on each spool or fractional part thereof, in excess of one hundred yards: six cents per dozen, and thirty-five per centum ad valorem. 3 Mar., 1865, c. 80, s. 1, v. 13, p. 491.

Cotton cords, gimps, and galloons and cotton laces colored: thirty-five per centum ad valorem.

Cotton shirts and drawers, woven or made on frames, and on all cotton hosiery: thirty-five per centum ad valorem. 30 June, 1864, c. 171, s. 6, v. 13, p. 208.

Cotton-velvet: thirty-five per centum ad valorem.

Cotton braids, insertings, lace, trimming, or bobbinet, and all other manufactures of cotton, not otherwise provided for: thirty-five per centum ad valorem.

SCHEDULE B.—EARTHS AND EARTHEN WARES.

Brown earthen ware and common stone ware, gas-retorts, stone ware not ornamented: twenty-five per centum ad valorem. 30 June, 1864, c. 171, s. 9, v. 13, p. 210.

China, porcelain, and Parian ware, gilded, ornamented, or decorated in any manner: fifty per centum ad valorem.

China, porcelain, and Parian ware, plain white, and not decorated in any manner: forty-five per centum ad valorem; on all other earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, composed of earthy or mineral substances, and not otherwise provided for: forty per centum ad valorem.

Stone ware above the capacity of ten gallons: twenty per centum ad valorem.

Slates, slate-pencils, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate: forty per centum ad valorem. Roofing-slates: thirty-five per centum ad valorem.

Unwrought clay, pipe-clay, fire-clay: five dollars per ton.

Kaoline: five dollars per ton.

On fullers' earth: three dollars per ton.

Red and French chalk: twenty per centum ad valorem.

Chalk of all descriptions, not otherwise provided for: twenty-five per centum ad valorem.

Whiting and Paris-white: one cent per pound.

Whiting ground in oil: two cents per pound.

Paris white ground in oil: one cent and a half per pound.

All plain and mould and press glass not cut, engraved, or painted: thirty-five per centum ad valorem.

All articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, not including plate-glass silvered, or looking-glass plates: forty per centum ad valorem.

All unpolished cylinder, crown, and common window-glass, not exceeding ten by fifteen inches square: one cent and a half per pound; above that and not exceeding sixteen by twenty-four inches square: two cents per pound; above that and [not] exceeding twenty-four by thirty inches square: two cents and a half per pound; all above that: three cents per pound. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

Cylinder and crown glass, polished, not exceeding ten by fifteen inches square: two and one-half cents per square foot; above that, and not ex- 30 June, 1864, c. 171, s. 9, v. 13, p. 210.

ceeding sixteen by twenty-four inches square: four cents per square foot; above that, and not exceeding twenty-four by thirty inches square: six cents per square foot; above that, and not exceeding twenty-four by sixty inches: twenty cents per square foot; all above that: forty cents per square foot.

Fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window-glass, not exceeding ten by fifteen inches square: seventy-five cents per one hundred square feet; above that, and not exceeding sixteen by twenty-four inches square: one cent per square foot; above that, and not exceeding twenty-four by thirty inches square: one cent and a half per square foot; all above that: two cents per square foot. And all fluted, rolled, or rough plate-glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates here imposed.

Cast polished plate-glass, unsilvered, not exceeding ten by fifteen inches square: three cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: five cents per square foot; above that, and not exceeding twenty-four by thirty inches square: eight cents per square foot; above that, and not exceeding twenty-four by sixty inches square: twenty-five cents per square foot; all above that: fifty cents per square foot.

Cast polished plate-glass, silvered, or looking-glass plates not exceeding ten by fifteen inches square: four cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: six cents per square foot; above that, and not exceeding twenty-four by thirty inches square: ten cents per square foot; above that, and not exceeding twenty-four by sixty inches square: thirty-five cents per square foot; all above that: sixty cents per square foot. But no looking-glass plates or plate-glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall be liable to pay in addition thereto thirty per centum ad valorem upon such frames.

Glass bottles or jars filled with articles not otherwise provided for: thirty per centum ad valorem.

Porcelain and Bohemian glass, glass crystals for watches, glass pebbles for spectacles, not rough; paintings on glass or glasses, and all manufactures of glass, or of which glass shall be a component material, not otherwise provided for, and all glass bottles or jars filled with sweetmeats or preserves, not otherwise provided for: forty per centum ad valorem.

SCHEDULE C.—HEMP, JUTE, AND FLAX GOODS.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Flax-straw: five dollars per ton.

Flax not hackled or dressed: twenty dollars per ton.

Flax hackled, known as "dressed line:" forty dollars per ton.

Hemp, Manila, and other like substitutes for hemp, not otherwise provided for: twenty-five dollars per ton.

Tow of flax or hemp: ten dollars per ton.

Jute, sunn, and Sisal grass, and other vegetable substances not enumerated, used for cordage: fifteen dollars per ton.

30 June, 1864, c. 171, s. 7, v. 13, p. 209.

Brown and bleached linens, ducks, canvas, paddings, cot bottoms, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, not otherwise provided for, valued at thirty cents or less per square yard: thirty-five per centum ad valorem; valued at above thirty cents per square yard: forty per centum ad valorem; flax or linen yarns for carpets, not exceeding number eight Lea, and valued at twenty-four cents or less per pound: thirty per centum ad valorem; flax or linen yarns valued at above twenty-four cents per pound: thirty-five per centum ad valorem; flax or linen thread, twine and packthread, and all other manufactures of flax, or of which flax shall be the component material of chief value, not otherwise provided for: forty per centum ad valorem.

Thread lace and insertings: thirty per centum ad valorem.

On all burlaps, and like manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, excepting such as may be suitable for bagging for cotton: thirty per centum ad valorem. 6 June, 1872, c. 315, s. 4, v. 17, p. 232.

Arthur v. Cummings et al., 91 U. S., 362.

Oil-cloth foundations or floor-cloth canvas, made of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value: forty per centum ad valorem; gunny-cloth, not bagging, valued at ten cents or less per square yard, three cents per pound; over ten cents per square yard, four cents per pound.

On bagging for cotton or other manufactures, not otherwise herein provided for, suitable to the uses for which cotton bagging is applied, composed in whole or in part of hemp, jute, flax, gunny-bags, gunny-cloth, or other material, and valued at seven cents or less per square yard, two cents per pound; valued at over seven cents per square yard, three cents per pound.

Bags, cotton bags, and bagging, and all other like manufactures, not herein otherwise provided for (except bagging for cotton,) composed wholly or in part of flax, hemp, jute, gunny-cloth, gunny-bags, or other material: forty per centum ad valorem. 8 *Feb.*, 1875, *c.* 36, *s.* 7, *v.* 18, *p.* 308. 8 *Feb.*, 1875, *c.* 36, *s.* 8, *v.* 18, *p.* 309.

Tarred cables or cordage: three cents per pound. 30 June, 1864, c. 171, s. 7, v. 13, p. 209.

Untarred Manila cordage: two and a half cents per pound.

All other untarred cordage: three and a half cents per pound.

Hemp yarn: five cents per pound.

Seines: six and a half cents per pound.

Sail-duck or canvas for sails: thirty per centum ad valorem.

Russia and other sheetings of flax or hemp, brown and white: thirty-five per centum ad valorem.

All other manufactures of hemp, or of which hemp shall be the component material of chief value, not otherwise provided for: thirty per centum ad valorem.

Grass-cloth: thirty per centum ad valorem.

Jute yarns: twenty-five per centum ad valorem.

All other manufactures of jute or Sisal-grass, not otherwise provided for: thirty per centum ad valorem.

SCHEDULE D.—LIQUORS.

Wines imported in casks, containing not more than twenty-two per centum of alcohol, and valued at not exceeding forty cents per gallon: twenty-five cents per gallon; valued at over forty cents, and not over one dollar per gallon: sixty cents per gallon; valued at over one dollar per gallon: one dollar per gallon, and, in addition thereto, twenty-five per centum ad valorem. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Bensuran v. Murphy, 17 Int. Rev. Rec., 84. De Bary v. Arthur, Collector, 93 U. S., 420. Bensuran v. Murphy, 10 Blatch., 530.

Wines of all kinds, imported in bottles, and not otherwise provided for: the same rate per gallon as wines imported in casks. But all bottles containing one quart or less than one quart, and more than one pint, shall be held to contain one quart, and all bottles containing one pint or less shall be held to contain one pint, and shall pay in addition three cents for each bottle. 8 *Feb.* 1875, *c.* 36, *ss.* 2, 3, *v.* 18, *pp.* 307, 308.

Cavanac v. The Collector, 1 Woods, 172.

Champagne and all other sparkling wines, in bottles, containing each not more than one quart and more than one pint: six dollars per dozen bottles; containing not more than one pint each, and more than one-half pint: three dollars per dozen bottles; containing one-half pint each, or less: one dollar and fifty cents per dozen bottles; and in bottles containing more than one quart each, shall pay, in addition to six dollars per dozen bottles, at the rate of two dollars per gallon on the quantity in excess of one quart per bottle. But any liquors containing more than twenty-two per centum of alcohol, which shall be entered under the name of wine, shall be forfeited to the United States. And wines, brandy, and other spirituous liquors imported in bottles shall be packed in packages, containing not less than one dozen bottles in each package; and all such

bottles shall pay an additional duty of three cents for each bottle. No allowance shall be made for breakage unless such breakage is actually ascertained by count, and certified by a custom-house appraiser.

Brandy and on other spirits manufactured or distilled from grain or other materials, and not otherwise provided for: two dollars per proof-gallon. Each and every gauge or wine-gallon of measurement shall be counted as at least one proof-gallon; and the standard for determining the proof of brandy and other spirits, and of wine or liquors of any kind imported, shall be the same as that which is defined in the laws relating to internal revenue. But any brandy or other spirituous liquors imported in casks of less capacity than fourteen gallons shall be forfeited to the United States.

28 July, 1866, c. 298, s. 1, v. 14, p. 328. On all compounds or preparations of which distilled spirits is a component part of chief value, there shall be levied a duty not less than that imposed upon distilled spirits.

14 July, 1870, c. 255, s. 21, v. 16, p. 262. Cordials, liqueurs, arrack, absinthe, kirchwasser, ratafia, and other similar spirituous beverages, or bitters containing spirits, and not otherwise provided for: two dollars per proof-gallon.

30 June, 1864, c. 171, s. 2, v. 13, p. 202. No lower rate or amount of duty shall be levied, collected, and paid, on brandy, spirits, and other spirituous beverages, than that fixed by law for the description of first proof, but it shall be increased in proportion for any greater strength than the strength of first proof; and no brandy, spirits, or other spirituous beverages under first proof shall pay a less rate of duty than fifty per centum ad valorem; and all imitations of brandy, or spirits, or of wines imported by any names whatever, shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar per gallon.

U. S. *v.* Seventy-eight Casks of White Wine, 9 Int. Rev. Rec., 105.

30 June, 1864, c. 171, s. 2, v. 13, p. 202. Ale, porter, and beer, in bottles: thirty-five cents per gallon; otherwise than in bottles: twenty cents per gallon.

6 June, 1872, c. 315, s. 4, v. 17, p. 232. Vermuth: the same duty as on wines of the same cost.

SCHEDULE E.—METALS.

Iron in pigs: seven dollars per ton.

14 July, 1870, c. 255, s. 21, v. 16, p. 262. Bar-iron, rolled or hammered, comprising flats not less than one inch or more than six inches wide, nor less than three-eighths of an inch or more than two inches thick; rounds not less than three-fourths of an inch nor more than two inches in diameter; and squares not less than three-fourths of an inch nor more than two inches square: one cent per pound. Bar-iron, rolled or hammered, comprising flats less than three-eighths of an inch or more than two inches thick, or less than one inch or more than six inches wide; rounds less than three-fourths of an inch or more than two inches in diameter; and squares less than three-fourths of an inch or more than two inches square: one cent and one-half per pound. But all iron in slabs, blooms, loops, or other forms, less finished than iron in bars; and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly; and none of the above iron shall pay a less rate of duty than thirty-five per centum ad valorem.

30 June, 1864, c. 171, s. 3, v. 13, p. 203.

6 June, 1872, c. 315, s. 4, v. 17, p. 232. Moisic iron, made from sand ore by one process: fifteen dollars per ton. 8 *Feb.*, 1875, *c.* 36, *s.* 6, *r.* 18, *p.* 308.

3 Mar., 1865, c. 80, s. 2, v. 13, p. 492. Iron bars for railroads or inclined planes: seventy cents per one hundred pounds.

30 June, 1864, c. 171, s. 3, v. 13, p. 203. Boiler or other plate-iron not less than three-sixteenths of an inch in thickness: one cent and a half per pound.

Boiler and other plate-iron, not otherwise provided for: twenty-five dollars per ton.

Iron wire, bright, coppered, or tinned, drawn and finished, not more than one-fourth of an inch in diameter, not less than number sixteen, wire-gauge: two dollars per one hundred pounds, and in addition thereto fifteen per centum ad valorem; over number sixteen and not over number twenty-five, wire-gauge: three dollars and fifty cents per one hundred

pounds, and in addition thereto fifteen per centum ad valorem; over or finer than number twenty-five, wire-gauge, four dollars per one hundred pounds, and, in addition thereto, fifteen per centum ad valorem. But wire covered with cotton, silk, or other material shall pay five cents per pound in addition to the foregoing rates.

Round iron in coils, three-sixteenths of an inch or less in diameter, whether coated with metal or not so coated, and all descriptions of iron wire, and wire of which iron is a component part, not otherwise specifically enumerated and provided for, shall pay the same duty as iron wire, bright, coppered, or tinned. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Wire spiral furniture springs, manufactured of iron wire: two cents per pound and fifteen per centum ad valorem. 25 Mar., 1867, Res. No. 11, v. 15, p. 22.

Smooth or polished sheet-iron, by whatever name designated: three cents per pound. 30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Sheet iron, common or black, not thinner than number twenty, wire-gauge: one cent and one-fourth of one cent per pound; thinner than number twenty and not thinner than number twenty five, wire-gauge: one cent and one-half per pound; thinner than number twenty-five, wire-gauge: one cent and three-fourths of one cent per pound.

All band, hoop, and scroll iron from one-half to six inches in width, not thinner than one-eighth of an inch: one and one-fourth cents per pound.

All band, hoop, and scroll iron from one-half to six inches wide, under one-eighth of an inch in thickness, and not thinner than number twenty, wire-gauge: one and one-half cents per pound.

All band, hoop, and scroll iron thinner than number twenty, wire-gauge: one and three fourth cents per pound.

Slit rods: one cent and one-half per pound.

All other descriptions of rolled or hammered iron not otherwise provided for: one cent and one-fourth per pound.

All handsaws not over twenty-four inches in length: seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over twenty-four inches in length: one dollar per dozen, and in addition thereto thirty per centum ad valorem.

All back saws not over ten inches in length: seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over ten inches in length: one dollar per dozen, and in addition thereto thirty per centum ad valorem.

Files, file-blanks, rasps, and floats of all descriptions, not exceeding ten inches in length: ten cents per pound, and in addition thereto thirty per centum ad valorem; exceeding ten inches in length: six cents per pound, and in addition thereto thirty per centum ad valorem.

Penknives, jack-knives, and pocket-knives of all kinds: fifty per centum ad valorem.

Sword-blades: thirty-five per centum ad valorem. 14 July, 1870, c. 255, s. 21, v. 16, p. 264.

Swords: forty-five per centum ad valorem.

Needles for knitting or sewing machines: one dollar per thousand, and in addition thereto thirty-five per centum ad valorem. 30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Iron squares marked on one side: three cents per pound, and in addition thereto thirty per centum ad valorem; all other squares of iron or steel: six cents per pound, and thirty per centum ad valorem.

All manufactures of steel, or of which steel shall be a component part, not otherwise provided for: forty-five per centum ad valorem. But all articles of steel partially manufactured, or of which steel shall be a component part, not otherwise provided for, shall pay the same rate of duty as if wholly manufactured.

Steel railway bars: one and one-quarter cents per pound. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Railway-bars made in part of steel: one cent per pound. And metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, shall be classed as steel.

Locomotive tire, or parts thereof: three cents per pound. 30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Mill-irons and mill-cranks of wrought iron, and wrought iron for ships,

steam-engines, and locomotives, or parts thereof, weighing each twenty-five pounds or more: two cents per pound.

Anvils and iron cables, or cable-chains, or parts thereof: two cents and a half per pound: *Provided*, That no chains made of wire or rods of a diameter less than one-half of one inch, shall be considered a chain-cable.

Chains, trace-chains, halter-chains, and fence-chains, made of wire or rods, not less than one-fourth of one inch in diameter: two cents and a half per pound; less than one-fourth of one inch in diameter, and not under number nine, wire-gauge: three cents per pound; under number nine, wire-gauge: thirty-five per centum ad valorem.

Anchors, or parts thereof: two cents and one-fourth per pound.

Blacksmiths' hammers and sledges, axles, or parts thereof, and malleable iron in castings, not otherwise provided for: two cents and a half per pound.

Wrought-iron railroad-chairs, and wrought-iron nuts and washers, ready punched: two cents per pound.

Bed-screws and wrought-iron hinges: two cents and a half per pound.

Wrought board-nails, spikes, rivets, and bolts: two and one-half cents per pound.

3 Mar., 1865, c. 30, s. 2, v. 13, p. 492. Steam, gas, and water tubes and flues of wrought iron: three and a half cents per pound.

30 June, 1864, c. 171, s. 3, v. 13, p. 203. Cut nails and spikes: one and a half cents per pound.

Horseshoe-nails: five cents per pound.

Cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand; two and one-half cents per thousand; exceeding sixteen ounces to the thousand: three cents per pound.

Screws, commonly called wood-screws, two inches or over in length: eight cents per pound; less than two inches in length: eleven cents per pound.

Screws of any other metal than iron, and all other screws of iron, except wood-screws: thirty-five per centum ad valorem.

Vessels of cast iron, not otherwise provided for, and on andirons, sad-irons, tailors' and hatters' irons, stoves and stove-plates, of cast iron: one and one-half cents per pound.

Cast-iron steam, gas, and water pipe: one and one-half cents per pound.

Cast-iron butts and hinges: two and a half cents per pound.

Hollow ware, glazed or tinned: three and one-half cents per pound.

Cast scrap-iron of every description: six dollars per ton.

14 July, 1870, c. 255, s. 21, v. 16, p. 262. Wrought scrap-iron of every description: eight dollars per ton. But nothing shall be deemed scrap-iron except waste or refuse iron that has been in actual use, and is fit only to be remanufactured.

30 June, 1864, c. 171, s. 3, v. 13, p. 203. All other castings of iron, not otherwise provided for: thirty per centum ad valorem.

Ibid., s. 11. Taggers' iron: thirty per centum ad valorem.

Ibid., s. 3. Steel, in ingots, bars, coils, sheets, and steel wire, not less than one fourth of one inch in diameter, valued at seven cents per pound or less: two cents and one-fourth per pound; valued at above seven cents and not above eleven cents per pound: three cents per pound; valued at above eleven cents per pound: three cents and a half per pound, and ten per centum ad valorem.

Steel wire less than one-fourth of an inch in diameter and not less than number sixteen, wire-gauge: two and one-half cents per pound, and in addition thereto twenty per centum ad valorem; less or finer than number sixteen, wire-gauge: three cents per pound, and in addition thereto twenty per centum ad valorem.

14 July, 1870, c. 255, s. 21, v. 16, p. 262. Steel, commercially known as crinoline, corset, and hat steel wire: nine cents per pound and ten per centum ad valorem.

30 June, 1864, c. 171, s. 3, v. 13, p. 203. Steel, in any form, not otherwise provided for: thirty per centum ad valorem: *Provided*, That no allowance or reduction of duties for partial loss or damage shall be hereafter made in consequence of rust of iron or steel or upon the manufactures of iron or steel, except on polished Russia sheet iron.

Cross-cut saws: ten cents per lineal foot.

On mill, pit, and drag saws, not over nine inches wide: twelve and a half cents per lineal foot; over nine inches wide: twenty cents per lineal foot.

Lead in sheets, pipes, or shot: two and three-quarters cents per pound.

Lead ore: one and a half cents per pound.

Lead in pigs and bars: two cents per pound.

Old scrap-lead, fit only to be remanufactured: one and one-half cents per pound.

Zinc, spelter, or tutenegue, manufactured in block or pigs: one and one-half cents per pound. Bruce *v.* Murphy. 10 Blach., 229.

Zinc, spelter, tutenegue in sheets: two and one-quarter cents per pound.

Tin in plates or sheets, terne and taggers' tin: fifteen per centum ad valorem. 6 June, 1872, c. 315, s. 4, v. 17, p. 232.

Iron and tin plates galvanized or coated with any metal by electric batteries: two cents per pound. 8 *Feb.*, 1875, *c.* 36, *s.* 4, *v.* 18, *p.* 308.

Iron and tin plates galvanized or coated with any metal otherwise than by electric batteries: two and one-half cents per pound.

Copper imported in the form of ores: three cents on each pound of fine copper contained therein. 24 Feb., 1869, c. 45, v. 5, p. 274.

Regulus of copper, and on all black or coarse copper: four cents on each pound of fine copper contained therein.

Old copper, fit only for remanufacture: four cents per pound.

Copper in plates, bars, ingots, pigs, and in other forms not manufactured or here enumerated: five cents per pound.

Copper in rolled plates called braziers' copper, sheets, rods, pipes, and copper bottoms, and all manufactures of copper, or of which copper shall be a component of chief value not otherwise provided for: forty-five per centum ad valorem.

Sheathing or yellow metal not wholly of copper, nor wholly nor in part of iron, ungalvanized, in sheets forty-eight inches long and fourteen inches wide, and weighing from fourteen to thirty-four ounces per square foot: three cents per pound. 8 *Feb.*, 1875, *c.* 36, *s.* 4, *v.* 18, *p.* 308.

Nickel: thirty cents per pound. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Nickel oxide and alloy of nickel with copper: twenty cents per pound.

Gold-leaf: one dollar and fifty cents per package of five hundred leaves; silver-leaf: seventy-five cents per package of five hundred leaves. 14 July, 1862, c. 163, s. 5, v. 12, p. 546.

Argentine, alabatta, or German silver, unmanufactured: thirty-five per centum ad valorem. 2 Mar., 1861, c. 68, s. 22, v. 12, p. 191.

Brass in bars or pigs, and old brass, fit only to be remanufactured: fifteen per centum ad valorem.

Dutch and bronze metal in leaf: ten per centum ad valorem.

Articles not otherwise provided for, made of gold, silver, German silver, or platina, or of which either of these metals shall be a component part: forty per centum ad valorem. 30 June, 1864, c. 171, s. 11, v. 15, p. 211.

Silver-plated metal, in sheets or other form: thirty-five per centum ad valorem. 2 Mar., 1861, c. 68, s. 22, v. 12, p. 190.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Manufactures, articles, vessels, and wares not otherwise provided for, of brass, iron, lead, pewter, and tin or other metal, (except gold, silver, platina, copper, and steel,) or of which either of these metals shall be the component material of chief value: thirty-five per centum ad valorem. 2 Mar., 1861, c. 68, s. 22, v. 12, p. 190. 2 Mar., 1861, c. 68, s. 20, v. 12, p. 189.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.—Myer et al. *v.* Arthur, 91 U. S., 570.

Metals, unmanufactured, not otherwise provided for: twenty per centum ad valorem. 2 Mar., 1861, c. 68, s. 10, v. 12, p. 183.

SCHEDULE F.—PROVISIONS.

Beef and pork: one cent per pound. 2 Mar., 1861, c. 68, s. 12, v. 12, p. 183.

Hams and bacon: two cents per pound.

Cheese: four cents per pound.

Wheat: twenty cents per bushel.

Butter: four cents per pound.

Lard: two cents per pound.

Rye and barley: fifteen cents per bushel.

Indian corn or maize: ten cents per bushel.

Oats: ten cents per bushel.

Fish: Mackerel, two dollars per barrel; herrings, pickled or salted, one dollar per barrel; pickled salmon, three dollars per barrel; all other fish pickled, in barrels, one dollar and fifty cents per barrel; all other foreign-caught fish imported otherwise than in barrels or half-barrels, or whether fresh, smoked, or dried, salted, or pickled, not otherwise provided for, fifty cents per one hundred pounds.

2 Mar., 1861, c. 68, s. 22, v. 12, p. 190. Salmon, preserved: thirty per centum ad valorem.

30 June, 1864, c. 171, s. 12, v. 12, p. 213. 8 *Feb.*, 1875, *c.* 36, *s.* 4, *v.* 18, *p.* 308. Anchovies and sardines, preserved in oil or otherwise: fifty per centum ad valorem.

2 Mar., 1861, c. 68, s. 22, v. 22, p. 190. Fish preserved in oil, except anchovies and sardines: thirty per centum ad valorem.

Ibid., s. 19. Corn-meal: ten per centum ad valorem.

2, Mar., 1861, c. 68, s. 19, v. 12, p. 187. Oat-meal: one-half cent per pound.

2 Mar., 1861, c. 68, s. 19, v. 12, p. 190. Rye-flour: ten per centum ad valorem.

30 June, 1864, c. 171, s. 13, v. 13, p. 213. 15 *Aug.*, 1876, *c.* 290, *v.* 19, p. 200. Rice: cleaned, two and a half cents per pound; on uncleaned, two cents per pound.

On paddy: one cent and one-half per pound.

2 Mar., 1861, c. 68, s. 22, v. 12, p. 190. 14 July, 1862, c. 163, s. 13, v. 12, p. 555. Capers, pickles, and sauces of all kinds, not otherwise provided for: thirty-five per centum ad valorem.

Catsup: forty per centum ad valorem.

14 July, 1862, c. 163, s. 6, v. 12, p. 549. 14 July, 1862, c. 163, s. 13, v. 12, p. 555.

6 June, 1872, c. 315, s. 4, v. 17, p. 232. Preserved or condensed milk: twenty per centum ad valorem.

Ibid., s. 1. Potatoes: fifteen cents per bushel.

2 Mar., 1861, c. 68, s. 19, v. 12, p. 187. Vegetables, not otherwise provided for: ten per centum ad valorem.

Ibid., s. 22. 14 July, 1862, c. 163, s. 13, v. 12, p. 555. Prepared vegetables, meats, fish, poultry, and game, sealed or unsealed, in cans or otherwise: thirty-five per centum ad valorem.

30 June, 1864, c. 171, s. 11, v. 13, p. 211. Vinegar: ten cents per gallon.

SCHEDULE G.—SUGARS.

22 Dec., 1870, c. 6, v. 16, p. 397. Sugar not above number seven, Dutch standard in color: one and three-quarters cents per pound.

Sugar above number seven, and not above number ten, Dutch standard in color: two cents per pound.

Sugar above number ten, and not above number thirteen, Dutch standard in color: two and one-quarter cents per pound.

Sugar above number thirteen, and not above number sixteen, Dutch standard in color: two and three-quarters cents per pound.

Sugar above number sixteen, and not above number twenty, Dutch standard in color: three and one-quarter cents per pound.

30 June, 1864, c. 171, s. 1, v. 13, p. 202. 3 *Mar.*, 1875, *c.* 127, *s.* 3, *v.* 18, *p.* 340. 15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200. Sugar above number twenty, Dutch standard in color, and on all refined loaf, lump, crushed, powdered, and granulated sugar: four cents per pound. But sirup of sugar, sirup of sugar-cane juice, melado, concentrated melado, or concentrated molasses, entered under the name of molasses, shall be forfeited to the United States.

Sugar-candy, not colored: ten cents per pound.

All other confectionery, not otherwise provided for, made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, valued at thirty cents per pound or less: fifteen cents per pound.

Confectionery valued above thirty cents per pound, or when sold by the box, package, or otherwise than by the pound: fifty per centum ad valorem.

Molasses: five cents per gallon.

Tank-bottoms, sirup of sugar-cane juice, melado, concentrated melado, and concentrated molasses: one and one-half cents per pound. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

SCHEDULE H.—SILKS AND SILK GOODS.

Silk in the gum not more advanced than singles, tram, and thrown or organzine: thirty-five per centum ad valorem. 30 June, 1864, c. 171, s. 8, v. 13, p. 210.

8 *Feb.*, 1875, *c.* 36, *r.* 18, *p.* 307.

Spun silk for filling in skeins or cops: thirty-five per centum ad valorem. 3 Mar., 1865, c. 80, s. 2, v. 13, p. 492.

Floss-silks: thirty-five per centum ad valorem.

Sewing-silk in the gum or purified: forty per centum ad valorem. 30 June, 1864, c. 171, s. 8, v. 13, p. 210.

Silk twist, twist composed of mohair and silk: forty per centum ad valorem. Chapin *v.* Smythe, 11 Blatch., 120.

Dress and piece silks, ribbons, and silk-velvets, or velvets of which silk is the component material of chief value: sixty per centum ad valorem.

Silk vestings, pongees, shawls, scarfs, mantillas, pelerines, handkerchiefs, veils, laces, shirts, drawers, bonnets, hats, caps, turbans, chemisettes, hose, mitts, aprons, stockings, gloves, suspenders, watch-chains, webbing, braids, fringes, galloons, tassels, cords, and trimmings, and ready-made clothing of silk, or of which silk is a component material of chief value: sixty per centum ad valorem. 3 Mar., 1865, c. 80, s. 3, v. 13, p. 493. Davies *v.* Arthur, 13 Blatch., 34. Morrison *v.* Arthur, 13 Blatch., 194.

Buttons and ornaments for dresses and outside garments made of silk, or of which silk is the component material of chief value, and containing no wool, worsted, or goats' hair: fifty per centum ad valorem. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Manufactures of silk, or of which silk is the component material of chief value, not otherwise provided for: fifty per centum ad valorem. 30 June, 1864, c. 171, s. 8, v. 13, p. 210.

Smythe *v.* Fiske, 23 Wall., 374.

SCHEDULE I.—SPICES.

Pimento and black, white, and red or cayenne pepper: five cents per pound. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Ground pimento and ground pepper of all kinds: ten cents per pound.

Cinnamon: twenty cents per pound.

Mace: twenty-five cents per pound.

Nutmegs: twenty cents per pound.

Cloves: five cents per pound.

Clove-stems: three cents per pound.

Cassia and cassia vera: ten cents per pound.

Cassia buds and ground cassia: twenty cents per pound.

All other spices: twenty cents per pound; ground or prepared: thirty cents per pound.

Ginger, ground: three cents per pound.

Ginger, preserved or pickled: thirty-five per centum ad valorem. 6 June, 1872, c. 315, s. 1, v. 17, p. 230.

Essence of ginger: thirty-five per centum ad valorem.

SCHEDULE J.—TOBACCO.

Cigars, cigarettes, and cheroots of all kinds: two dollars and fifty cents per pound, and, in addition thereto, twenty-five per centum ad valorem. But paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars. 28 July, 1866, c. 298, s. 1, v. 14, p. 328.

Tobacco in leaf, unmanufactured and not stemmed: thirty-five cents per pound. 30 June, 1864, c. 171, s. 2, v. 13, p. 202.

Tobacco stems: fifteen cents per pound. 3 Mar., 1865, c. 80, s. 3, v. 13, p. 493.

Tobacco manufactured, of all descriptions, and stemmed tobacco not otherwise provided for: fifty cents per pound. 30 June, 1864, c. 171, s. 2, v. 13, p. 202.

30 June, 1864, c. 171, s. 2, v. 13, p. 202.

Snuff and snuff-flour, manufactured of tobacco, ground, dry, or damp, and pickled, scented, or otherwise, of all descriptions: fifty cents per pound.

Unmanufactured tobacco, not otherwise provided for: thirty per centum ad valorem.

SCHEDULE K.—WOOD.

6 June, 1872, c. 315, s. 1, v. 17, p. 230.

Timber, hewn or sawed; timber used in building wharves, and spars: twenty per centum ad valorem.

Timber, squared or sided, not otherwise provided for: one cent per cubic foot.

Sawed boards, plank, deals, and other lumber of hemlock, white-wood, sycamore, and bass-wood: one dollar per thousand feet, board-measure.

All other varieties of sawed lumber: two dollars per thousand feet, board-measure. But when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid, for each side so planed or finished, fifty cents per thousand feet; and if planed on one side and tongued and grooved, one dollar per thousand feet; and if planed on two sides and tongued and grooved, one dollar and fifty cents per thousand feet.

Hubs for wheels, posts, last-blocks, wagon-blocks, oar-blocks, gun-blocks, heading-blocks, and all like blocks or sticks, rough-hewn or sawed only: twenty per centum ad valorem.

Staves for pipes, hogsheads, and other casks: ten per centum ad valorem.

Staves not otherwise provided for: twenty per centum ad valorem.

Pickets and palings: twenty per centum ad valorem.

Laths: fifteen cents per thousand pieces.

Shingles: thirty-five cents per thousand.

Pine clapboards: two dollars per thousand.

Spruce clapboards: one dollar and fifty cents per thousand.

House or cabinet furniture, in pieces or rough, and not finished: thirty per centum ad valorem.

Cabinet wares and house furniture, finished: thirty-five per centum ad valorem.

6 June, 1872, c. 315, s. 1, v. 17, p. 230.

Casks and barrels, empty, sugar-box shooks, and packing-boxes of wood, not otherwise provided for: thirty per centum ad valorem.

8 *Feb.*, 1875, c. 36, *s.* 9, *c.* 18, *p.* 309. 2 Mar., 1861, c. 68, s. 22, v. 12, p. 190.

Manufactures of cedar-wood, granadilla, ebony, mahogany, rose-wood, and satin-wood: thirty-five per centum ad valorem; manufactures of wood, or of which wood is the chief component part, not otherwise provided for: thirty-five per centum ad valorem.

2 Mar., 1861, c. 68, s. 20, v. 12, p. 189.

Wood unmanufactured, not otherwise provided for: twenty per centum ad valorem.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

SCHEDULE L.—WOOL AND WOOLEN GOODS.

2 Mar., 1867, c. 197, s. 1, v. 14, p. 559.

All wools, hair of the alpaca, goat, and other like animals, shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

Saxonville Mills *v.* Russell, 1 Lowell, 450.

CLASS 1.—CLOTHING-WOOL.

22 Mar., 1867, Res. No. 8, v. 15, p. 21.

That is to say, merino, mestiza, metz or metis wools, or other wools of merino blood, immediate or remote; down clothing-wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes two and three.

CLASS 2.—COMBING-WOOLS.

That is to say, Leicester, Cotswold, Lincolnshire, down combing-wools, Canada long wools, or other like combing-wools of English blood, and usually known by the terms herein used; and also all hair of the alpaca, goat, and other like animals. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

CLASS 3.—CARPET-WOOLS AND OTHER SIMILAR WOOLS.

Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere. The duty upon wool of the first class which shall be imported washed, shall be twice the amount of the duty to which it would be subjected, if imported unwashed.

And the duty upon wool of all classes which shall be imported scoured shall be three times the duty to which it would be subject if imported unwashed. And the duty upon wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than the ordinary condition as now and heretofore practiced, or which shall be changed in its character or condition, for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt, or any other foreign substance, shall be twice the duty to which it would be otherwise subject. 2 Mar., 1867, c. 197, s. 1, v. 14, p. 559.

Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound: ten cents per pound, and, in addition thereto, eleven per centum ad valorem. Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound: twelve cents per pound, and, in addition thereto, ten per centum ad valorem. Ibid.

Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound: ten cents per pound, and, in addition thereto, eleven per centum ad valorem. 2 Mar., 1867, c. 197, s. 1, v. 14, p. 559.

Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound: twelve cents per pound, and, in addition thereto, ten per centum ad valorem.

Wools of the third class, the value whereof at the last port or place whence exported into the United States, excluding charges in such port, shall be twelve cents or less per pound: three cents per pound.

Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed twelve cents per pound: six cents per pound.

Wools on the skin: the same rates as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Sheep-skins and Angora goat skins, raw or unmanufactured, imported with the wool on, washed or unwashed: thirty per centum ad valorem on the skins alone.

Woolen rags, shoddy, mungo, waste, and flocks: twelve cents per pound. 2 Mar., 1867, c. 197, s. 1, v. 14, p. 559.

Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not herein otherwise provided for: fifty cents per pound, and, in addition thereto, thirty-five per centum ad valorem. 2 Mar., 1867, c. 197, s. 1, v. 14, p. 559.

Flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise pro- 2 Mar., 1867, c. 197, s. 2, v. 14, p. 561.

vided for, valued at not exceeding forty cents per pound: twenty cents per pound; valued at above forty cents per pound and not exceeding sixty cents per pound: thirty cents per pound; valued at above sixty cents per pound and not exceeding eighty cents per pound: forty cents per pound; valued at above eighty cents per pound: fifty cents per pound; and, in addition thereto, upon all the above-named articles: thirty-five per centum ad valorem.

Endless belts or felts for paper or printing machines: twenty cents per pound and thirty-five per centum ad valorem.

Bunting: twenty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Women's and children's dress-goods and real or imitation Italian cloths, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, valued at not exceeding twenty cents per square yard: six cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; valued at above twenty cents per square yard: eight cents per square yard, and, in addition thereto, forty per centum ad valorem. But on all goods weighing four ounces and over per square yard, the duty shall be fifty cents per pound, and, in addition thereto, thirty-five per centum ad valorem.

Clothing ready made, and wearing apparel of every description, and balmoral skirts and skirting, and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods: fifty cents per pound, and, in addition thereto, forty per centum ad valorem.

2 Mar., 1867, c. 197, s. 2, v. 14, p. 561.
29 Mar., 1867, Res. No. 19, v. 15, p. 24.

Webbings, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, or mohair, or of which wool, worsted, or mohair is a component material: fifty cents per pound, and, in addition thereto, fifty per centum ad valorem.

2 Mar., 1867, c. 197, s. 2, v. 14, p. 561.

Aubusson and Axminster carpets, and carpets woven whole for rooms: fifty per centum ad valorem.

Saxony, Wilton, and Tornay velvet carpets, wrought by the Jacquard machine: seventy cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Brussels carpets, wrought by the Jacquard machine: forty-four cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Patent velvet and tapestry velvet carpets, printed on the warp or otherwise: forty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Tapestry Brussels carpets printed on the warp or otherwise: twenty-eight cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Treble ingrain, three-ply, and worsted chain Venetian carpets: seventeen cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Yarn Venetian and two-ply ingrain carpets: twelve cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Druggets and bockings, printed, colored, or otherwise: twenty-five cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Hemp or jute carpeting: eight cents per square yard.

Carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified: forty per centum ad valorem. And mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpetings shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and rugs, shall be forty-five per centum ad valorem.

Oil-cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, thirty-five per centum ad valorem; valued at over fifty cents per square yard, and on all other oil-cloth, (except silk oil-cloth,) and on water-proof cloth, not otherwise provided for, forty-five per centum ad valorem. 2 Mar., 1867, c. 197, s. 2, v. 14, p. 561.

Oil-silk cloth: sixty per centum ad valorem.

SCHEDULE M.—SUNDRIES.

Acetates.—Of ammonia, twenty-five cents per pound; baryta, twenty-five cents per pound; copper, ten cents per pound; iron, twenty-five cents per pound; lead, brown, five cents per pound; white, ten cents per pound; lime, twenty-five per centum ad valorem; magnesia, fifty cents per pound; potassa, twenty-five cents per pound; soda, twenty-five cents per pound; strontia, twenty-five cents per pound; zinc, twenty-five cents per pound. 2 Mar., 1861, c. 68, ss. 9, 15, 19, 20, 21, 22, v. 12, pp. 182, 186, 187, 189, 190. 5 Aug., 1861, c. 45, ss. 1, 2, v. 12, p. 292.

Acids.—Acetic, acetous, and pyroligneous of specific gravity of 1.047, or less, five cents per pound; acetic, acetous, and pyroligneous of specific gravity over 1.047, thirty cents per pound; benzoic, ten per centum ad valorem; carbolic, liquid, ten per centum ad valorem; chromic, fifteen per centum ad valorem; citric, ten cents per pound; gallic, one dollar per pound; nitric, ten per centum ad valorem; sulphuric, fuming, (Nordhausen,) one cent per pound; tannic, one dollar per pound; tartaric, fifteen cents per pound; and all other acids of every description used for medicinal purposes, or in the fine arts, not otherwise provided for, ten per centum ad valorem. 14 July, 1862, c. 163, ss. 5, 6, 7, 8, 13, v. 12, pp. 546, 549, 550, 555. 3 Mar., 1863, c. 77, s. 7, v. 12, p. 742. 30 June, 1864, c. 171, ss. 10, 11, 12, 13, v. 13, pp. 211, 213, 214. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Acorn, and dandelion root, raw or prepared, and all other articles used or intended to be used as coffee or a substitute for coffee, not otherwise provided for: three cents per pound. 6 June, 1872, c. 315, ss. 1, 4, v. 17, pp. 230, 232.

Alabaster and spar ornaments: thirty per centum ad valorem.

Albata, unmanufactured: thirty-five per centum ad valorem.

Almonds: six cents per pound; shelled: ten cents per pound.

Alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake: sixty cents per one hundred pounds.

Ammonia.—Ammonia, and sulphate and carbonate of ammonia: twenty per centum ad valorem; sal ammonia and muriate of ammonia: ten per centum ad valorem.

Animals, live: twenty per centum ad valorem.

Antimony, crude, and regulus of: ten per centum ad valorem.

Argols, (other than crude:) six cents per pound.

Asbestos, manufactured: twenty-five per centum ad valorem.

Arrowroot: thirty per centum ad valorem. 15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.

Asphaltum: twenty-five per centum ad valorem.

Assafœtida: twenty per centum ad valorem.

Balsams, used for medicinal purposes, not otherwise provided for: thirty per centum ad valorem.

Barley, pearl or hulled: one cent per pound.

Barytes, and sulphate of: one-half cent per pound; nitrate of: twenty per centum ad valorem.

Baskets, and all other articles composed of grass, osier, palm-leaf, whalebone, or willow, not otherwise provided for: thirty-five per centum ad valorem; composed of straw: thirty-five per centum ad valorem.

Bay-rum or bay-water, whether distilled or compounded: one dollar per gallon of first proof, and in proportion for any greater strength than first proof.

All beads and bead ornaments, except amber: fifty per centum ad valorem.

Bees-wax: twenty per centum ad valorem.

Benzoates: thirty per centum ad valorem.

Billiard-chalk: fifty per centum ad valorem.

Black of bone, or ivory drop black: twenty-five per centum ad valorem.

Blacking of all descriptions: thirty per centum ad valorem.

Bladders, manufactures of: thirty per centum ad valorem.

Manufactures of bones, horn, ivory, or vegetable ivory: thirty-five per centum ad valorem.

Bonnets, hats, and hoods, for men, women, and children, composed of chip, grass, palm-leaf, willow, or any other vegetable substance, hair, whalebone, or other material, not otherwise provided for: forty per centum ad valorem; composed of straw: forty per centum ad valorem.

Books, periodicals, pamphlets, blank-books, bound or unbound, and all printed matter, engravings, bound or unbound, illustrated books and papers, and maps and charts: twenty-five per centum ad valorem.

Borax, refined: ten cents per pound.

Bouillons or cannetille, and metal threads, filé or gespinst: twenty-five per centum ad valorem.

Brick, fire-brick, and roofing and paving-tile, not otherwise provided for: twenty per centum ad valorem.

Brimstone, in rolls, or refined: ten dollars per ton.

Stade *v.* Arthur, 13 Blatch., 251.

Bristles: fifteen cents per pound.

Britannia ware: thirty-five per centum ad valorem.

Bronze liquor: ten per centum ad valorem.

Bronze powder: twenty per centum ad valorem.

Brooms of all kinds: thirty-five per centum ad valorem.

Brushes of all kinds: forty per centum ad valorem.

Bulbous roots, not otherwise provided for: thirty per centum ad valorem.

Burning-fluid: fifty cents per gallon.

Burr-stones, manufactured or bound up into millstones: twenty per centum ad valorem.

Buttons and button-molds, not otherwise provided for: thirty per centum ad valorem.

Calomel: thirty per centum ad valorem.

Camphor, refined: five cents per pound.

Candles and tapers, stearine and adamantine: five cents per pound; spermaceti, paraffine, and wax candles and tapers, pure or mixed: eight cents per pound; all other candles and tapers: two and one-half cents per pound.

Canes and sticks for walking, finished or unfinished: thirty-five per centum ad valorem.

Card-cases, pocket-books, shell-boxes, souvenirs, and all similar articles of whatever material composed: thirty-five per centum ad valorem.

Carriages and parts of carriages: thirty-five per centum ad valorem.

Castor beans or seeds, per bushel of fifty pounds: sixty cents.

Chiccory-root, ground or unground: one cent per pound.

Chiccory-root, burnt or prepared: five cents per pound.

Chloroform: one dollar per pound.

Chocolate: five cents per pound.

Chronometers, box or ship's, and parts thereof: ten per centum ad valorem.

Clocks, and parts of clocks: thirty-five per centum ad valorem.

Clothing, ready-made, and wearing-apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up, or made wholly or in part by hand, not otherwise provided for: thirty-five per centum ad valorem.

Coach and harness furniture of all kinds, saddlery, coach, and harness hardware, silver plated, brass, brass plated or covered, common tinned, burnished or japanned, not otherwise provided for: thirty-five per centum ad valorem.

Slack coal or culm, such as will pass through a half-inch screen: forty

cents per ton of twenty-eight bushels, eighty pounds to the bushel; bituminous coal, and shale: seventy-five cents per ton of twenty-eight bushels, eighty pounds to the bushel.

Cobalt, oxide of: twenty per centum ad valorem.

Cocoa, prepared or manufactured: two cents per pound.

Coke: twenty-five per centum ad valorem.

Collodion and ethers of all kinds, not otherwise provided for, and etherial preparations or extracts, fluid: one dollar per pound.

Coloring for brandy: fifty per centum ad valorem.

Combs of all kinds: thirty-five per centum ad valorem.

Comfits, sweetmeats, or fruits preserved in sugar, brandy, or molasses, not otherwise provided for: thirty-five per centum ad valorem.

Compositions of glass or paste, when set: thirty per centum ad valorem; when not set: ten per centum ad valorem.

Composition tops for tables, or other articles of furniture: thirty-five per centum ad valorem.

Copperas, green vitriol, or sulphate of iron: one-half of one cent per pound.

Coral, cut or manufactured: thirty per centum ad valorem.

Corks and cork-bark, manufactured: thirty per centum ad valorem.

Corsets, or manufactured cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for corsets, when valued at six dollars per dozen or less: two dollars per dozen; when valued over six dollars per dozen: thirty-five per centum ad valorem.

Court-plaster: thirty-five per centum ad valorem.

Crayons of all kinds: thirty per centum ad valorem.

Cream tartar: ten cents per pound.

Cutlery of all kinds: thirty-five per centum ad valorem.

Currants, Zante, or other: one cent per pound.

Dates and prunes: one cent per pound.

Dolls: thirty-five per centum ad valorem.

Dried pulp: twenty per centum ad valorem.

Drugs, medicinal and other, crude, not otherwise provided for: twenty per centum ad valorem.

Embroidery.—Manufactures of cotton, linen or silk, if embroidered or tamboured, in the loom or otherwise, by machinery or with the needle, or other process, not otherwise provided for: thirty-five per centum ad valorem; articles embroidered with gold and silver or other metal: thirty-five per centum ad valorem.

Emery-grains: two cents per pound; emery-ore: six dollars per ton.

Emery, manufactured, ground, or pulverized, one cent per pound.

Encaustic tiles: thirty-five per centum ad valorem.

Epaulets, galloons, laces, knots, stars, tassels, tresses, and wings of gold, silver, or other metal: thirty-five per centum ad valorem.

Essences, extracts, toilet-waters, cosmetics, hair-oils, pomades, hair-dressings, hair-restoratives, hair-dyes, tooth-washes, dentifrice, tooth-pastes, aromatic cachous, or other perfumeries or cosmetics, by whatsoever name or names known, used or applied as perfumes or applications to the hair, mouth, or skin: fifty per centum ad valorem; cologne-water and other perfumery, of which alcohol forms the principal ingredient: three dollars per gallon, and fifty per centum ad valorem; rum essence or oil, and bay-rum essence or oil: fifty cents per ounce.

Eyelets of every description: six cents per thousand.

Fans and fire-screens of every description, except common palm-leaf fans, of whatever material composed: thirty-five per centum ad valorem.

Feathers: ostrich, vulture, cock, and other ornamental, crude or not dressed, colored or manufactured: twenty-five per centum ad valorem; when dressed, colored, or manufactured: fifty per centum ad valorem. Artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not otherwise provided for: fifty per centum ad valorem.

Feather beds: twenty per centum ad valorem.

Feldspar: twenty per centum ad valorem.

Figs: two and one-half cents per pound.

Filberts and walnuts, of all kinds: three cents per pound.

Finishing-powder: twenty per centum ad valorem.

Fire-crackers: one dollar per box of forty packs, not exceeding eighty to each pack, and in the same proportion for any greater or less number.

Fire-crackers, not otherwise provided for: thirty per centum ad valorem.

Fish-skins: twenty per centum ad valorem.

Fruit ethers, essences or oils of apple, pear, peach, apricot, strawberry, and raspberry, made of fusel-oil or of fruit, or imitations thereof: two dollars and fifty cents per pound.

Fruits.—Oranges, lemons, pine-apples, and grapes: twenty per centum ad valorem; limes, bananas, plantains, shaddocks, mangoes, ten per centum ad valorem. But no allowance shall be made for loss by decay on the voyage, unless the loss shall exceed twenty-five per centum of the quantity, and the allowance then made shall be only for the amount of loss in excess of twenty-five per centum of the whole quantity. Green, ripe, or dried, not otherwise provided for: ten per centum ad valorem; preserved in their own juice, and fruit-juice: twenty-five per centum ad valorem.

Fulminates, fulminating-powders, and all articles used for like purposes, not otherwise provided for: thirty per centum ad valorem.

Fur, articles made of: Caps, hats, muffs, and tippets of fur, and all other manufactures of fur, or of which fur shall be a component material: thirty-five per centum ad valorem.

Fusel-oil, or amylic alcohol: two dollars per gallon.

Gelatine, and all similar preparations, not otherwise provided for: thirty-five per centum ad valorem.

Glass plates or disks, unwrought, for optical instruments: ten per centum ad valorem.

Gloves, kid or other leather, of all descriptions, for men's, women's or children's wear: fifty per centum ad valorem.

Glue: twenty per centum ad valorem.

Glycerine: thirty per centum ad valorem.

Grease, all not specified: ten per centum ad valorem.

Grindstones, rough or unfinished: one dollar and fifty cents per ton: finished: two dollars per ton.

Gum substitute, or burnt starch: ten per centum ad valorem.

8 *Feb.*, 1875, *c.* 36, *s.* 10, *v.* 18, *p.* 309. 15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.

Gunpowder and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound: six cents per pound, and, in addition thereto, twenty per centum ad valorem; valued above twenty cents per pound: ten cents per pound, and, in addition thereto, twenty per centum ad valorem.

Gutta-percha, manufactured: forty per centum ad valorem.

Hair.—Bracelets, braids, chains, curls, or ringlets, composed of hair, or of which hair is a component material: thirty-five per centum ad valorem; curled hair, except hair of hogs, used for beds or mattresses: thirty per centum ad valorem; hair of hogs: one cent per pound; human hair, raw, uncleaned, and not drawn: twenty per centum ad valorem; when cleaned or drawn, but not manufactured: thirty per centum ad valorem; when manufactured: forty per centum ad valorem; hair of all kinds, cleaned, but unmanufactured, not otherwise provided for: ten per centum ad valorem.

Hair-cloth known as "crinoline-cloth," and all other manufactures of hair, not otherwise provided for: thirty per centum ad valorem; of the description known as "hair-seating," eighteen inches wide or over: forty cents per square yard; less than eighteen inches wide: thirty cents per square yard.

Hair-pencils: thirty-five per centum ad valorem.

Hair-pins, made of iron wire: fifty per centum ad valorem.

Hat-bodies of cotton: thirty-five per centum ad valorem.

Hats, &c., materials for.—Braids, plaits, flats, laces, trimmings, tissues,

willow sheets and squares, used for making or ornamenting hats, bonnets, and hoods, composed of straw, chip, grass, palm-leaf, willow, or any other vegetable substance, or of hair, whalebone, or other material, not otherwise provided for: thirty per centum ad valorem.

Hatters' furs not on the skin, and dressed furs on the skin: twenty per centum ad valorem.

Hatters' plush, composed of silk and cotton, but of which cotton is the component material of chief value: twenty-five per centum ad valorem.

Hempseed and rapeseed, and other oil-seeds of like character other than linseed or flaxseed: one-half cent per pound.

Hoffman's anodyne and spirits of nitric ether: fifty cents per pound.

Honey: twenty cents per gallon.

Hops: five cents per pound. 8 *Feb.*, 1875, *c.* 36, *s.* 4, *v.* 18, *p.* 308.

India rubber and silk, manufactures of, or manufactures of India rubber and silk and other materials: fifty per centum ad valorem.

India rubber, articles composed of.—Braces, suspenders, webbing, or other fabrics, composed wholly or in part of India rubber, not otherwise provided for: thirty-five per centum ad valorem.

Articles composed wholly of India rubber, not otherwise provided for: twenty-five per centum ad valorem.

India rubber boots and shoes: thirty per centum ad valorem.

Ink, printers' ink, and ink-powders: thirty-five per centum ad valorem.

Insulators for use exclusively in telegraphy, except those made of glass: twenty-five per centum ad valorem.

Iodine, salts of: fifteen per centum ad valorem; resublimed: seventy-five cents per pound.

Ivory or bone dice, draughts, chess-men, chess-balls, and bagatelle-balls: fifty per centum ad valorem.

Japanned ware of all kinds, not otherwise provided for: forty per centum ad valorem.

Jellies of all kinds: fifty per centum ad valorem.

Jet, manufactures and imitations of: thirty-five per centum ad valorem.

Lead, nitrate of: three cents per pound.

Leather.—Bend or belting-leather, and Spanish or other sole-leather: fifteen per centum ad valorem; calf-skins, tanned, or tanned and dressed: twenty-five per centum ad valorem; upper-leather of all other kinds, and skins dressed and finished of all kinds, not otherwise provided for: twenty per centum ad valorem; skins for morocco, tanned, but unfinished: ten per centum ad valorem; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for: thirty-five per centum ad valorem.

Leather and skins, japanned, patent or enameled: thirty-five per centum ad valorem.

All leather and skins, tanned, not otherwise provided for: twenty-five per centum ad valorem.

Lemon and lime-juice: ten per centum ad valorem.

Licorice-paste, or licorice in rolls: ten cents per pound.

Licorice-juice: five cents per pound.

Lime: ten per centum ad valorem.

Linseed or flaxseed: twenty cents per bushel of fifty-six pounds weight. But no drawback shall be allowed on oil-cake made from imported seed.

Magnesia, carbonate: six cents per pound; calcined, twelve cents per pound.

Malt: twenty per centum ad valorem.

Marble.—Marble, white statuary, brocatella, sienna, and verd-antique, in block, rough or squared: one dollar per cubic foot, and, in addition thereto, twenty-five per centum ad valorem; veined marble and marble of all other descriptions, not otherwise provided for, in block, rough or squared: fifty cents per cubic foot, and, in addition thereto, twenty per centum ad valorem; sawed, dressed, or polished marble, marble slabs, and marble paving-tiles: thirty per centum ad valorem, and, in addition, twenty-five cents per superficial square foot not exceeding two inches in

thickness. If more than two inches in thickness, ten cents per foot, in addition to the above rate, for each inch or fractional part thereof in excess of two inches in thickness, but if exceeding six inches in thickness, such marble shall be subject to the duty imposed upon marble blocks. All manufactures of marble not otherwise provided for: fifty per centum ad valorem.

Mats of cocoa-nut: thirty per centum ad valorem.

Matting, China, and other floor-matting, and mats made of flags, jute, or grass: thirty per centum ad valorem. Cocoa or coir: twenty-five per centum ad valorem.

Medicinal preparations not otherwise provided for: forty per centum ad valorem.

Mercurial preparations not otherwise provided for: twenty per centum ad valorem.

Mineral and bituminous substances in a crude state not otherwise provided for: twenty per centum ad valorem.

Mineral kermes: ten per centum ad valorem.

Mineral or medicinal waters, artificial, for each bottle or jug containing not more than one quart: three cents, and, in addition thereto, twenty five per centum ad valorem; containing more than one quart: three cents for each additional quart, or fractional part thereof, and, in addition thereto, twenty-five per centum ad valorem. Otherwise than in bottles, thirty per centum ad valorem.

Morphia, and all salts of morphia: one dollar per ounce.

Music, printed with lines, bound or unbound: twenty per centum ad valorem.

Musical instruments of all kinds: thirty per centum ad valorem.

Muskets, rifles, and other fire-arms: thirty-five per centum ad valorem.

Mustard, ground, in bulk: ten cents per pound; when inclosed in glass or tin: fourteen cents per pound.

Needles, sewing, darning, knitting, and all other descriptions not otherwise provided for: twenty-five per centum ad valorem.

Nuts of all kinds, not otherwise provided for: two cents per pound.

8 *Feb.*, 1875, *c.* 36, *s.* 4, *v.* 18, *p.* 308. 15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.

Oils.—Illuminating, and naphtha, benzine, and benzole, refined or produced from the distillation of coal, asphaltum, shale, peat, petroleum or rock-oil, or other bituminous substances used for like purposes: forty cents per gallon; coal-oil, crude: fifteen cents per gallon; crude petroleum or rock-oil: twenty cents per gallon; croton: one dollar per pound; olive, in flasks or bottles, and salad: one dollar per gallon; castor: one dollar per gallon; cloves: two dollars per pound; cognac or œnanthic ether: four dollars per ounce; linseed or flaxseed: thirty cents per gallon, seven pounds and a half of weight to be estimated as a gallon; hempseed and rapeseed: twenty-three cents per gallon; neat's-foot, and all animal, whale, seal, and fish oils: twenty per centum ad valorem; cotton-seed: thirty cents per gallon; cenne: thirty cents per gallon.

Oils, essential or essence.—Bay-leaves: seventeen dollars and fifty cents per pound; cubebs: one dollar per pound; lemons: fifty cents per pound; orange: fifty cents per pound; all other essential oils, not otherwise provided for: fifty per centum ad valorem.

Oils, fixed or expressed.—Bay or laurel: twenty cents per pound; olive, not salad: twenty-five cents per gallon; mustard, not salad: twenty-five cents per gallon; oils expressed, not otherwise provided for: twenty per centum ad valorem.

Opium: one dollar per pound; prepared for smoking, and all other preparations of opium not otherwise provided for: six dollars per pound. But opium prepared for smoking, and other preparations of opium, deposited in bonded warehouse, shall not be removed therefrom for exportation without payment of duties, and such duties shall not be refunded.

Osier or willow, prepared for basket-makers' use: thirty per centum ad valorem.

Paintings and statuary, not otherwise provided for: ten per centum ad valorem. But the term "statuary," as used in the laws now in force

imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

Paints and dyes.—Aniline dyes and colors, by whatever name known: fifty cents per pound, and thirty-five per centum ad valorem.

Blanc-fixe, enameled white, satin-white, lime-white, and all combinations of barytes with acids or water: three cents per pound; carmine lake, dry or liquid: thirty-five per centum ad valorem.

French green, Paris green, mineral green, mineral blue, and Prussian blue, dry or moist: thirty per centum ad valorem.

Indian red: twenty-five per centum ad valorem.

Indigo, extract of: ten per centum ad valorem; carmined: twenty per centum ad valorem.

Iron liquor: ten per centum ad valorem.

Lamp-black: twenty per centum ad valorem.

Lastings, mohair cloth, silk twist, or other manufactures of cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for buttons exclusively, not combined with India rubber: ten per centum ad valorem. 8 *Feb.*, 1875, *c.* 36, *v.* 18, *p.* 307.

Lead, white or red, and litharge, dry or ground in oil: three cents per pound.

Logwood, and other dye-woods, extracts and decoctions of: ten per centum ad valorem.

Ochers and ochery earths, not otherwise provided for, when dry: fifty cents per one hundred pounds; when ground in oil: one dollar and fifty cents per one hundred pounds; Spanish brown: twenty-five per centum ad valorem.

Sumac: ten per centum ad valorem.

Ultramarine: six cents per pound.

Umber: fifty cents per one hundred pounds.

Vandyke brown: twenty per centum ad valorem.

Water-colors: thirty-five per centum ad valorem.

Wood lake, Venetian red, vermillion, chrome-yellow, rose-pink, Dutch pink, and paints and painters' colors, (except white and red lead and oxide of zinc,) dry or ground in oil, and moist water-colors used in the manufacture of paper-hangings and colored papers and cards, not otherwise provided for: twenty-five per centum ad valorem.

Zinc, oxide of, dry or ground in oil: one and three-fourths cents per pound.

Paper.—Sized or glued, suitable only for printing paper: twenty-five per centum ad valorem; printing, unsized, used for books and newspapers exclusively: twenty per centum ad valorem; manufactured of, or of which paper is a component material, not otherwise provided for: thirty-five per centum ad valorem; sheathing paper: ten per centum ad valorem.

Paper boxes, and all other fancy boxes: thirty-five per centum ad valorem.

Paper envelopes: thirty-five per centum ad valorem.

Paper-hangings and paper for screens or fire-boards; paper, antiquarian, demy, drawing, elephant, foolscap, imperial letter, and all other paper not otherwise provided for: thirty-five per centum ad valorem.

Papier maché, manufactures, articles, and wares of: thirty-five per centum ad valorem.

Paraffine: ten cents per pound.

Parchment: thirty per centum ad valorem.

Patent size: twenty per centum ad valorem.

Paving-stones not otherwise provided for: ten per centum ad valorem.

Pea-nuts or ground beans: one cent per pound: shelled one and a half cents per pound.

Pencils of wood, filled with lead or other materials: fifty cents per gross, and, in addition thereto, thirty per centum ad valorem.

Pencils, lead, not in wood: one dollar per gross.

Pens, metallic: ten cents per gross, and, in addition thereto, twenty-five per centum ad valorem.

Pen-tips and pen-holders, or parts thereof: thirty-five per centum ad valorem.

Percussion-caps: forty per centum ad valorem.

Philosophical apparatus and instruments: forty per centum ad valorem: *Provided*, That any philosophical apparatus and instruments imported for the use of any society incorporated for religious purposes, are subject to a duty of fifteen per centum ad valorem.

Pins, solid-head or other: thirty-five per centum ad valorem.

Pipe-cases, pipe-stems, tips, mouth-pieces, and metallic mountings for pipes, and all other parts of pipes or pipe fixtures, and all smokers' articles: seventy-five per centum ad valorem.

Pipes and pipe-bowls.—Meerschaum, wood, porcelain, lava, and all other tobacco-smoking pipes and pipe-bowls, not otherwise provided for: one dollar and fifty cents per gross, and, in addition thereto, seventy-five per centum ad valorem; pipes, clay, common or white: thirty-five per centum ad valorem.

Pitch: twenty per centum ad valorem.

15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.

Plants.—Fruit, shade, lawn, and ornamental trees, shrubs, plants, and flower-seeds, not otherwise provided for; garden seeds, and all other seeds for agricultural and horticultural purposes, not otherwise provided for: twenty per centum ad valorem.

Plaster of Paris, when ground or calcined: twenty per centum ad valorem.

Plated and gilt ware of all kinds: thirty-five per centum ad valorem.

Plates, engraved, of steel: twenty-five per centum ad valorem; of wood or other material: twenty-five per centum ad valorem.

Playing-cards, costing not over twenty-five cents per pack: twenty-five cents per pack; costing over twenty-five cents per pack: thirty-five cents per pack.

Plums: two and one-half cents per pound.

Polishing-powders of all descriptions, Frankfort black, and Berlin, Chinese, fig, and wash blue: twenty-five per centum ad valorem.

8 *Feb.*, 1875, *c.* 36, *s.* 4, *v.* 18, *p.* 308.

Potash.—Bichromate of: three cents per pound; chlorate and chromate of: three cents per pound; hydriodate, iodate, iodide: seventy-five cents per pound; acetate: twenty-five cents per pound; prussiate, yellow: five cents per pound; prussiate, red: ten cents per pound.

Precious stones and jewelry.—Diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, when not set: ten per centum ad valorem; when set in gold, silver, or other metal, or on imitations thereof, and all other jewelry: twenty-five per centum ad valorem; watch-jewels: ten per centum ad valorem.

Proprietary medicines: Pills, powders, tinctures, troches or lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions, recommended to the public as proprietary medicines, or prepared according to some private formula or secret art as remedies or specifics for any disease or diseases or affections whatever affecting the human or animal body: fifty per centum ad valorem.

Putty: one dollar and fifty cents per one hundred pounds.

8 *Feb.*, 1875, *c.* 36, *s.* 8, *v.* 18, *p.* 309.

Quicksilver: fifteen per centum ad valorem.

Quinine, salts of, other than sulphate of: forty-five per centum ad valorem; sulphate of: twenty per centum ad valorem.

Rags of whatever material, not otherwise provided for: ten per centum ad valorem.

Raisins: two and one-half cents per pound.

Rattans and reeds, manufactured or partially manufactured: twenty-five per centum ad valorem.

Red precipitate: twenty per centum ad valorem.

Resins, gum, not otherwise provided for, and rosin: twenty per centum ad valorem.

Rochelle salts: five cents per pound.

Roman cement: twenty per centum ad valorem.

Saleratus and bicarbonate of soda: one and one-half cents per pound.

Sal-soda and soda-ash: one-fourth of one cent per pound.

Salt.—In bags, sacks, barrels, or other packages: twelve cents per one hundred pounds; in bulk: eight cents per one hundred pounds.

Saltpeter.—Crude: one cent per pound; refined and partially refined: two cents per pound.

Salts.—Epsom: one cent per pound; glauber: one-half of one cent per pound; preparations of, not otherwise provided for: twenty per centum ad valorem.

Santonine: three dollars per pound.

Scagliola tops, for tables or other articles of furniture: thirty-five per centum ad valorem.

Sealing-wax: thirty-five per centum ad valorem.

Shaddock: ten per centum ad valorem.

Shells, manufactures of: thirty-five per centum ad valorem.

Side-arms of every description, not otherwise provided for: thirty-five per centum ad valorem.

Skates costing twenty cents or less per pair: eight cents per pair; costing over twenty cents per pair: thirty-five per centum ad valorem.

Smalts: twenty per centum ad valorem.

Soap, fancy, perfumed, honey, transparent, and all descriptions of toilet and shaving soaps: ten cents per pound, and, in addition thereto, twenty-five per centum ad valorem; soap not otherwise provided for: one cent per pound, and, in addition thereto, thirty per centum ad valorem.

Soda.—Caustic: one and one-half cents per pound; hyposulphate of, and all carbonates of, by whatever name designated, not otherwise provided for: twenty per centum ad valorem; silicate of, or other alkaline silicates: one-half cent per pound.

Sponges: twenty per centum ad valorem.

Sporting-gun wads of all descriptions: thirty-five per centum ad valorem.

Starch, made of potatoes or corn: one cent per pound, and twenty per centum ad valorem; made of rice, or any other material: three cents per pound, and twenty per centum ad valorem.

Staves for pipes, hogsheads, or other casks: ten per centum ad valorem: other staves: twenty per centum ad valorem.

Stereotype plates: twenty-five per centum ad valorem.

Stones: freestone, granite, sandstone, and all building or monumental stone, except marble: one dollar and fifty cents per ton.

Strings: all strings of whip-gut or cat-gut, other than strings for musical instruments, thirty per centum ad valorem.

Strychnia: one dollar per ounce.

Strychnine, salts of, not otherwise provided for; one dollar and fifty cents per ounce.

Sulphur, [*flour*] [flowers] of: twenty dollars per ton and fifteen per centum ad valorem. 15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.

Tallow: one cent per pound. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 244.

Tannin: two dollars per pound.

Tar: twenty per centum ad valorem.

Tartar-emetic: fifteen cents per pound.

Teeth, manufactured: twenty per centum ad valorem.

Tin, oxide, muriatic and salts of tin and tin-foil: thirty per centum ad valorem.

Toys, wooden and other, for children: fifty per centum ad valorem.

Twine or pack-thread, not otherwise provided for: thirty-five per centum ad valorem.

Turpentine, spirits of: thirty cents per gallon.

Types, new: twenty-five per centum ad valorem.

Type-metal: twenty-five per centum ad valorem.

Umbrella and parasol ribs and stretchers, frames, tips, runners, handles, or other parts thereof, when made in whole or chief part of iron, steel, or any other metal: forty-five per centum ad valorem; umbrellas, parasols, and sun-shades, when covered with silk or alpaca: sixty per

centum ad valorem; all other umbrellas: forty-five per centum ad valorem.

Umbrellas, parasols, and sun-shades, frames and sticks for, finished or unfinished, not otherwise provided for: thirty-five per centum ad valorem.

Varnish valued at one dollar and fifty cents or less per gallon: fifty cents per gallon, and twenty per centum ad valorem; valued at above one dollar and fifty cents per gallon: fifty cents per gallon, and twenty-five per centum ad valorem.

Vellum: thirty per centum ad valorem.

Velvet, when printed or painted: thirty-five per centum ad valorem.

Vitriol, white, or sulphate of zinc: twenty per centum ad valorem; blue vitriol: four cents per pound.

Waste, all not otherwise provided for: twenty per centum ad valorem.

Watches, watch-cases, watch movements, parts of watches, and watch materials: twenty-five per centum ad valorem.

Webbing, composed of cotton, flax, or any other materials, not otherwise provided for: thirty-five per centum ad valorem.

THE FREE LIST.[1]

Free list.

SEC. 2505. The importation of the following articles shall be exempt from duty:

2 Mar., 1861, c. 68, s. 23, v. 12, p. 193.
3 Feb., 1868, c. 5, v. 15, p. 34.
14 July, 1870, c. 255, s. 22, v. 16, p. 265.
1 May, 1872, c. 131, v. 17, p. 59.
6 June, 1872, c. 315, s. 5, v. 17, p. 233.

Acids: arsenious, crude; boracic; nitric, not chemically pure; muriatic; oxalic; picric and nitro-picric; succinic; sulphuric. But carboys containing acids shall be subject to the same duty as if empty. And all acids of every description used for chemical and manufacturing purposes, not otherwise provided for.

Aconite, root, leaf, and bark.

Agaric.

Agates, unmanufactured.

Albumen and lactarine.

Alcornoque.

[2]22 *June*, 1874, *c.* 398, *v.* 18, *p.* 194.

Alkanet root.

Alkekengi.

Almond-shells.

Aloes.

Aluminium.

Amber beads.

Ambergris.

Amber gum.

8 *Feb.*, 1875, *c.* 36, *ss.* 8, 9, *v.* 18, *p.* 309.

American manufactures of casks, barrels, or carboys, and other vessels, and grain-bags, (the manufacture of the United States,) if exported containing American produce, and declaration be made of intent to return the same empty, under such regulations as shall be prescribed by the Secretary of the Treasury.

Ammonia, crude.

Angelica root.

Aniline oil, crude.

Animals brought into the United States temporarily and for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association. But a bond shall be first given, in accordance with the regulations to be prescribed by the Secretary of the Treasury, with the condition that the full duty to which such animals would otherwise be liable shall be paid in case of their sale in the United States, or if not re-exported within six months.

Animals, alive, specially imported for breeding purposes from beyond the seas, shall be admitted free, upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may prescribe. And teams of animals, including their harness and tackle, actually owned by persons immigrating to the United States with their families from foreign countries, and in actual use for the purposes of such immigration, shall also be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe.

[1] See stat. 8 Feb., 1875, c. 36, s. 7, v. 18, p. 308.

[2] This statute relates to the cargoes of vessels sunk in the waters of the United States.

Annatto, roncou, rocou, or orleans, and all extracts of.
Annatto seed.
Antimony, ore, and crude sulphuret of.
Aqua-fortis.
Argal-dust.
Argols, crude.
Arsenic.
Arseniate of aniline.
Articles, the growth, produce, and manufacture of the United States, when returned in the same condition as exported. But proof of the identity of such articles shall be made under regulations to be prescribed by the Secretary of the Treasury; and if such articles were subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded.
Articles imported for the use of the United States: *Provided*, That the price of the same did not include the duty.
Asbestos, not manufactured.
Balm of Gilead.
Balsams: copaiva, fir or Canada, Peru, and tolu.
Bamboo-reeds, no further manufactured than cut into suitable lengths for walking-sticks or canes, or for sticks for umbrellas, parasols, or sunshades.
Bamboos, unmanufactured.
Barrels, of American manufacture, exported filled with domestic petroleum and returned empty, under such regulations as the Secretary of the Treasury may prescribe, and without requiring the filing of a declaration at time of export of intent to return the same empty.
Barilla.
Barks: Quilla, Peruvian, Lima, calisaya, and all cinchona barks, canella alba, pomegranate, croton, cascarilla, and all other barks not otherwise provided for.
Beans, vanilla, or vanilla plants.
Bed feathers and downs.
Belladonna, root and leaf.
Bells, broken, and bell-metal, broken, and fit only to be remanufactured.
Bells, old, and bell-metal.
Berries, nuts, and vegetables for dyeing, or used for composing dyes, not otherwise provided for.
Bezoar stones.
Birds, stuffed.
Birds, singing and other, and land and water fowls.
Bismuth.
Bitter apples, colocynth, coloquinitida.
Black salts.
Black tares.
Bladders, crude, and all integuments of animals not otherwise provided for.
Bologna sausages.
Bolting-cloths. 3 *Mar.*, 1875, *c.* 127, *s.* 6, *v.* 18, *p.* 340.

Bones, crude and not manufactured; burned; calcined; ground; or steamed.
Bone-dust and bone-ash for manufacture of phosphates and fertilizers.
Books which shall have been printed and manufactured more than twenty years at the date of importation.
Books, maps, and charts imported by authority for the use of the United States or for the use of the Library of Congress. But the duty shall not have been included in the contract or price paid.
Books, maps, and charts, specially imported, not more than two copies in any one invoice, in good faith for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order, of any college, academy, school, or seminary of learning in the United States.

Books, professional, of persons arriving in the United States.
Books, household effects, or libraries, or parts of libraries, in use of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.
Borate of lime.
Borax, crude.
Brazil paste.
Brazil pebbles for spectacles, and pebbles for spectacles, rough.
Brazil-wood, braziletto, and all other dye-woods, in sticks.
Breccia, in blocks or slabs.
Brime.
Brimstone, crude.
Bromine.
Buchu-leaves.
Bullion, gold and silver.
Burgundy pitch.
Burr-stone in blocks, rough or unmanufactured, and not bound up into millstones.
Cabinets of coins, medals, and all other collections of antiquities.
Cadmium.
Calamine.
Camphor, crude.
Cantharides.
Carnelian, unmanufactured.
Castor, or castoreum.
Catechu or cutch.
Cat-gut strings, or gut-cord, for musical instruments.
Cat-gut or whip-gut, unmanufactured.
Chalk and cliff-stone, unmanufactured.
Chamomile-flowers.
Charcoal.
China-root.
Chloride of lime.
Cinchona-root.
Citrate of lime.
Coal, anthracite.
Coal-stores of American vessels; but none shall be unloaded.
Cobalt, ore of.
Cocculus indicus.
Cochineal.
Cocoa, or cacao, crude, and fiber, leaves, and shells of.
Coffee.
Coins, gold, silver, and copper.
Coir and coir-yarn.
Colcothar, dry, or oxide of iron.
Collections of antiquity, specially imported, and not for sale.
Colt's foot, (crude drug.)
Columbo root.
Conium cicuta, or hemlock, seed and leaf.
Contrayerva root.
Copper, old, taken from the bottom of American vessels, compelled by marine disaster to repair in foreign ports.
Copper, when imported for the United States Mint.
Coral, marine, unmanufactured.
Cork-wood, or cork-bark, unmanufactured.
Cotton.
Cowage down.
Cow or kine pox, or vaccine virus.
Cubebs.
Cudbear.
Curling-stones or quoits.
Curry and curry-powders.

Cuttle fish bone.
Cyanite, or kyanite.
Diamonds, rough or uncut, including glaziers' diamonds.
Diamond-dust or bort.
Divi-divi.
Dragon's-blood.
Dried and prepared flowers.
Dried blood.
Dried bugs.
Dyeing or tanning: articles in a crude state, used in dyeing or tanning, not otherwise provided for.
Eggs.
Elecampane-root.
Ergot.
Esparto, or Spanish grass, and other grasses, and pulp of, for the manufacture of paper.
Fans, common palm-leaf.
Farina.
Fashion-plates engraved on steel or on wood, colored or plain.
Felt, adhesive, for sheathing vessels.
Fibrin, in all forms.
Fire-wood.
Fish, fresh, for immediate consumption
Fish for bait.
Flint, flints, and ground flint-stones.
Flowers, leaves, plants, roots, barks, and seeds, for medicinal purposes, in a crude state, not otherwise provided for.
Foliæ digitalis.
Fruit-plants tropical and semi-tropical for the purpose of propagation or cultivation. 9 *May*, 1874, *c.* 163, *v.* 18, *p.* 43. 15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.
Fur-skins of all kinds not dressed in any manner.
Galanga or galangal.
Garancine.
Gentian-root.
Ginger-root.
Ginseng-root.
Glass, broken in pieces, and old glass which cannot be cut for use, and fit only to be remanufactured.
Goat-skins, raw.
Goldbeaters' molds and goldbeaters' skins.
Gold size.
Grease, for use as soap-stock only, not otherwise provided for.
Guano, and other animal manures.
Gums.—Arabic, Jeddo, Senegal, Barbary, East India, Cape Australian, gum benzoin or benjamin, gum copal, sandarac, dammar, gamboge, cowrie, mastic, shellac, tragacanth, olebanum, guiac, myrrh, bdallium, garbanum, and all gums not otherwise provided for.
Gunny-bags and gunny-cloth, old or refuse, fit only for remanufacture.
Gut and worm-gut, manufactured or unmanufactured, for whip and other cord.
Guts, salted.
Gutta-percha, crude.
Hair, all horse, cattle, cleaned or uncleaned, drawn or undrawn, but unmanufactured.
Hair of hogs, curled, for beds and mattresses, and not fit for bristles.
Hellebore-root.
Hemlock-bark.
Hide-cuttings, raw, with or without the hair on, for glue-stock.
Hide-rope.
Hides.—Raw or uncured, whether dry, salted, or pickled, and skins, except sheep-skins with the wool on, Angora-goat skins, raw, without the wool, unmanufactured, asses' skins, raw, unmanufactured.

Hones and whetstones.
Hoofs, horns, and horn-tips.
Horn-strips.
Hop-roots for cultivation.
Hyoscyamus, or henbane-leaf.
Ice.
India rubber, crude, and milk of
Indian hemp, (crude drug.)
Indigo.
India or Malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.
Iodine, crude.
Ipecac.
Iridium.
Iris, orris root.
Isinglass, or fish-glue.
Istle, or Tampico fiber.
Ivory and vegetable ivory, unmanufactured.
Jalap.
Jet, unmanufactured.
Joss-stick, or joss-light.
Juniper and laurel berries.
Junk, old.
8 *Feb.*, 1875, *c.* 36, *s.* 7, *v.* 18, *p.* 308. Jute-butts.
Kelp.
Kryolite.
Lac, dye, crude, seed, button, stick, and shell.
Lac spirits.
Lac sulphur.
Lava, unmanufactured.
Leather, old scrap.
Leaves, all, not otherwise provided for.
Leeches.
Licorice-root.
Life-boats and life-saving apparatus, specially imported by societies incorporated or established to encourage the saving of human life.
Lithographic stones, not engraved.
Litmus and all lichens, prepared or not prepared.
Loadstones.
Logs, and round unmanufactured timber not otherwise provided for, and ship-timber.
8 *Feb.*, 1875, *c.* 36, *s.* 4, *v.* 18, *p.* 308. Macaroni and vermicelli.
Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.
Magnets.
Manganese, oxide and ore of.
Manna.
Manuscripts.
Marrow, crude.
Marsh-mallows.
Matico-leaf.
Medals, of gold, silver, or copper.
Meerschaum, crude or raw.
Mica and mica waste.
Mineral waters, all, not artificial.
Models of inventions and other improvements in the arts. But no article or articles shall be deemed a model, or improvement, which can be fitted for use.
Moss, Iceland, and other mosses, crude.
Moss, sea-weed, and all other vegetable substances used for beds and mattresses.

Murexide, (a dye.)
Musk and civet, crude, in natural pod.
Mustard-seed, brown and white.
Nitrate of soda, or cubic niter.
Nut-galls.
Nuts, cocoa and Brazil or cream.
Nux vomica.
Oak-bark.
Oakum.
Oil-cake.
Oil, essential, fixed or expressed, viz: Almonds; amber, crude and rectified; ambergris; anise, or anise-seed; anthos, or rosemary; bergamot; cajeput; caraway; cassia; cedrat; chamomile; cinnamon; citronella, or lemon-grass; civet; fennel; jasmine, or jessamine; juglandium; juniper; lavender; mace; ottar of roses; poppy; sesame, or sesamum-seed, or bene; thyme, red, or origanum; thyme, white; valerian.
Oil, spermaceti, whale, and other fish, of American fisheries; and all other articles the produce of such fisheries.
Olives, green or prepared.
Orange and lemon peel, not preserved, candied, or otherwise prepared.
Orange buds and flowers.
Orchil, or archil, in the weed or liquid.
Ores of gold and silver.
Orpiment.
Osmium.
Oxidizing-paste.
Palladium.
Palm and cocoa-nut oil.
Palm-leaf, unmanufactured.
Palm-nuts and palm-nut kernels.
Paper-stock, crude, of every description, including all grasses, fibers, rags other than wool, waste, shavings, clippings, old paper, rope-ends, waste rope, waste bagging, gunny-bags and gunny-cloth, old or refuse, to be used in making and fit only to be converted into paper, and unfit for any other manufacture, and cotton-waste, whether for paper-stock or other purposes.
Pearl, mother of.
Pellitory-root.
Persis, or extract of archil, and cudbear.
Personal and household effects, not merchandise, of citizens of the United States dying abroad. 22 *June*, 1874, *c.* 391, *s.* 9, *v.* 18, *p.* 188.
Peruvian bark.
Pewter and britannia metal, old, and fit only to be remanufactured.
Phanglein.
Philosophical and scientific apparatus, instruments, and preparations, statuary, casts of marble, bronze, alabaster, or plaster of Paris, paintings, drawings, and etchings, specially imported in good faith for the use of any society or institution incorporated or established for philosophical, educational, scientific, or literary purposes, or encouragement of the fine arts, and not intended for sale.
Phosphates, crude or native, for fertilizing purposes.
Plants, trees, shrubs, roots, seed-cane, and seeds imported by the Department of Agriculture, or the United States Botanical Garden.
Plaster of Paris, or sulphate of lime, unground.
Platina, unmanufactured.
Platinum vases or retorts for chemical uses, or parts thereof.
Plumbago.
Polishing-stones.
Polypodium.
Potassa, muriate of.
Pulu. 15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.

Pumice and pumice-stones.
Quassia-wood.
Quick-grass root.
Quills, prepared or unprepared.
Rags, of cotton, linen, jute, and hemp, and paper-waste, or waste or clippings of any kind fit only for the manufacture of paper, including waste rope and waste bagging.
Railroad-ties, of wood.
Rattans and reeds, unmanufactured.
Regalia and gems, and statues and specimens of sculpture, where specially imported, in good faith, for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by the order of any college, academy, school, or seminary of learning in the United States.
Rennets, raw or prepared.
Resins, crude, not otherwise provided for.
Rhubarb.
Root-flour.
Rose-leaves.
Rottenstone.
Saffron and safflower, and extract of.
Saffron-cake.
Sago, sago crude, and sago-flour.
Saint John's beans.
Salacine.
Salep, or saloup.
Sandal-wood.
Sarsaparilla, crude.
Sassafras bark and root.
Sauerkraut.
Sausage-skins.
Scammony, or resin of scammony.
Sea-weed, not otherwise provided for.
15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200. Seeds: cardamon, caraway, coriander, fenugreek, fennel, cummin, and other seeds, not otherwise provided for.
Seeds: anise, anise star, canary, chia, sesamum, sugar-cane, and seeds of forest-trees.
Senna, in leaves.
Shark-skins.
Shells of every description, not manufactured.
Shingle-bolts and stave-bolts, and "heading-bolts" shall be held and construed to be included under the term "stave-bolts."
Shrimps, or other shell-fish.
Silk, raw, or as reeled from the cocoon, not being doubled, twisted, or advanced in manufacture any way, and silk cocoons and silk waste.
Silk-worm eggs.
Skeletons, and other preparations of anatomy.
27 *Feb.*, 1877, *c.* 69, v. 19, p. 244. Skins, dried, salted, or pickled, [*ten per centum ad valorem.*]
15 *Aug.*, 1876, *c.* 290, *v.* 19, *p.* 200.
Snails.
Soap-stocks.
Sparterre for making or ornamenting hats.
Specimens of natural history, botany, and mineralogy, when imported for cabinets as objects of taste or science, and not for sale.
Spunk.
Squills, or silla.
Staves-acre, crude.
Storax, or styrax.
Straw, unmanufactured.
Strontia, oxide of, or protoxide of strontium.
Substances expressly used for manure.
Sugar of milk.
Sweepings of silver or gold.

Talc.
Tamarinds.
Tapioca, cassava, or cassada.
Tea.
Tea-plant.
Teasels.
Teeth, unmanufactured.
Terra-alba, aluminous.
Terra japonica.
Tica, crude.
Tin, in pigs, bars, or blocks, and grain-tin.
Tonquin, Tonqua, or Tonka beans.
Tortoise and other shells, unmanufactured.
Tripoli.
Turmeric.
Turtles.
Types, old, and fit only to be remanufactured.
Umbrella-sticks, crude, to wit, all partridge, hair-wood, pimento, orange, myrtle, and other sticks and canes in the rough, or no further manufactured than cut into lengths suitable for umbrella, parasol, or sun-shade sticks or walking-canes.
Uranium, oxide of.
Venice turpentine.
Verdigris, or subacetate of copper.
Wafers.
Wax, bay or myrtle, Brazilian and Chinese.
Wearing apparel in actual use, and other personal effects, (not merchandise,) professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States. But this exemption shall not be construed to include machinery, or other articles imported for use in any manufacturing establishment, or for sale.
Whalebone, unmanufactured.
Woad, weld or pastel.
Wood-ashes, and lye of, and beet-root ashes.
Woods, poplar, or other woods for the manufacture of paper.
Woods, namely, cedar, lignum-vitæ, lance-wood, ebony, box, granadilla, mahogany, rose-wood, satin-wood, and all cabinet woods, unmanufactured.
Works of art: paintings, statuary, fountains, and other works of art, the production of American artists. But the fact of such production must be verified by the certificate of any consul or minister of the United States indorsed upon the written declaration of the artist.
Works of art: paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions or to any State, or to any municipal corporation.
Worm-seed, Levant.
Xylonite, or Xylotile.
Yams.
Yeast-cakes.
Zaffer.

Fish-oil and fish the produce of the fisheries of Canada, Prince Edward's Island, and Newfoundland, when free.

SEC. 2506. Whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the eighth day of May, eighteen hundred and seventy-one, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said articles eighteenth to twenty-fifth inclusive, and article thirtieth of said treaty, shall remain in force, according to the terms and conditions of article

1 Mar., 1873, c. 213, s. 1, v. 17, p. 482.

thirty-third of said treaty, all fish-oil and fish of all kinds, (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the Dominion of Canada or of Prince Edward's Island, shall be admitted into the United States free of duty, and whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty; but the provisions of this section shall not apply to any articles of merchandise mentioned therein which were held in bond by the customs officers of the United States on the first day of July, eighteen hundred and seventy-three.

Special exemption as to merchandise sunk and abandoned.

3 Mar., 1843, c. 72, v. 5, p. 609.

SEC. 2507. Whenever any vessel laden with merchandise in whole or in part subject to duty has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised, free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house; but under such regulations as the Secretary of the Treasury may prescribe.

As to lumber from Saint John River.

16 Mar., 1866, c. 18, v. 14, p. 9.

27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 244.

SEC. 2508. The produce of the forests of the State of Maine upon the Saint John River and its tributaries, owned by American citizens, and sawed or hewed in the Province of New Brunswick by American citizens, the same being unmanufactured in whole or in part, which is now admitted into the ports of [the] United States free of duty, shall continue to be so admitted under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

As to lumber from Saint Croix River.

1 June, 1866, c. 105, s. 1, v. 14, p. 56.

SEC. 2509. The produce of the forests of the State of Maine upon the Saint Croix River and its tributaries, owned by American citizens, and sawed in the Province of New Brunswick by American citizens, the same being unmanufactured in whole or in part, and having paid the same taxes as other American lumber on that river, shall be admitted into the ports of the United States free of duty, under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

As to machinery for manufacture of beet-root sugar.

SEC. 2510. Machinery for the manufacture of beet sugar, and imported for that purpose solely, shall be exempted from duty.

2 Mar., 1867, Res. 47, s. 2, v. 14, p. 571.

As to machinery imported for repair.

19 Feb., 1869, c. 35, v. 15, p. 271.

8 *Feb.*, 1875, *c.* 36, *s.* 7, *v.* 18, *p.* 308.

SEC. 2511. Machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said machinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity and character of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

Certain paintings, statuary, &c.,

SEC. 2512. All paintings, statuary, and photographic pictures imported into the United States for exhibition by any association duly authorized

under the laws of the United States or any State for the promotion and encouragement of science, art, or industry, and not intended for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe. But bonds shall be given for the payment to the United States of such duties as are now imposed by law upon any and all of such articles as shall not be re-exported within six months after such importation.

to be admitted free of duty.

5 Mar., 1872, c. 29, v. 17, p. 35.

SEC. 2513. All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and finished after the sixth day of June, eighteen hundred and seventy-two, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and, upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed.

Importation of materials for construction, &c., of vessels.

6 June, 1872, c. 315, s. 10, v. 17, p. 238.

SEC. 2514. All articles of foreign production needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of [the] Treasury may prescribe.

Importation of articles intended for the repair of vessels.

6 June, 1872, c. 315, s. 10, v. 17, p. 238. 27 *Feb.*, 1877, c. 69, v. 19, p. 245.

SEC. 2515. That no duty shall be levied or collected on the importation of peltries brought into the Territories of the United States, nor on the proper goods and effects, of whatever nature, of Indians passing or repassing the boundary-line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging to Indians, nor be entitled to the exemption from duty aforesaid.

Peltries and other goods of Indians, when to be admitted free.

2 Mar., 1799, c. 22, s. 105, v. 1, p. 702.

SEC. 2516. There shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not herein enumerated or provided for, a duty of ten per centum ad valorem; and on all articles manufactured in whole or in part, not herein enumerated or provided for, a duty of twenty per centum ad valorem.

Duty on articles not enumerated, raw or manufactured.

2 Mar., 1861, c. 68, s. 24, v. 12, p. 196.

TITLE XXXIV.

COLLECTION OF DUTIES UPON IMPORTS.

CHAPTER ONE.

COLLECTION-DISTRICTS, PORTS, AND OFFICERS.

Sec.
2517. Districts in Maine.
2518. Officers in Maine.
2519. Collectors may agree upon division of districts.
2520. Unlading vessels entered at Wiscasset.
2521. Entering and clearing vessels at Calais.
2522. District in New Hampshire.
2523. Officers in New Hampshire.
2524. Merchandise for Kittery or Berwick, where may be entered.
2525. District of Vermont.
2526. Officers in Vermont.
2527. Districts in Massachusetts.
2528. Ports of Sippican and Mattapoisett.
2529. Officers in Massachusetts.
2530. Employés in appraiser's office at Boston.
2531. Districts in Rhode Island.
2532. Officers in Rhode Island.
2533. Districts in Connecticut.
2534. Officers in Connecticut.
2535. Districts in New York.
2536. Officers in New York.
2537. Entry of merchandise for Greenport.
2538. Examiners at New York.
2539. Employés in appraiser's office at New York.
2540. Entry of merchandise for Cold Spring, Long Island.
2541. Districts in New Jersey.
2542. Officers in New Jersey.
2543. Districts in Pennsylvania.
2544. Officers in Pennsylvania.
2545. Employés in appraiser's office at Philadelphia.
2546. District of Delaware.
2547. Officers in Delaware.
2548. Districts in Maryland.
2549. Officers in Maryland.
2550. District of Columbia.
2551. Officers in District of Columbia.
2552. Districts in Virginia.
2553. Officers in Virginia.
2554. Clearance at Richmond of vessel loaded in Petersburgh.
2555. Districts in North Carolina.
2556. Officers in North Carolina.
2557. Districts in South Carolina.
2558. Officers in South Carolina.
2559. Districts in Georgia.
2560. Officers in Georgia.
2561. Collectors of Savannah and Brunswick may grant permits, &c.
2562. Districts in Florida.
2563. Officers in Florida.
2564. District in Alabama.
2565. Officers in Alabama.
2566. Districts in Mississippi.
Sec.
2567. Officers in Mississippi.
2568. Districts in Louisiana.
2569. Officers in Louisiana.
2570. Vessels bound to ports of delivery must make entry at New Orleans.
2571. Vessels bound for Bayou Saint John.
2572. Vessels bound for Lakeport.
2573. Vessels departing from Lakeport.
2574. Vessels bound for Ponchartrain.
2575. Vessels departing from Ponchartrain.
2576. Collector at New Orleans may appoint additional inspectors.
2577. Collector at New Orleans may appoint head gaugers.
2578. Districts in Texas.
2579. Officers in Texas.
2580. Additional inspectors.
2581. Transshipment of goods transported in bond to Brownsville.
2582. Districts in California.
2583. Officers in California.
2584. Vessels going to or from Vallejo.
2585. Vessels going to or from Eureka or Wilmington.
2586. Districts in Oregon and Washington Territory.
2587. Officers in Oregon and Washington.
2588. Manifests of vessels bound for Portland.
2589. Manifests of vessels clearing from Portland.
2590. Vessels having merchandise for both Astoria and Portland.
2591. District of Alaska.
2592. Officer in Alaska.
2593. District of Montana and Idaho.
2594. Officers in Montana and Idaho.
2595. Districts in Minnesota.
2596. Officers in Minnesota.
2597. District in Wisconsin.
2598. Officers in Wisconsin.
2599. Districts in Michigan.
2600. Officers in Michigan.
2601. District of Indiana and Illinois.
2602. Officers in Indiana and Illinois.
2603. Districts in Ohio.
2604. Officers in Ohio.
2605. Additional inspectors for certain districts.
2606. Weighers, gaugers, measurers, and inspectors.
2607. Weighers, gaugers, measurers, &c., at San Diego.
2608. General appraisers.
2609. Merchants employed as appraisers.
2610. Merchant refusing to serve as appraiser.
2611. Oath of special examiners of drugs.
2612. Instructions to prevent importation of adulterated drugs.

Districts in Maine.

SEC. 2517. There shall be in the State of Maine fourteen collection-districts, as follows: [See § 253.]

Aroostook.

First. The district of Aroostook; to comprise the county of Aroostook as bounded on the twenty-second day of February, eighteen hundred and sixty-nine; in which Houlton shall be the only port of entry.

22 Feb., 1869, c. 42, s. 1, v. 15, p. 273.

Passamaquoddy.

Second. The district of Passamaquoddy; in which Eastport shall be a port of entry and delivery, and the towns of Calais, Pembroke, and Robbinston ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 3 Mar., 1803, c. 26, s. 4, v. 2, p. 229. 5 Feb., 1833, c. 16, v. 4, p. 611. 3 Mar., 1843, c. 71, v. 5, p. 609.

Machias.

Third. The district of Machias; in which Machias shall be the port of entry.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627.

Frenchman's Bay.

Fourth. The district of Frenchman's Bay; in which Ellsworth shall be the port of entry, and Union River the port of delivery.

Ibid. 30 June, 1834, c. 135, s. 11, v. 4, p. 716.

Castine.

Fifth. The district of Castine; in which Castine shall be the port of entry, and Blue Hill, Deer Island, and Bucksport ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 13 April, 1866, c. 44, s. 3, v. 14, p. 33. 5 June, 1868, c. 50, v. 15, p. 63.

Bangor.

Sixth. The district of Bangor; to comprise the counties of Penobscot and Piscataquis, and the town of Frankfort, in the county of Waldo, as they were bounded on the third day of March, eighteen hundred and forty-seven; in which Bangor shall be the port of entry and delivery, and Frankfort and Hampden ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 628. 3 Mar., 1847, c. 60, ss. 1, 2, 3, v. 9, p. 183.

Belfast.

Seventh. The district of Belfast; to comprise all the ports and harbors on the western shore of the Penobscot Bay and River from the town of Frankfort, as bounded on the third day of March, eighteen hundred and forty-seven, to and including the town of Camden, as bounded on the twentieth day of April, eighteen hundred and eighteen, and the towns of Vinalhaven, North Haven, and [*Ilesborough*] [Isleborough], as bounded on the third day of March, eighteen hundred and forty-nine; in which Belfast shall be the port of entry, and Prospect, Vinalhaven, North Haven, and Camden ports of delivery.

20 April, 1818, c. 110, s. 2, v. 3, p. 465. 2 Mar., 1831, c. 76, s. 5, v. 4, p. 476. 3 Mar., 1849, c. 125, v. 9, p. 412. 5 June, 1868, c. 50, v. 15, p. 63. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Waldoborough.

Eighth. The district of Waldoborough; to comprise all the waters and shores from the town of Camden, as bounded on the twentieth day of April, eighteen hundred and eighteen, to the middle of Damariscotta River; in which Waldoborough shall be the port of entry, and Bristol, Nobleborough Warren, Thomaston, Cushing, and Saint George ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 20 April, 1818, c. 110, s. 2, v. 3, p. 465. 5 June, 1868, c. 50, v. 15, p. 63. 3 *Mar.*, 1875, *c.* 146, *v.* 18, *p.* 480.

Wiscasset.

Ninth. The district of Wiscasset; in which Wiscasset shall be the port of entry, and Booth Bay and Alna ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 5 June, 1868, c. 50, v. 15, p. 63.

Bath.

Tenth. The district of Bath; in which Bath shall be the port of entry, and Hallowell, Pittston, Georgetown, [*Brunswick*,] and Bowdoinham ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 3 Mar., 1825, c. 96, s. 2, v. 4, p. 127. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Portland and Falmouth.

Eleventh. The district of Portland and Falmouth; in which Portland shall be the port of entry, and North Yarmouth, Brunswick, Freeport, and Harpswell ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627.

Saco.

Twelfth. The district of Saco; in which Scarborough shall be a port of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 15 Dec., 1807, c. 3, v. 2., p. 451.

Kennebunk.

Thirteenth. The district of Kennebunk; to comprise the towns of Wells, [*and Arundel as they were bounded on the tenth day of May, eighteen hundred*] [Kennebunk, and Kennebunk Port] and all the shores and waters thereof; in which Kennebunk shall be the port of entry, and Wells and [*Cape Porpoise*] [Kennebunk Port] ports of delivery.

10 May, 1800, c. 49, s. 1, v. 2, p. 68. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

York.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 627.

Fourteenth. The district of York; in which York shall be the port of entry.

Officers in Maine.

SEC. 2518. There shall be in the collection-districts in the State of Maine the following officers:

Aroostook.
22 Feb., 1869, c. 42, s. 1, v. 15, p. 273.

First. In the district of Aroostook, a collector, who shall reside at Houlton.

Passamaquoddy.
3 Mar., 1803, c. 26, s. 4, v. 2, p. 229. 7 May, 1822, c. 107, s. 5, v. 3, p. 694. 25 July, 1866, c. 255, v. 14, p. 251. 30 Mar., 1871, c. 7, v. 17, p. 3.

Second. In the district of Passamaquoddy, a collector, who shall reside at Eastport, a deputy collector to reside at the port of Calais, and at Eastport a surveyor, to be called the surveyor of Eastport and the district of Passamaquoddy.

Machias.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 629.

Third. In the district of Machias, a collector, who shall reside at Machias.

Frenchman's Bay.
Ibid. 30 June, 1834, c. 135, s. 11, v. 4, p. 716.

Fourth. In the district of Frenchman's Bay, a collector, who shall reside at Ellsworth.

Castine.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Fifth. In the district of Castine, a collector, who shall reside at Castine.

Bangor.
3 Mar., 1847, c. 60, ss. 2, 3, v. 9, p. 183. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Sixth. In the district of Bangor, a collector [who shall reside at Bangor] and a deputy collector, who shall reside at Frankfort.

Belfast.
20 April, 1818, c. 113, s. 2, v. 3, p. 465.

Seventh. In the district of Belfast, a collector, who shall reside at Belfast.

Waldoborough.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 629.

Eighth. In the district of Waldoborough, a collector, who shall reside at Waldoborough.

Wiscasset.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Ninth. In the district of Wiscasset, a collector, who shall reside at Wiscasset.

Bath.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Tenth. In the district of Bath, a collector, who shall reside at Bath.

Portland and Falmouth.
2 Mar., 1779, c. 22, s. 2, v. 1, p. 628. 9 April, 1864, c. 54, v. 13, p. 46.

Eleventh. In the district of Portland and Falmouth, a collector, who shall reside at Portland, not exceeding three deputy collectors, a surveyor, an appraiser, and an assistant appraiser.

Saco.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 628. 15 Dec., 1807, c. 3, v. 2, p. 451.

Twelfth. In the district of Saco, a collector, who may reside at Saco or Biddeford.

Kennebunk.
10 May, 1800, c. 49, s. 1, v. 2, p. 68.

Thirteenth. In the district of Kennebunk, a collector, who shall reside at Kennebunk.

York.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Fourteenth. In the district of York, a collector, who shall reside at York.

Collectors may agree upon division of districts.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 629. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

SEC. 2519. The collectors of the several districts within the State of Maine, for which no boundaries are prescribed by the [*preceding section*] [section twenty-five hundred and seventeen,] shall, from time to time, agree upon a divisional line between their respective districts, and transmit the same to the [*Comptroller of the Treasury*] [Commissioner of Customs;] and such districts so agreed upon shall include all the waters, shores, and islands within the same, and all the lands adjoining to the provinces of New Brunswick and Quebec, within the State of Maine. In case of disagreement between any of the collectors concerning such divisional line, the President shall determine the same.

Unlading vessels entered at Wiscasset.

SEC. 2520. Vessels owned in whole or in part in the towns of Edgecomb and Newcastle in Maine, having entered in due form of law at the port of

Wiscasset, and taken on board an officer, shall be permitted to unlade in the parts of those towns which adjoin Sheepscut River.

10 May, 1800, c. 49, s. 2, v. 2, p. 68.

Entering and clearing vessels at Calais.

SEC. 2521. The Secretary of the Treasury may authorize, under such regulations as he shall deem necessary, the deputy collector of customs at the port of Calais in Maine to enter and clear vessels, and to perform such other official acts as the Secretary shall think advisable.

25 July, 1866, c. 255, v. 14, p. 251.

District in New Hampshire.

SEC. 2522. There shall be in the State of New Hampshire one collection-district, as follows:

Portsmouth.

The district of Portsmouth; to comprise the State of New Hampshire and the towns of Kittery and Berwick, in Maine, in which Portsmouth shall be the port of entry, and Newcastle, Dover, Exeter, Kittery, and Berwick, ports of delivery.

2 Mar., 1799, c. 22, s. 1, v. 1, p. 627. 25 Feb., 1801, c. 7, s. 3, v. 2, p. 102.

Officers in New Hampshire.

SEC. 2523. There shall be in the district of Portsmouth a collector and a surveyor, who shall reside at Portsmouth.

2 Mar., 1799, c. 22, s. 1, v. 1, p. 627.

Merchandise destined for Kittery or Berwick may be entered at Portsmouth or York.

SEC. 2524. Merchandise destined for either of the towns of Kittery or Berwick, in Maine, may be, at the option of the master of the vessel, entered and permit for the delivery thereof obtained, either in the district of Portsmouth, in the State of New Hampshire, or in the district of York, in the State of Maine.

25 Feb., 1801, c. 7, s. 3, v. 2, p. 102.

District of Vermont.

SEC. 2525. There shall be in the State of Vermont one collection-district, as follows:

The district of Vermont; to comprise all such waters and shores of Lake Champlain, and the rivers connected therewith, as lie within the State of Vermont, and to extend along the northern boundary-line of the State, adjoining the Dominion of Canada; in which Burlington shall be the port of entry, and the President may, if he deems it expedient, establish not exceeding two places as ports of delivery only.

2 Mar., 1799, c. 22, s. 6, v. 1, p. 631. 2 Mar., 1811, c. 31, s. 4, v. 2, p. 656.

Officers in Vermont.

SEC. 2526. There shall be in the district of Vermont a collector, who shall reside at Burlington, and, at the discretion of the President, two surveyors for such ports of delivery as shall be designated by him.

2 Mar., 1799, c. 22, s. 6, v. 1, pp. 631, 632.

Districts in Massachusetts.

SEC. 2527. There shall be in the State of Massachusetts eleven collection-districts, as follows:

Newburyport.

First. The district of Newburyport; to comprise all the waters and shores from the State of New Hampshire to and including the town of Ipswich; in which Newburyport shall be the port of entry, and Amesbury, Salisbury, Haverhill, Newbury, and Ipswich ports of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Gloucester.

Second. The district of Gloucester; to comprise all the waters and shores in the towns of Gloucester and Manchester, as bounded on the second day of March, seventeen hundred and ninety-nine, and the town of Essex as bounded on the seventh day of August, eighteen hundred and forty-eight; in which Gloucester shall be the port of entry, and Manchester a port of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 7 Aug., 1848, c. 144, v. 9, p. 275.

Salem and Beverly.

Third. The district of Salem and Beverly; to comprise all the waters and shores within the towns of Beverly, Salem, and Danvers, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Salem shall be the port of entry, and Danvers a port of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627.

Marblehead.

Fourth. The district of Marblehead; to comprise all the waters and shores within the towns of Marblehead and Lynn, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Marblehead shall be the port of entry, and Lynn the port of delivery.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627.

Boston and Charlestown.

Fifth. The district of Boston and Charlestown; to comprise all the waters and shores within the counties of Middlesex, Suffolk, and Norfolk, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Boston shall be the port of entry, and Medford, Cohasset, Hingham, Weymouth, Cambridge, Roxbury, and Dorchester ports of delivery. And the town of Chelsea shall be attached to and made a part of the port of entry and collection-district of Boston and Charlestown.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 11 Jan., 1805, c. 6, v. 2, p. 310. 22 Jan., 1806, c. 4, s. 3, v. 2, p. 349. 30 June, 1834, c. 135, s. 4, v. 4, p. 715. 28 Sept., 1850, c. 79, s. 13, v. 9, p. 511.

Plymouth.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 2 Mar., 1827, c. 58, v. 4, p. 237.

Sixth. The district of Plymouth; to comprise all the waters and shores within the county of Plymouth, except the towns of Wareham and Rochester, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Plymouth shall be the port of entry, and Scituate, Duxbury, Kingston, and Marshfield ports of delivery.

Barnstable.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627.

Seventh. The district of Barnstable; to comprise all the waters and shores within the county of Barnstable, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Barnstable shall be the port of entry, and Sandwich, Falmouth, Harwich, Wellfleet, Provincetown, and Chatham, ports of delivery.

Nantucket.

Ibid.

Eighth. The district of Nantucket; to comprise the waters and shores of the island of Nantucket; in which Nantucket shall be the port of entry.

Edgartown.

Ibid. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

Ninth. The district of Edgartown; to comprise all the waters and shores within the county of Duke's County, as bounded on the second day of March, seventeen hundred and ninety-[nine;] in which Edgartown shall be the port of entry.

New Bedford.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627.

Tenth. The district of New Bedford; to comprise all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester, and Wareham, together with all the islands within the county of Bristol, as bounded on the second day of March, seventeen hundred and ninety-nine; in which New Bedford shall be the port of entry, and Westport, Rochester, and Wareham ports of delivery.

Fall River.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 627. 2 Mar., 1833, c. 74, ss. 1, 2, v. 4, p. 651. 9 Aug., 1842, c. 126, v. 5, p. 504. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Eleventh. The district of Fall River; to comprise all the waters and shores on Taunton River, and in the town of Rehoboth, as bounded on the second day of March, seventeen hundred and ninety-nine, and all that part of the town of Tiverton, in Rhode Island, north of the south line of the farm of William Slade, and of the farm of the heirs of Boylston Brayton, as bounded on the ninth day of August, eighteen hundred and forty-two, to [*Wattupper*] [Watuppa] Pond, and by that pond to the south line of the State of Massachusetts, and the waters and shores adjoining thereto; in which Fall River shall be the port of entry and delivery, and Swansea, Somerset, Freetown, Berkley, and Taunton ports of delivery.

Ports of Sippican and Mattapoisett.

27 May, 1840, c. 27, v. 5, p. 381.

SEC. 2528. Sippican and Mattapoisett Harbors, within the township of Rochester, in Massachusetts, shall be known as ports under those names within the collection-district of New Bedford, and the respective inhabitants are authorized to describe, as the law requires, their vessels as belonging to those places respectively instead of Rochester.

Officers in Massachusetts.

SEC. 2529. There shall be in the collection-districts in the State of Massachusetts the following officers:

Newburyport.

First. In the district of Newburyport, a collector and a surveyor, who shall reside at Newburyport.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Gloucester.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Second. In the district of Gloucester, a collector and a surveyor, who shall reside at Gloucester.

Salem and Beverly.

Third. In the district of Salem and Beverly, a collector and a surveyor, who shall reside at Salem.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Marblehead.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Fourth. In the district of Marblehead, a collector, who shall reside at Marblehead.

Boston and Charlestown.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 628. 1 Mar., 1823, c. 21, s. 16, v. 3, p. 735. 28 May, 1830, c. 147, s. 2, v. 4, p. 409. 26 June, 1848, c. 70, s. 5, v. 9, p. 238. 28 Sept., 1850, c. 79, s. 13, v. 9, p. 511.

Fifth. In the district of Boston and Charlestown, a collector, a naval officer, a surveyor, who shall reside at Boston, two appraisers, and two assistant appraisers, a special examiner of drugs, medicines, and chemicals; and the Secretary of the Treasury may appoint an inspector of customs for the port of Chelsea.

Plymouth.

2 Mar., 1799, c. 22, s. 2, v. 1, p. 628.

Sixth. In the district of Plymouth, a collector, who shall reside at Plymouth.

Seventh. In the district of Barnstable, a collector, who shall reside at Barnstable. Barnstable.
Ibid.

Eighth. In the district of Nantucket, a collector, who shall reside at Nantucket. Nantucket.
Ibid.

Ninth. In the district of Edgartown, a collector, who shall reside at Edgartown. Edgartown.
Ibid.

Tenth. In the district of New Bedford, a collector, who shall reside at New Bedford. New Bedford.
Ibid.

Eleventh. In the district of Fall River, a collector, who shall reside at Fall River. Fall River.
2 Mar., 1833, c. 74, ss. 1, 2, v. 4, p. 651.

SEC. 2530. The clerks and other persons employed in the appraiser's office at the port of Boston shall be appointed by the principal [*appraiser*] [appraisers,] and their number and compensation shall be fixed by the Secretary of the Treasury. Employés in appraiser's office at Boston.
28 May, 1830, c. 107, s. 6, v. 4, p. 411.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

SEC. 2531. There shall be in the State of Rhode Island three collection-districts, as follows: Districts in Rhode Island.

First. The district of Newport; to comprise all the waters and shores from the east line of the town of Westerly, as bounded on the third day of August, eighteen hundred and forty-two, along the sea-coast, and northward, up the Narragansett Bay, as far as the southerly boundary of Kent County [as the same existed] on the twenty-ninth day of July, eighteen hundred and fifty, including the several towns, harbors, and landing-places at Charleston, South Kingston, and North Kingston, and also the towns, harbors, and landing-places of Tiverton and Little Compton, as bounded on the second day of March, seventeen hundred and ninety-nine, and all the towns, harbors, and landing-places of the islands of Rhode Island, Jamestown, Prudence, New Shoreham, and every other island within the State, southward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high-water mark; in which Newport shall be the port of entry, and North Kingston and Tiverton ports of delivery. Newport.
2 Mar., 1799, c. 22, s. 3, v. 1, p. 629.
25 Feb., 1801, c. 7, s. 1, v. 2, p. 101.
3 Mar., 1803, c. 26, s. 2, v. 2, p. 228.
3 Aug., 1842, c. 120, s. 2, v. 5, p. 499.
29 July, 1850, c. 29, v. 9, p. 442.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

Second. The district of Bristol and Warren; to comprise the towns of Bristol, Warren, and Barrington, and all the waters and shores around the same, within a line beginning at the middle of the bay, between Mount Hope and Common Fence Point, running southwesterly through the middle of Bristol Ferry, and continuing such course until it strikes a point of equal distance from Rhode Island to Prudence Island, from thence northwardly on a straight line to the westernmost part of Nahant Point, and from thence to the western shore of Bullock's Point; in which Bristol and Warren shall be the port of entry, and Barrington a port of delivery. Bristol and Warren.
25 Feb., 1801, c. 7, s. 1, v. 2, p. 101.
17 April, 1822, c. 25, v. 3, p. 662.

Third. The district of Providence; to comprise all the waters and shores northward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high-water mark, and so much of the waters of the Narragansett Bay, and the shores, in the State of Rhode Island and Providence Plantations, as are within the county of Kent, including the port of East Greenwich, and that part of Warwick lying upon Greenwich Bay; in which Providence shall be the port of entry, and Patuxet and East Greenwich ports of delivery. Providence.
2 Mar., 1799, c. 22, s. 3, v. 1, p. 629.
29 July, 1850, c. 29, v. 9, p. 442.

SEC. 2532. There shall be in the collection-districts in the State of Rhode Island the following officers: Officers in Rhode Island.

First. In the district of Newport, a collector, who shall reside at Newport. Newport.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 630.

Second. In the district of Bristol and Warren, a collector, who shall reside at Bristol. Bristol and Warren.
25 Feb., 1801, c. 7, s. 2, v. 1, p. 102.

Third. In the district of Providence, a collector and an appraiser, who shall reside at Providence. Providence.
2 Mar., 1799, c. 22, s. 2, v. 1, p. 360. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Districts in Connecticut.

Stonington.

2 Mar., 1799, c. 22, s. 3, v. 1, p. 630. 3 Aug., 1842, c. 120, ss. 1, 3, v. 5, p. 499.

SEC. 2533. There shall be in the State of Connecticut five collection-districts, as follows:

First. The district of Stonington; to comprise all the waters and shores from the west line of Mystic River, including the villages of Portersville and Noank, in the town of Groton, to the east line of Pawcatuck River, including the town of Westerly, in Rhode Island, as bounded on the third day of August, eighteen hundred and forty-two; in which Stonington shall be the port of entry, and Pawcatuck River, in the town of Westerly, a port of delivery.

New London.

2 Mar., 1799, c. 22, s. 4, v. 1, p. 630. 10 May, 1800, c. 49, s. 3, v. 2, p. 68.

Second. The district of New London; to comprise all the waters and shores from the west line of Mystic River to and including the town of Lyme, as bounded on the tenth day of May, eighteen hundred; in which New London shall be the port of entry, and Norwich, Groton, and Lyme ports of delivery.

Middletown.

2 Mar., 1799, c. 22, s. 4, v. 1, p. 630.

Third. The district of Middletown; to comprise the waters and shores of the towns of Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Middletown shall be the port of entry, and Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor, ports of delivery.

New Haven.

2 Mar., 1799, c. 22, s. 4, v. 1, p. 630.

Fourth. The district of New Haven; to comprise the waters and shores from the west line of the district of Middletown westerly to Housatonic River; in which New Haven shall be the port of entry, and Guilford, Branford, Milford, and Derby ports of delivery.

Fairfield.

Ibid.

Fifth. The district of Fairfield; to comprise all the waters and shores in the State of Connecticut west of the district of New Haven; in which Fairfield shall be the port of entry, and Norwalk, Stratford, Stamford, and Greenwich ports of delivery.

Officers in Connecticut.

SEC. 2534. There shall be in the collection-districts of the State of Connecticut the following officers:

Stonington.

3 Aug., 1842, c. 120, s. 3, v. 5, p. 500.

First. In the district of Stonington, a collector, who shall reside at Stonington.

New London.

2 Mar., 1799, c. 22, s. 4, v. 1, p. 630.

Second. In the district of New London, a collector, who shall reside at New London.

Middletown.

Ibid.

Third. In the district of Middletown, a collector, who shall reside at Middletown.

New Haven.

Ibid.

Fourth. In the district of New Haven, a collector, who shall reside at New Haven.

Fairfield.

Ibid.

Fifth. In the district of Fairfield, a collector, who may reside at Fairfield or Bridgeport.

4 June, 1842, c. 38, v. 5, p. 489.

Districts in New York.

SEC. 2535. There shall be in the State of New York ten collection-districts, as follows:

Sag Harbor.

2 Mar., 1799, v. 1, p. 631. 26 Jan., 1848, c. 5, v. 9, p. 209.

First. The district of Sag Harbor; to comprise all the waters and shores within the two points of land called Oyster Pond Point and Montauk Point; in which Sag Harbor shall be the port of entry, and Greenport a port of delivery.

City of New York.

2 Mar., 1799, c. 22, s. 5, v. 1, p. 630. 7 May, 1822, c. 107, s. 1, v. 3, p. 693. 3 Mar., 1825, c. 96, s. 1, v. 4, p. 127. 2 Mar., 1827, c. 58, v. 4, p. 237.

Second. The district of the city of New York; to comprise all the waters and shores of the State of New York, and of the counties of Hudson and Bergen in the State of New Jersey, not included in other districts; in which New York shall be the port of entry, and New Windsor, Newburgh, Poughkeepsie, Esopus, Kinderhook, Albany, Hudson, Troy, Rhinebeck Landing, Cold Spring, and Port Jefferson ports of delivery; and Jersey City a port of entry and delivery with an assistant collector to act under the collector at New York.

26 Jan., 1848, c. 5, v. 9, p. 209. 3 Aug., 1852, c. 115, s. 3, v. 10, p. 144. 21 Feb., 1863, c. 52, v. 12, p. 658. 2 Mar., 1867, c. 178, s. 1, v. 14, p. 542. 29 *Jan.*, 1875, *c.* 29, *v.* 18, *p.* 304.

Third. The district of Champlain; to comprise all the waters and shores of Lake Champlain and the rivers connected therewith within the State of New York, and to extend westwardly along the northern boundary-line of the State to the river Saint Lawrence; in which Plattsburgh shall be the port of entry, and Whitehall and Fort Covington ports of delivery. Champlain. 2 Mar., 1799, c. 252, s. 5, v. 1, p. 630. 3 June, 1864, c. 109, v. 13, p. 119. 13 July, 1866, c. 180, v. 14, p. 94.

Fourth. The district of Oswegatchie; to comprise all the waters and shores of the river Saint Lawrence within the State of New York from the western boundary of the district of Champlain to the western boundary of the county of Saint Lawrence as bounded on the second day of March, eighteen hundred and eleven; in which Ogdensburgh shall be the port of entry. Oswegatchie. 2 Mar., 1811, c. 31, s. 2, v. 2, p. 655.

Fifth. The district of Cape Vincent; to comprise all the waters and shores of the river Saint Lawrence from the western boundary of the county of Saint Lawrence as bounded on the second day of March, eighteen hundred and eleven, and all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, to the western extremity of Hungry Bay; in which Cape Vincent shall be the port of entry. Cape Vincent. 3 Mar., 1803, c. 26, s. 3, v. 2, p. 229. 2 Mar., 1811, c. 33, s. 3, v. 2, p. 657. 18 Apr., 1818, c. 76, v. 3, p. 433. 3 Mar., 1863, c. 87, s. 2, v. 12, p. 761.

Sixth. The district of Oswego; to comprise all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, from the western extremity of Hungry Bay to the western extremity of Sodus Bay, including all the rivers and waters emptying into that bay; in which Oswego shall be the port of entry. Oswego. 2 Mar., 1799, c. 22, s. 5, v. 1, p. 630. 3 Mar., 1805, c. 34, s. 1, v. 2, p. 336. 2 Mar., 1811, c. 31, s. 1, v. 2, p. 655. 3 Mar., 1863, c. 87, s. 2, v. 12, p. 761.

Seventh. The district of Genesee; to comprise all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, from the western extremity of Sodus Bay, but excluding all the rivers and waters emptying into that bay, to the eastern extremity of Oak Orchard Creek; in which the river Genesee shall be the port of entry. Genesee. 3 Mar., 1805, c. 34, s. 1, v. 2, p. 336. 14 *Mar.*, 1876, *c.* 23, *v.* 19, *p.* 7.

Eighth. The district of Niagara; to comprise all the waters and shores of Lake Ontario and the river Niagara, and the rivers connected therewith, within the jurisdiction of the United States, and within the State of New York, from the eastern extremity of Oak Orchard Creek to the channel of Tonawanda Creek; in which Suspension Bridge shall be the port of entry. Niagara. 2 Mar., 1799, c. 22, s. 5, v. 1, p. 630. 3 Mar., 1805, c 34, s. 1, v. 2, p. 336. 3 Mar., 1863, c. 87, s. 2, v. 12, p. 761.

Ninth. The district of Buffalo Creek; to comprise all the waters and shores of Lake Erie or the river Niagara, within the State of New York, from Tonawanda Creek to the eastern shore of Cattaraugus Creek; in which Buffalo shall be the port of entry. Buffalo Creek. 3 Mar., 1805, c. 34, s. 2, v. 2, p. 336. 2 Mar., 1811, c. 33, s. 4, v. 2, p. 657. 3 Mar., 1863, c. 87, s. 2, v. 12, p. 761.

Tenth. The district of Dunkirk; to comprise the waters and shores of the counties of Cattaraugus and Chautauqua, as bounded on the twenty-seventh day of July, eighteen hundred and fifty-four, and the harbors, rivers, and waters on the southern shore of Lake Erie, within the State of New York, west of and including Cattaraugus Creek and the shores on each side of that creek, and west along the shore and territory bordering on Lake Erie to the Pennsylvania State line, and the islands in the lake contiguous thereto; in which Dunkirk shall be the port of entry; and Barcelona, Silver Creek, and Cattaraugus Creek, ports of delivery. Dunkirk. 27 July, 1854, c. 105, s. 1, v. 10, p. 310.

SEC. 2536. There shall be in the collection-districts of the State of New York the following officers: Officers in New York.

First. In the district of Sag Harbor, a collector, who shall reside at Sag Harbor; and a surveyor, who shall reside at Greenport. Sag Harbor. 2 Mar., 1799, c. 22, s. 5, v. 1, p. 631. 26 Jan., 1848, c. 5, v. 9, p. 210.

Second. In the district of New York, a collector, an assistant collector, a naval officer, a surveyor, one appraiser, and ten assistant appraisers, who shall reside at the port of New York: one assistant collector, City of New York. 2 Mar., 1799, c. 22, s. 5, v. 1, p. 631.

21 Feb., 1863, c. 52, v. 12, p. 658.
3 Mar., 1863, c. 79, s. 16, v. 12, p. 753.
2 Mar., 1867, c. 178, s. 1, v. 14, p. 542.
27 July, 1866, c. 284, ss. 1, 2, v. 14, p. 302. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

who shall reside at Jersey City, and shall have power to enter and clear vessels in like manner as the collector at New York is authorized by law to do, and shall act in conformity to such instructions as he shall from time to time receive from the collector of New York; a surveyor, to act also as collector, who shall reside at Albany. [A surveyor at each of the ports of Cold Spring, on the north side of Long Island and Port Jefferson, who shall reside at their respective ports.] [See § 4340.]

Champlain.

2 Mar., 1799, c. 22, s. 5, v. 1, p. 631.
3 June, 1864, c. 109, v. 13, p. 119.
13 July, 1866, c. 180, v. 14, p. 94.

Third. In the district of Champlain, a collector, who shall reside at Plattsburgh; a deputy collector, who shall reside at Rouse's Point; a deputy collector, who shall reside at Whitehall; and the President may appoint not exceeding two surveyors, who shall reside at such places as he may deem proper.

Oswegatchie.

2 Mar., 1811, c. 31, s. 2, v. 2, p. 655.

Fourth. In the district of Oswegatchie, a collector, who shall reside at Ogdensburgh.

Cape Vincent.

18 April, 1818, c. 75, v. 3, p. 433.

Fifth. In the district of Cape Vincent, a collector, who shall reside at Cape Vincent.

Oswego.

2 Mar., 1799, c. 22, s. 5, v. 1, p. 631.

Sixth. In the district of Oswego, a collector, who shall reside at Oswego.

Genesee.

3 Mar., 1805, c. 34, s. 1, v. 2, p. 336.

Seventh. In the district of Genesee, a collector, who shall reside on the Genesee River.

Niagara.

2 Mar., 1799, c. 22, s. 5, v. 1, p. 631.

Eighth. In the district of Niagara, a collector, who shall reside at Suspension Bridge.
3 Mar., 1863, c. 87, s. 2, v. 12, p. 761.

Buffalo Creek.

3 Mar., 1805, c. 34, s. 2, v. 2, p. 336.

Ninth. In the district of Buffalo Creek, a collector, who shall reside at Buffalo; and an appraiser.
14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Dunkirk.

27 July, 1854, c. 105, v. 10, pp. 310, 311.

Tenth. In the district of Dunkirk, a collector, who shall reside at Dunkirk; and for each of the ports of Barcelona, Silver Creek, and Cattaraugus Creek, a deputy collector.

Entry of merchandise intended for Greenport.

26 Jan., 1848, c. 5, v. 9, p. 210.

SEC. 2537. All cargoes chargeable with duties intended for delivery at the port of Greenport, in the State of New York, shall be entered and the duties paid at the port of Sag Harbor, before permission shall be granted to discharge the same at Greenport.

Examiners at New York.

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

SEC. 2538. The Secretary of the Treasury may, on the nomination of the appraiser, appoint such number of examiners at the port of New York as the Secretary may in writing determine to be necessary, to aid each of the assistant appraisers in the examination, inspection, and appraisement of merchandise.

Employés in appraiser's office at New York.

Ibid.

SEC. 2539. The Secretary of the Treasury shall also appoint, on the nomination of the appraiser at the port of New York, the clerks, verifiers, samplers, openers, packers, and messengers employed in the appraiser's office, or in any of the departments thereof, and shall limit and fix their number.

Entry of merchandise intended for Cold Spring.

26 Jan., 1848, c. 5, v. 9, p. 210.
31 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

SEC. 2540. All merchandise chargeable with duties intended for delivery at the port of Cold Spring, on the north side of Long Island, in the State of New York, or at the port of Port Jefferson, in that State, shall be entered and the duties paid at the port of New York, before permission shall be granted to discharge the same at Cold Spring or Port Jefferson.

Districts in New Jersey.

SEC. 2541. There shall be in the State of New Jersey six collection-districts, as follows:

Newark.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632.
30 June, 1834, c. 135, s. 9, v. 4, p. 716.

First. The district of Newark; to comprise all the waters and shores of that part of the State of New Jersey lying north and east of Elizabeth and Staten Island, extending eastward as far as the mouth of the Kill Van Kull, where it empties into the bay of New York; including

all the waters and shores of Newark Bay and the rivers and bays tributary thereto, the northern shore of the strait or passage known as Kill Van Kull, and all that part of the western shore of the strait or passage known as Staten Island Sound, or Arthur Kill, which lies north of the northern boundary-line of the town of Rahway, as bounded on the twenty-second day of February, eighteen hundred and sixty-nine; in which Newark shall be the port of entry, and Elizabeth a port of delivery.

22 Feb., 1869, c. 42, s. 3, v. 15, p. 273.

Second. The district of Perth Amboy; to comprise all the waters and shores within the State of New Jersey from the northern boundary-line of the town of Rahway, as bounded on the twenty-second day of February, eighteen hundred and sixty-nine, to Barnegat Inlet; in which Perth Amboy shall be the port of entry, and New Brunswick and Middletown Point ports of delivery.

Perth Amboy.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632. 30 June, 1834, c. 135, s. 9, v. 4, p. 716. 22 Feb., 1869, c. 42, s. 3, v. 15, p. 273.

Third. The district of Little Egg Harbor; to comprise all the waters and shores from Barnegat Inlet to Brigantine Inlet, including both; in which Tuckerton shall be the port of entry.

Little Egg Harbor.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632.

Fourth. The district of Great Egg Harbor; to comprise all the waters and shores of the river of Great Egg Harbor, and along the sea-coast from Brigantine Inlet to Cape May.

Great Egg Harbor.

Ibid.

Fifth. The district of Bridgeton; to comprise the waters and shores of the Delaware Bay and River within the State of New Jersey, from Cape May to and including the county of Gloucester, as bounded on the second day of March, seventeen hundred and ninety-nine, except the port of Camden; in which Bridgeton shall be the port of entry, and Salem and Port Elizabeth, on Maurice River, ports of delivery.

Bridgeton.

Ibid. 28 Feb., 1867, c. 103, s. 1, v. 14, p. 417.

Sixth. The district of Burlington; to comprise all the waters and shores of the Delaware River within the State of New Jersey northward of the northern boundary of the county of Gloucester, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Burlington shall be the port of entry, and Lamberton the port of delivery.

Burlington.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632.

SEC. 2542. There shall be in the collection-districts of the State of New Jersey the following officers:

Officers in New Jersey.

First. In the district of Newark, a collector, who shall reside at Newark.

Newark.

30 June, 1834, c. 135, s. 10, v. 4, p. 716.

Second. In the district of Perth Amboy, a collector, who shall reside at Perth Amboy.

Perth Amboy.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632.

Third. In the district of Little Egg Harbor, a collector, who shall reside at Tuckerton.

Little Egg Harbor.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632.

Fourth. In the district of Great Egg Harbor, a collector, who shall reside at such place within the district as may be designated by the Secretary of the Treasury.

Great Egg Harbor.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632. 21 April, 1806, c. 45, s. 1, v. 2, p. 399.

Fifth. In the district of Bridgeton, a collector, who shall reside at Bridgeton.

Bridgeton.

2 Mar., 1799, c. 22, s. 7, v. 1, p. 632.

Sixth. In the district of Burlington, a collector, who shall reside at Lamberton.

Burlington.

Ibid. 31 Mar., 1830, c. 50, v. 4, p. 392.

SEC. 2543. There shall be in the State of Pennsylvania three collection-districts, as follows:

Districts in Pennsylvania.

First. The district of Philadelphia; to comprise all the waters and shores of the Delaware River, and the rivers and waters connected therewith, within the State of Pennsylvania, and the port of Camden, in New Jersey; in which Philadelphia shall be the port of entry, and Camden and Chester ports of delivery.

Philadelphia.

2 Mar., 1799, c. 22, s. 8, v. 1, p. 632. 17 April, 1822, c. 24, v. 3, p. 662.

30 June, 1834, c. 135, s. 5, v. 4, p. 715. 20 Feb., 1865, c. 42, s. 1, v. 13, p. 431. 28 Feb., 1867, c. 103, s. 1, v. 14, p. 417. 29 Mar., 1867, c. 16, v. 15, p. 10. 25 June, 1868, c. 75, v. 15, p. 78.

Erie.

2 Mar., 1799, c. 22, s. 8, v. 1, p. 632. 21 April, 1864, c. 65, v. 13, p. 54.

Second. The district of Erie; to comprise all the waters and shores of Lake Erie, and the rivers and waters connected therewith, within the jurisdiction of the United States and within the State of Pennsylvania; in which Erie shall be the port of entry.

Pittsburgh.

2 April, 1872, c. 80, v. 17, p. 47.

Third. The district of Pittsburgh; to comprise all the waters and shores of the Ohio River and the rivers and waters connected therewith, within the State of Pennsylvania; in which Pittsburgh shall be the port of entry.

Officers in Pennsylvania.

SEC. 2544. There shall be in the collection-districts of the State of Pennsylvania the following officers:

Philadelphia.

2 Mar., 1799, c. 22, s. 8, v. 1, p. 632. 1 Mar., 1823, c. 21, s. 16, v. 3, p. 735. 28 May, 1830, c. 147, s. 2, v. 4, p. 409. 26 June, 1848, c. 70, s. 5, v. 9, p. 238. 28 Feb., 1867, c. 103, s. 1, v. 14, p. 417.

First. In the district of Philadelphia, a collector, a naval officer, a surveyor, two appraisers, and two assistant appraisers, who shall reside at the port of Philadelphia; a special examiner of drugs, medicines, and chemicals; an assistant collector, who shall reside at Camden, and shall have power to enter and clear vessels in like manner as the collector of Philadelphia, but shall act in conformity to such instructions and regulations as he shall from time to time receive from the collector of Philadelphia; and an inspector, who shall reside at Chester, and have the powers of a deputy collector. [See § 4841.]

3 Mar., 1873, c. 225, v. 17, p. 485. 3 *Mar.*, 1875, *c.* 147, *v.* 18, *p.* 480.

Erie.

2 Mar., 1799, c. 22, s. 8, v. 1, p. 632. 21 April, 1864, c. 65, v. 13, p. 54.

Second. In the district of Erie, a collector, who shall reside at Erie.

Pittsburgh.

3 Mar., 1831, c. 87, ss. 1, 5, v. 4, pp. 480, 481. 14 July, 1870, v. 16, p. 271.

Third. In the district of Pittsburgh, a surveyor, and an appraiser.

Employés in appraiser's office at Philadelphia.

28 May, 1830, c. 147, s. 6, v. 4, p. 411. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

SEC. 2545. The clerks and other persons employed in the appraiser's office at the port of Philadelphia shall be appointed by the principal [*appraiser*] [appraisers], and their number and compensation shall be fixed by the Secretary of the Treasury.

District of Delaware.

2 Mar., 1799, c. 22, s. 9, v. 1, p. 633. 2 Mar., 1831, c. 76, s. 3, v. 4, p. 476.

SEC. 2546. There shall be in the State of Delaware one collection-district, as follows:

The district of Delaware; to comprise the State of Delaware; in which Wilmington shall be the port of entry, and New Castle, Port P[illegible]n, and Delaware City ports of delivery.

Officers in Delaware.

2 Mar., 1799, c. 22, s. 9, v. 1, p. 633.

SEC. 2547. There shall be in the collection-district of Delaware a collector, who shall reside at Wilmington.

Districts in Maryland.

SEC. 2548. There shall be in the State of Maryland three collection-districts, as follows:

Eastern district.

2 Mar., 1799, c. 22, s. 10, v. 1, p. 634. 15 June, 1844, c. 51, s. 1, v. 5, p. 664. 25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

First. The Eastern district; to comprise all the waters and shores on the east side of Chesapeake Bay, from the north line of the State of Virginia to the south side of Great Choptank River; in which Crisfield shall be the port of entry, and Salisbury a port of delivery.

Baltimore.

2 Mar., 1799, c. 22, s. 10, v. 1, p. 633. 3 Mar., 1803, c. 26, s. 2, v. 2, p. 228. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 15 June, 1844, c. 51, s. 1, v. 5, p. 664. 25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Second. The district of Baltimore; to comprise all the waters and shores on the east side of Chesapeake Bay north of and including the south side of Great Choptank River, and all the waters and shores on the west side of Chesapeake Bay, north of the mouth of Magothy River; in which Baltimore shall be the port of entry, and Cambridge, Easton, and Havre de Grace ports of delivery.

Annapolis.

2 Mar., 1799, c. 22, s. 10, v. 1, pp. 633, 634. 25 April, 1808, c. 61, s. 2, v. 2, p. 497. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Third. The district of Annapolis; to comprise all the waters and shores on the east side of Chesapeake Bay south of the mouth of Magothy River to Point Lookout, and all the waters and shores of the Potomac River within the State of Maryland from Point Lookout to and including Pomonkey Creek; in which Annapolis shall be the port of entry; and Benedict, Lower Marlborough, Town Creek, Silvey's Landing, Cedar Point, Llewellensburgh, Nottingham, and Saint Mary's ports of delivery.

Officers in Maryland.

SEC. 2549. There shall be in the collection-districts in the State of Maryland the following officers:

Eastern district.

First. In the eastern district, a collector, who shall reside at Crisfield.

25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Baltimore.

Second. In the district of Baltimore, a collector, a naval officer, a surveyor, two appraisers, and a special examiner of drugs, medicines, and chemicals, who shall reside at the port of Baltimore; and the Secretary of the Treasury may appoint a deputy collector, who shall reside at Chesapeake City. [See § 4348.]

2 Mar., 1799, c. 22, s. 10, v. 1, p. 633. 1 Mar., 1823, c. 21, s. 16, v. 3, p. 735. 26 June, 1848, c. 70, s. 5, v. 9, p. 238. 3 Mar., 1849, c. 127, s. 2, v. 9, p. 414.

Annapolis.

Third. In the district of Annapolis, a collector, who shall reside at Annapolis; a surveyor, who shall reside at Town Creek, a surveyor who shall reside at Saint Mary's, and a surveyor who shall reside at Llewellensburgh.

2 Mar., 1799, c. 22, s. 10, v. 1, pp. 633, 634. 25 April, 1808, c. 61, s. 2, v. 2, p. 497. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 15 June, 1844, c. 51, v. 5, p. 664.

District of Columbia.

SEC. 2550. There shall be in the District of Columbia one collection-district, as follows:

Georgetown.

The district of Georgetown; to comprise all the waters and shores of the Potomac River within the State of Maryland and the District of Columbia from Pomonkey Creek to the head of the navigable waters of that river; in which Georgetown shall be the port of entry.

2 Mar., 1799, c. 22, s. 10, v. 1, p. 634. 1 May, 1802, c. 45, s. 9, v. 2, p. 182.

Officers in District of Columbia.

SEC. 2551. There shall be in the district of Georgetown a collector.

Ibid.

Districts in Virginia.

SEC. 2552. There shall be in the State of Virginia seven collection-districts, as follows:

Cherrystone.

First. The district of Cherrystone; to comprise all the waters and shores of the seat-coast of the State of Maryland from the south line of the State of Delaware to the north line of the State of Virginia, and the waters, shores, bays, harbors, and inlets within the counties of Northampton and Accomac in Virginia, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Cherrystone shall be the port of entry, and Snow Hill, and Folly Landing, ports of delivery.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 635. 15 June, 1844, c. 51, s. 1, v. 5, p. 664. 11 July, 1862, c. 150, v. 12, p. 527. 25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Alexandria.

Second. The district of Alexandria; to comprise all the waters and shores of the Potomac River within the State of Virginia from the head of the navigable waters of that river to Boyd's Hole; in which Alexandria shall be the port of entry, and Potomac a port of delivery.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 634. 19 April, 1871, c. 17, s. 1, v. 17, p. 4.

Tappahannock.

Third. The district of Tappahannock; to comprise all the waters and shores of the Potomac River within the State of Virginia from Boyd's Hole to Smith's Point at the mouth of that river, and on the western shore of the Chesapeake Bay between Smith's Point and the point forming the south shore of the mouth of the Rappahannock River, and the Rappahannock River to its highest tide-water; in which Tappahannock shall be the port of entry, and Urbana, Port Royal, Fredericksburgh, and Yeocomico ports of delivery.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 634. 2 Mar., 1811, c. 33, s. 8, v. 2, p. 658. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 19 April, 1871, c. 17, ss. 1, 3, v. 17, pp. 4, 5.

Yorktown.

Fourth. The district of Yorktown; to comprise all the waters and shores from the point forming the south shore of the mouth of Rappahannock River to the point forming the south shore of the mouth of York River, and from the mouth of York River to West Point, and from West Point to the highest navigable waters of the Pamunkey and Mattapony Rivers; in which Yorktown shall be the port of entry, and West Point, East River, and Cumberland ports of delivery.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 634.

Norfolk and Portsmouth.

Fifth. The district of Norfolk and Portsmouth; to comprise all the waters and shores within the State of Virginia southward of the district of Yorktown, not included in the districts of Petersburgh and Richmond; in which Norfolk and Portsmouth shall be the sole port of entry, and Suffolk, Smithfield, and Hampton ports of delivery.

Ibid. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Petersburgh.

Sixth. The district of Petersburgh; to comprise of all the waters and shores of the James River, from the junction of the Chickahominy River on the north side, and from Hood's on the south side, to the junction of

2 Mar., 1799, c. 22, s. 11, v. 1, p. 634.

10 May, 1800, c. 49, s. 4, v. 2, p. 68.

the James and Appomattox Rivers, and the Chickahominy and Appomattox Rivers to their highest tide-waters; in which the port of entry shall extend from Petersburgh to City Point.

Richmond.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 634. 10 May, 1800, c. 49, s. 4, v. 2, p. 68.

Seventh. The district of Richmond; to comprise all the waters and shores of the James River from the junction of the James and Appomattox Rivers to the highest tide-waters of the James River; in which the port of entry shall extend from Richmond and Manchester to Bermuda Hundred.

Officers in Virginia.

SEC. 2553. There shall be in the collection-districts in the State of Virginia the following officers:

Cherrystone.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 635. 15 June, 1814, c. 51, s. 1, v. 5, p. 664. 11 July, 1862, c. 150, v. 12, p. 537.

First. In the district of Cherrystone a collector, who shall reside at Cherrystone; and the Secretary of the Treasury may appoint a deputy collector who shall reside on Chincoteague Island, in Virginia, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; and the President, if he deems it necessary, may appoint a surveyor, who shall reside at Folly Landing.

Alexandria.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 635. 19 April, 1871, c. 17, s. 2, v. 17, p. 4.

Second. In the district of Alexandria a collector and a surveyor, who shall reside at Alexandria, and a deputy collector who shall reside at Potomac, and perform such duties as may be imposed upon him in pursuance of law by the Secretary of the Treasury.

Tappahannock.

2 Mar., 1799, c. 22, s. 11, p. 635. 2 Mar., 1811, c. 33, s. 8, v. 2, p. 68.

Third. In the district of Tappahannock, a collector, who shall reside at Tappahannock, a surveyor who shall reside at Urbana, a surveyor who shall reside at Port Royal, a surveyor who shall reside at Fredericksburgh, and a surveyor who shall reside at or near the mouth of the Rappahannock River, at such place as the President shall designate.

Yorktown.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 635.

Fourth. In the district of Yorktown, a collector, who shall reside at Yorktown, and a surveyor, who shall reside at West Point.

Norfolk and Portsmouth.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 634. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Fifth. In the district of Norfolk and Portsmouth, a collector, a surveyor, and an appraiser, who shall reside at Norfolk, and a surveyor who shall reside at Suffolk, and a surveyor who shall reside at Smithfield.

Petersburgh.

2 Mar., 1799, c. 22, s. 11, v. 1, p. 634. 10 May, 1800, c. 49, s. 4, v. 2, p. 68.

Sixth. In the district of Petersburgh, a collector and a surveyor, who shall reside at Petersburgh.

Richmond.

Ibid.

Seventh. In the district of Richmond, a collector and a surveyor, who shall reside at Richmond, and a surveyor who shall reside at Bermuda Hundred.

Clearance at Richmond of vessel loaded at Petersburgh.

SEC. 2554. Any vessel owned by or consigned to any person in the collection-district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburgh, by such owner or consignee, may be cleared by the collector of the district of Richmond, on application of the owner, consignee, or captain of such vessel.

26 May, 1824, c. 161, v. 4, p. 44. 28 May, 1830, c. 152, v. 4, p. 14.

Districts in North Carolina.

SEC. 2555. There shall be in the State of North Carolina four collection-districts, as follows:

Albemarle.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411. 27 July, 1868, c. 257, v. 15, p. 227.

First. The district of Albemarle; to comprise Albemarle, Currituck, and Croatan Sounds, and all the waters and shores adjacent to and flowing into those sounds, south of the southern boundary-line of the State of Virginia, together with that part of Pamlico Sound north of and including Loggerhead Inlet, and all the waters and shores appertaining thereto; in which Edenton shall be the port of entry.

Pamlico.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Second. The district of Pamlico; to comprise Pamlico Sound, and all the waters and shores adjacent to and flowing into that sound, not included in the district of Albemarle, and including the south line of Neuse River to the northern entrance of Core Sound; in which [*Newburn*] [Newberne] shall be the port of entry.

Beaufort.

25 Feb., 1867, c. 82, ss. 1, 2, v. 14, p. 411.

Third. The district of Beaufort; to comprise all the waters and shores south of the district of Pamlico, and north of and including New River and inlet; in which Beaufort shall be the port of entry; but the Secre-

tary of the Treasury may, if he deems it necessary, change the port of entry to Morehead City.

Wilmington.

Fourth. The district of Wilmington; to comprise all the waters and shores south of the district of Beaufort to the southern boundary of the State of North [*Carlolina*] [Carolina;] in which Wilmington shall be the port of entry.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Officers in North Carolina.

SEC. 2556. There shall be in the collection-districts in the State of North Carolina the following officers:

Albemarle.

First. In the district of Albemarle, a collector, to reside at the port of entry.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.

Pamlico.

Second. In the district of Pamlico, a collector, to reside at the port of entry.

Ibid.

Beaufort.

Third. In the district of Beaufort, a collector, to reside at the port of entry.

Ibid.

Wilmington.

Fourth. In the district of Wilmington, a collector, to reside at the port of entry. [See § 4342.]

Ibid.

Districts in South Carolina.

SEC. 2557. There shall be in the State of South Carolina three collection-districts, as follows:

Georgetown.

First. The district of Georgetown; to comprise all the waters and shores from the southern boundary of the State of North Carolina to the point of Cape Romain; in which Georgetown shall be the port of entry.

2 Mar., 1799, c. 22, s. 13, v. 1, p. 636.

Charleston.

Second. The district of Charleston; to comprise all the waters and shores from Cape Romain to Combahee River, inclusive, in which Charleston shall be the port of entry.

Ibid.

Beaufort.

Third. The district of Beaufort; to comprise all the waters and shores from Combahee River to the Back River in Georgia; in which Beaufort shall be the port of entry.

Ibid.

Officers in South Carolina.

SEC. 2558. There shall be in the collection-districts in the State of South Carolina the following officers:

Georgetown.

First. In the district of Georgetown, a collector.

2 Mar., 1799, c. 22, s. 13, v. 1, p. 636.

Charleston.

Second. In the district of Charleston, a collector, a naval officer, a surveyor, who shall reside at Charleston, two appraisers, and a special examiner of drugs, medicines, and chemicals.

Ibid. 1 Mar., 1823, c. 21 s. 16, v. 3, p. 735. 26 June, 1848, c. 70, s. 5, v. 9, p. 238.

Beaufort.

Third. In the district of Beaufort, a collector.

2 Mar., 1799, c. 22, s. 13, v. 1, p. 636.

Districts in Georgia.

SEC. 2559. There shall be in the State of Georgia three collection-districts, as follows:

Savannah.

First. The district of Savannah; to comprise the Savannah River and all the waters and shores from that river to and including the south point of Sapelo Island, in which Savannah shall be the port of entry, and Augusta, Sunbury, and Hardwicke ports of delivery.

2 Mar., 1799, c. 22, s. 14, v. 1, p. 636. 15 June, 1844, c. 51, s. 1, v. 5, p. 664. 2 Mar., 1857, c. 62, v. 11, p. 168.

Brunswick.

Second. The district of Brunswick; to comprise all the waters and shores from the south point of Sapelo Island to and including the south point of Jekyl Island; in which Brunswick shall be the port of entry, and Frederica and Darien ports of delivery.

2 Mar., 1799, c. 22, s. 14, v. 1, p. 636. 21 April, 1806, c. 45, s. 2, v. 2, p. 399. 9 Mar., 1818, c. 14, v. 3, p. 408. 20 June, 1862, c. 116, s. 1, v. 12, p. 432.

Saint Mary's.

Third. The district of Saint Mary's; to comprise all the waters and shores from the south point of Jekyl Island to and including Saint Mary's; in which Saint Mary's shall be the port of entry.

2 Mar., 1799, c. 22, s. 14, v. 1, p. 636.

Officers in Georgia.

SEC. 2560. There shall be in the collection-districts in the State of Georgia the following officers:

Savannah.

First. In the district of Savannah, a collector, a naval officer, a surveyor, and two appraisers, who shall reside at the port of Savannah; a surveyor, who shall reside at Augusta; and the President, if he deems it necessary,

2 Mar., 1799, c. 22, s. 14, v. 1, p. 636.

1 Mar., 1823, c. 21, s. 16, v. 3, p. 735. 15 June, 1844, c. 51, s. 1, v. 5, p. 664.

may appoint a surveyor who shall reside at Sunbury, and a surveyor who shall reside at Hardwicke.

2 Mar., 1867, c. 62, v. 11, p. 168.

Brunswick.

2 Mar., 1799, c. 22, s. 14, v. 1, p. 636. 21 Apr., 1806, c. 45, s. 2, v. 2, p. 399.

Second. In the district of Brunswick, a collector, who shall reside at Brunswick; a deputy collector, who shall reside at Darien; and a surveyor, who shall reside at such place in the district as may be designated by the Secretary of the Treasury.

9 Mar., 1818, c. 14, v. 3, p. 408. 20 June, 1862, c. 116, s. 1, v. 12, p. 432.

Saint Mary's.

2 Mar., 1799, c. 22, s. 14, v. 1, p. 637.

Third. In the district of Saint Mary's, a collector, who shall reside at Saint Mary's.

Collectors of Savannah and Brunswick may grant permits, &c.

2 Mar., 1799, c. 22, s. 14, v. 1, p. 637.

SEC. 2561. The collectors of the districts of Savannah and Brunswick, in the State of Georgia, are each authorized to grant permits to unload at any port within their districts, respectively, and to appoint and put on board any vessel for which such a permit is granted one or more inspectors, as may be necessary for the security of the revenue.

Districts in Florida.

SEC. 2562. There shall be in the State of Florida seven collection-districts, as follows:

Fernandina.

3 Mar., 1857, c. 105, v. 11, p. 200.

First. The district of Fernandina; to comprise all the waters and shores in the county of Nassau as bounded on the third day of March, eighteen hundred and fifty-seven; in which Fernandina shall be the port of entry.

Saint John's.

2 Mar., 1831, c. 76, s. 4, v. 4, p. 476. 3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

Second. The district of Saint John's; to comprise all the waters and shores from the southern boundary of the county of Nassau, as bounded on the third day of March, eighteen hundred and fifty-seven, to the south side of the Saint John's River; in which such place, on the Saint John's River, as the President may direct, shall be the port of entry, and Pilatka a port of delivery.

Saint Augustine.

7 May, 1822, c. 62, s. 2, v. 3, p. 684. 21 Jan., 1829, c. 10, s. 2, v. 4, p. 331. 2 Mar., 1831, c. 76, s. 4, v. 4, p. 476.

Third. The district of Saint Augustine; to comprise all the waters and shores from the south side of Saint John's River to and including Indian River; in which Saint Augustine shall be the port of entry.

Key West.

7 May, 1822, c. 62, s. 3, v. 3, p. 684. 13 July, 1832, c. 201, s. 2, v. 4, p. 577.

Fourth. The district of Key West; to comprise all the waters and shores from Indian River to and including Tampa Bay, and of the islands opposite and nearest thereto; in which Key West shall be the port of entry.

Saint Mark's.

21 Jan., 1829, c. 10, s. 1, v. 4, p. 331. 13 July, 1832, c. 201, s. 2, v. 4, p. 577.

Fifth. The district of Saint Mark's; to comprise all the waters and shores from Tampa Bay to and including Oklokonee Bay; in which Cedar Keys shall be the port of entry, and Saint Mark's, Bayport, and Magnolia, ports of delivery.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346. 8 Feb., 1871, c. 39, v. 16, p. 407.

Apalachicola.

7 May, 1822, c. 62, s. 4, v. 3, p. 684. 21 Jan., 1829, c. 10, s. 1, v. 4, p. 331.

Sixth. The district of Apalachicola; to comprise all the waters and shores from Oklokonee Bay to Cape San Blas; in which such place as the President may designate shall be the port of entry.

Pensacola.

7 May, 1822, c. 62, s. 5, v. 3, p. 684.

Seventh. The district of Pensacola; to comprise all the waters and shores of the State of Florida west of Cape San Blas; in which Pensacola shall be the port of entry; and the President may establish such ports of delivery in the districts of Florida as he may deem expedient; and for each port of delivery so established he shall appoint a surveyor, to reside at the port for which he is appointed.

President may appoint ports of delivery in Florida.

7 May, 1822, c. 62, ss. 6, 7, v. 3, p. 684. 26 May, 1824, c. 158, s. 2, v. 4, p. 43.

Officers in Florida.

SEC. 2563. There shall be in the collection-districts in the State of Florida the following officers:

Fernandina.

First. In the district of Fernandina, a collector.

3 Mar., 1857, c. 105, v. 11, p. 200.

Saint John's.

2 Mar., 1831, c. 76, s. 4, v. 4, p. 476. 3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

Second. In the district of Saint John's, a collector, who shall reside at such place as the President may designate as a port of entry, and a surveyor who shall reside at Pilatka.

Third. In the district of Saint Augustine, a collector, who shall reside at Saint Augustine. Saint Augustine. 7 May, 1822, c. 62, ss. 2–7, v. 3, p. 684.

Fourth. In the district of Key West, a collector, who shall reside at Key West. Key West. 7 May, 1822, c. 62, s. 3, v. 3, p. 684. 13 July, 1832, c. 201, ss. 2, 3, v. 4, p. 577.

Fifth. In the district of Saint Mark's, a collector, who shall reside at Cedar Keys, and a surveyor, who shall reside at Bayport. Saint Mark's. 3 Aug., 1854, c. 202, s. 1, v. 10, p. 346. 8 Feb., 1871, c. 39, v. 16, p. 407.

Sixth. In the district of Apalachicola, a collector, who shall reside at the port of entry. Apalachicola. 7 May, 1822, c. 62, ss. 4, 7, v. 3, p. 684.

Seventh. In the district of Pensacola, a collector, who shall reside at Pensacola. Pensacola. 7 May, 1822, c. 62, ss. 5, 7, v. 3, p. 684.

SEC. 2564. There shall be in the State of Alabama one collection-district, as follows: District in Alabama.

The district of Mobile, to comprise all the waters and shores of the river Mobile, and of the other rivers, creeks, inlets, and bays emptying into the Gulf of Mexico, within the State; in which Mobile shall be the port of entry, and Selma, in the State of Alabama, shall be a port of delivery. Mobile. 24 Feb., 1804, c. 13, s. 11, v. 2, p. 254. 22 July, 1813, c. 18, v. 3, p. 35. 3 Mar., 1857, c. 102, v. 11, p. 199. 22 *June*, 1874, *c.* 402, *v.* 18, *p.* 196.

SEC. 2565. There shall be in the collection-district of Alabama a collector and an appraiser, who shall reside at the port of Mobile, and a surveyor who shall reside at Selma. Officers in Alabama. Mobile. 24 Feb., 1804, c. 13, s. 11, v. 2, p. 254. 3 Mar., 1857, c. 102, v. 11, p. 199. 27 Jan., 1858, c. 3, v. 11, p. 260. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

SEC. 2566. There shall be in the State of Mississippi three collection-districts, as follows: Districts in Mississippi.

First. The district of Pearl River; to comprise all the waters and shores of the Gulf of Mexico and of Lake Borgne, within the State; in which Shieldsborough shall be the port of entry, and Pearlington and Ship Island ports of delivery. Pearl River. 2 Mar., 1821, c. 16, v. 3, p. 617. 15 June, 1844, c. 51, s. 2, v. 5, p. 664. 9 May, 1848, c. 40, v. 9, p. 220. 3 *Mar.*, 1875. *c.* 150, *v.* 18, *p.* 481.

Second. The district of Natchez; to comprise all the waters and shores of the Mississippi River within the State of Mississippi south of the range line between townships thirteen and fourteen; in which Natchez shall be the port of entry, and Grand Gulf a port of delivery. Natchez. 30 June, 1834, c. 135, s. 1, v. 4, p. 715. 7 July, 1858, c. 175, v. 5, p. 287.

Third. The district of Vicksburgh; to comprise all the waters and shores of the Mississippi River within the State of Mississippi north of the range-line between townships thirteen and fourteen; in which Vicksburgh shall be the port of entry. Vicksburgh. 7 July, 1838, c. 175, v. 5, p. 287. 7 July, 1838, c. 169, s. 8, v. 5, p. 267.

SEC. 2567. There shall be in the collection-districts in the State of Mississippi the following officers: Officers in Mississippi.

First. In the district of Pearl River, a collector, who shall reside at the port of Shieldsborough; and a deputy collector, who shall reside at Ship Island, and shall be authorized to perform the duties of a collector. Pearl River. 2 Mar., 1821, c. 16, v. 3, p. 617. 9 May, 1848, c. 40, v. 9, p. 220.

Second. In the district of Natchez, a collector, who shall reside at Natchez. Natchez. 30 June, 1834, c. 135, s. 1, v. 4, p. 715.

Third. In the district of Vicksburgh, a collector. Vicksburgh. 7 July, 1838, c. 169, s. 8, v. 5, p. 267.

SEC. 2568. There shall be in the State of Louisiana two collection-districts, as follows: Districts in Louisiana.

First. The district of New Orleans; to comprise all the waters and shores of the State of Louisiana east of and including the northern portion of the Atchafalaya River down to a point due west from the northern boundary of the town of Plaquemine, in the parish of Iberville, and east of the Bayou Lafourche, and all the waters and shores of the Mississippi River, and of the rivers which empty into it, or any of its New Orleans. 2 Mar., 1799, c. 22, s. 17, v. 1, p. 639. 24 Feb., 1804, c. 13, s. 4, v. 2, p. 252. 2 Mar., 1811, c. 33, s. 7, v. 2, p. 658.

26 April, 1816, c. 81, s. 1, v. 3, p. 302. 2 Mar., 1831, c. 87, s. 1, v. 4, p. 480. 2 Mar., 1831, c. 76, s. 1, v. 4, p. 475. 30 June, 1834, c. 135, s. 1, v. 4, p. 715. 15 June, 1844, c. 51, s. 3, v. 5, p. 664. 28 Sept., 1850, c. 79, ss. 11, 14, v. 9, pp. 510, 511. 31 Aug., 1852, c. 115, s. 2, v. 10, p. 114. 2 Feb., 1854, c. 9, v. 10, p. 266. 2 Aug., 1854, c. 189, s. 1, v. 10, p. 333. 2 Aug., 1854, c. 191, v. 10, p. 334. 2 Aug., 1854, c. 192, s. 2, v. 10, p. 334. 3 Aug., 1854, c. 198, v. 10, p. 345. 3 Aug., 1854, c. 202, s. 2, v. 10, p. 346. 11 Mar., 1864, c. 28, v. 13, p. 22. 1 July, 1864, c. 202, v. 13, p. 342. 7 July, 1870, c. 211, v. 16, p. 190. 11 July, 1870, c. 244, v. 16, p. 229. 14 July, 1870, c. 268, v. 16, p. 278. 1 Mar., 1872, c. 25, v. 17, p. 33. 25 Feb., 1873, c. 198, v. 17, p. 475. 3 Mar., 1873, c. 251, v. 17, p. 584.

branches, except the waters and shores within the State of Mississippi, and except the west bank of the Mississippi River between the towns of Plaquemine, in the parish of Iberville, and Donaldsonville, in the parish of Ascension; in which New Orleans shall be the port of entry, to include the parish of Orleans, and that portion of the parish of Jefferson lying between the Mississippi River and Lake Pontchartrain, and between the upper line of the parish of Orleans, left bank, and a line running parallel thereto, commencing at the Mississippi River, at the upper line of the city of Carrollton, and extending to Lake Pontchartrain; and the ports of delivery shall be as follows:

Bayou Saint John.
Pontchartrain, on Lake Pontchartrain.
Pittsburgh, in Pennsylvania.
Wheeling, in West Virginia.
Cincinnati, in Ohio.
Louisville, in Kentucky.
Saint Louis, in Missouri.
Nashville, in Tennessee.
Memphis, in Tennessee.
Evansville, in Indiana.
New Albany, in Indiana.
Burlington, in Iowa.
Galena, in Illinois.
Alton, in Illinois.
Quincy, in Illinois.
Lakeport, to include the lake terminus of the new canal.
Madison, in Indiana.
Paducah, in Kentucky.
Jeffersonville, in Indiana.
Cairo, in Illinois.
Keokuk, in Iowa.
Dubuque, in Iowa.
Parkersburgh, in West Virginia.
Leavenworth, in Kansas.
Omaha, in Nebraska.
Kansas City, in Missouri.
Saint Joseph, in Missouri.
Shreveport.
La Crosse, in Wisconsin.

The Teche.

2 Mar., 1811, c. 33, s. 7, v. 2, p. 658. 31 Mar., 1830, c. 49, v. 4, p. 392. 25 Feb., 1873, c. 198, ss. 1, 2, v. 17, pp. 475, 476.

Second. The district of the Teche; to comprise all the waters and shores of that part of the State of Louisiana commencing at the town of Plaquemine, in the Parish of Iberville; thence down the western bank of the Mississippi River to the town of Donaldsonville, in the parish of Ascension; thence down the Bayou Lafourche and along its eastern bank to the sea; thence westerly along the coast to the mouth of the Sabine River; thence up the Sabine River and along its eastern bank to a point due west from the town of Plaquemine; and thence to the place of beginning; in which Brashear, in the parish of Saint Mary, shall be the port of entry.

Officers in Louisiana.

SEC. 2569. There shall be in the collection-districts in the State of Louisiana the following officers:

New Orleans.

27 Feb., 1804, c. 13, s. 4, v. 2, p. 252. 1 Mar., 1823, c. 21, s. 16, v. 3, p. 735. 26 June, 1848, c. 70, s. 5, v. 9, p. 238. 28 Sept., 1850, c. 79, s. 21, v. 9, p. 512. 1 Mar., 1872, c. 25, v. 17, p. 33.

First. In the district of New Orleans, a collector, a naval officer, a surveyor, two appraisers, and one assistant appraiser, and a special examiner of drugs, medicines, and chemicals, who shall reside at the port of New Orleans; a deputy collector, who shall reside at Shreveport, in the State of Louisiana; and for each of the other ports of delivery named in the preceding section, a surveyor, who shall reside at such port, and shall, in addition to the customary duties devolving upon such officer, perform the duties specially prescribed by law with respect to merchandise imported into that particular port. And for each of the ports of Cincinnati, Louisville, Evansville, Saint Louis, and Memphis, there shall be appointed an appraiser, who shall reside at such port.

Citations of preceding section for surveyors for ports of delivery.—2 Mar., 1811, c. 33, s. 7, v. 2, p. 658. 14 July, 1870, c. 225, ss. 35, 36, v. 16, p. 271.

Second. In the district of Teche, a collector, who shall reside at Brashear. The Teche.

25 Feb., 1873, c. 198, ss. 1, 2, v. 17, pp. 475, 476.

SEC. 2570. The master of every vessel, bound to a port of delivery only, other than the port of Bayou Saint John, in the district of New Orleans, shall first come to at the port of New Orleans with his vessel, and there make report and entry, in writing, and pay, or secure to be paid, all legal duties, port-fees, and charges, in manner provided by law, before such vessel shall proceed to her port of delivery; and any vessel, bound to the port of Bayou Saint John, may first proceed to that port, and afterward make report and entry at the port of New Orleans, within the time by law limited; and the master of every vessel, arriving from a foreign port, or having goods on board of which the duties have not been paid or secured, and bound to any port within the district of New Orleans, other than New Orleans or Bayou Saint John, shall take an inspector on board at New Orleans before proceeding to such port. If any master of a vessel shall proceed to such port of delivery, contrary to the directions of this section, he shall be liable to a penalty of five hundred dollars. Vessels bound to ports of delivery must make entry at New Orleans.

24 Feb., 1804, c. 13, s. 7, v. 2, p. 253.

SEC. 2571. All vessels bound to the port of Bayou Saint John shall, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the town of the Bayou Saint John, or at the basin of the canal of Carondelet, adjoining the city of New Orleans, under the rules and regulations prescribed by law. Vessels bound to port of Bayou Saint John.

26 April, 1816, c. 81, s. 1, v. 3, p. 302.

SEC. 2572. All vessels bound to the port of Lakeport shall, after proceeding thereto and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at that port, under the regulations prescribed by law. Vessels bound to port of Lakeport.

2 Aug., 1854, c. 189, s. 1, v. 10, p. 334.

SEC. 2573. All vessels about to depart from the port of Lakeport to foreign ports shall be permitted to clear with their cargoes at the custom-house, in the city of New Orleans, and depart under the same rules, regulations, and restrictions, and in every respect in the same manner as vessels clearing for foreign ports from the city of New Orleans by the way of the Mississippi River. Vessels departing from port of Lakeport.

2 Aug., 1854, c. 189, s. 2, v. 10, p. 334.

SEC. 2574. All vessels bound to the port of Pontchartrain shall, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the port of Pontchartrain under the regulations prescribed by law. Vessels bound to port of Pontchartrain.

2 Mar., 1831, c. 76, s. 1, v. 4, pp. 475, 476.

SEC. 2575. All vessels about to depart for foreign ports from the town of Bayou Saint John, or basin of the canal de Carondelet, or the port of Pontchartrain, shall be permitted to clear with their cargoes at the custom-house in the city of New Orleans, and depart under the same regulations as vessels clearing for foreign places from the city of New Orleans by the way of the Mississippi River. Vessels departing from port of Pontchartrain, &c.

2 Mar., 1831, c. 76, s. 2, v. 4, p. 476.

SEC. 2576. The collector for the district of New Orleans may, when the public service requires, with the approval of the Secretary of the Treasury, appoint, in addition to the inspectors otherwise authorized by law, temporary inspectors, not exceeding twenty in number. But this section shall not be deemed to authorize the whole number of inspectors employed at the port of New Orleans to be at any time greater than the actual number of vessels from foreign ports, having cargoes to be discharged, then lying in the port. Collector at New Orleans may appoint additional inspectors.

3 Mar., 1845, Res. No. 15, v. 5, p. 801.

28 Sept., 1850, c. 79, s. 20, v. 9, p. 512.

SEC. 2577. The collector of the customs at the port of New Orleans may appoint, with the approbation of the Secretary of the Treasury, three head gaugers for the port. Collector at New Orleans may appoint headgaugers.

31 Aug., 1852, c. 108, s. 6, v. 10, p. 98.

SEC. 2578. There shall be in the State of Texas five collection-districts, as follows: Districts in Texas.

First. The district of Galveston; to comprise all the waters and shores of the State north and east of the counties of Matagorda and Wharton Galveston.

31 Dec., 1845, c.

2, ss. 1, 2, 3, v. 9, p. 2. 3 Mar., 1847, c. 57, s. 4, v. 9, p. 183. 14 July, 1870, c. 269, v. 16, p. 278.

as bounded on the third day of March, eighteen hundred and forty-seven; in which Galveston shall be the port of entry, and Sabine, Velasco, and Houston ports of delivery.

Saluria.

3 Mar., 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182. 3 Mar., 1849, c. 122, s. 1, v. 9, p. 409. 28 July, 1866, c. 293, s. 3, v. 14, p. 308. 5 June, 1868, c. 50, v. 15, p. 63.

Second. The district of Saluria; to comprise all the waters and shores of the State from and including the counties of Matagorda and Wharton as bounded on the third day of March, eighteen hundred and forty-seven, to the county of Refugio as bounded on the twenty-eighth day of July, eighteen hundred and forty-seven; in which Indianola shall be the port of entry, and Matagorda, Copano, Lavaca, and San Antonio, ports of delivery. [See § 3004.]

Corpus Christi.

28 July, 1866, c. 293, s. 2, v. 14, p. 308. 17 April, 1872, c. 103, v. 17, p. 53. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Third. The district of Corpus Christi; to comprise all the waters and shores within the counties of Nueces, Zapata, Duval, [*Encinao*] [Encinal], Webb, La Salle, McMullen, Live Oak, Bee, Refugio, and San Patricio, as bounded on the twenty-eighth day of July, eighteen hundred and sixty-six; in which Corpus Christi shall be the port of entry, and Aransas a port of delivery.

Brazos de Santiago.

3 Mar., 1849, c. 122, s. 1, v. 9, p. 409. 16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, p. 39. 17 April, 1872, c. 103, v. 17, p. 53.

Fourth. The district of Brazos de Santiago; to comprise all the waters and shores of the State south of the district of Corpus Christi, in which Brownsville shall be the port of entry.

Paso del Norte.

2 Aug., 1854, c. 193, ss. 1, 2, v. 10, p. 335. 3 Mar., 1855, c. 175, s. 13, v. 10, p. 671. 3 Mar., 1857, c. 107, s. 10, v. 11, p. 221. 3 Mar., 1863, c. 88, s. 1, v. 12, p. 761.

Fifth. The district of Paso del Norte; to comprise the country of El Paso, in Texas, and the Territory of New Mexico as bounded on the second day of August, eighteen hundred and fifty-four; in which El Paso shall be the port of entry. [See § 1928.]

Officers in Texas.

SEC. 2579. There shall be, in the collection-districts in the State of Texas, the following officers:

Galveston.

31 Dec., 1845, c. 2, ss. 1, 2, 3, v. 9, p. 2. 3 Mar., 1847, c. 57, s. 4, v. 9, pp. 182, 183. 14 July, 1870, c. 269, v. 16, p. 278.

First. In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor, who shall reside at Velasco, and a surveyor who shall reside at Houston.

Saluria.

3 Mar., 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182. 28 July, 1866, c. 293, s. 3, v. 14, p. 308. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Second. In the district of Saluria, a collector, who shall reside at Indianola, a surveyor who shall reside at Matagorda, [*and*] a surveyor who shall reside at Lavaca, [and] a surveyor, who shall reside at Copano.

Corpus Christi.

28 July, 1866, c. 293, s. 2, v. 14, p. 308.

Third. In the district of Corpus Christi, a collector, who shall reside at Corpus Christi.

Brazos de Santiago.

3 Mar., 1849, c. 122, s. 1, v. 9, p. 409. 16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, pp. 39, 40.

Fourth. In the district of Brazos de Santiago, a collector, who shall reside at Brownsville; and a deputy collector, who shall reside at Brazos de Santiago, and shall have the power to enter and clear vessels.

Paso del Norte.

2 Aug., 1854, c. 193, s. 2, v. 10, p. 335. 3 Mar., 1863, c. 88, s. 1, v. 12, p. 761.

Fifth. In the district of Paso del Norte, a collector, who shall reside at El Paso.

Additional inspectors.

30 Aug., 1852, c. 96, s. 3, v. 10, p. 38.

SEC. 2580. The Secretary of the Treasury shall appoint inspectors of the customs to reside at San Antonio, Eagle Pass, the Presidio del Norte, and San Elizario, or at such other points as he may designate, not exceeding four in number, upon the routes by which goods entered and bonded and withdrawn from warehouse may, in pursuance of law, be exported to Mexico; and such inspectors shall make a report semi-annually to the Secretary of the Treasury of all the trade that passes

under inspection, stating the number of packages, description of goods, their value, and the names of the exporters. [See §§ 2003, 2094.]

Transshipment of goods transported in bond to Brownsville.

SEC. 2581. All merchandise transported in bond to the port of Brownsville from any other port of the United States, by Brazos Harbor, may, on arrival in that harbor, be transshipped under such regulations, not inconsistent with law, as the Secretary of the Treasury may prescribe, in other vessels for transportation by the Rio Grande to Brownsville; and all merchandise imported into the district by Brazos Harbor, from any foreign country, may in like manner be transshipped to Brownsville as provided for goods, wares, and merchandise transshipped in bond. [See § 2002.]

16 June, 1860, c. 134, s. 4, v. 12, p. 40.

Districts in California.

SEC. 2582. There shall be in the State of California two collection-districts, as follows:

San Diego.

First. The district of San Diego; to comprise all the waters and shores of the counties of Santa Barbara, Los Angeles, San Bernardo, and San Diego; in which San Diego, on the Bay of San Diego, shall be the sole port of entry, and [*San Pedro*] [Wilmington] and Santa Barbara ports of delivery.

3 Mar., 1873, c. 253, ss. 1, 2, v. 17, pp. 585, 586.

6 *June*, 1874, *c.* 218, *v.* 18, *p.* 61. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 245.

San Francisco.

Second. The district of San Francisco; to comprise all the waters and shores of the State north of the counties of Santa Barbara, Los Angeles, and San Bernardo; in which San Francisco shall be the port of entry, and Eureka and Vallejo ports of delivery.

3 Mar., 1849, c. 112, ss. 1, 2, 3, v. 9, p. 400.

28 Sept., 1850, c. 79, s. 1, v. 9, p. 508. 1 July, 1870, c. 190, s. 1, v. 16, p. 182. 3 Mar., 1871, c. 130, s. 1, v. 16, p. 583. 3 Mar., 1873, c. 253, ss. 1, 2, v. 17, pp. 585, 586.

Officers in California.

SEC. 2583. There shall be in the collection-districts of California the following officers:

San Diego.

First. In the district of San Diego, a collector, who shall reside at San Diego, and two inspectors, to be appointed by the collector, with the approval of the Secretary of the Treasury, for the ports of San Pedro and Santa Barbara.

3 Mar., 1873, c. 253, v. 17, pp. 585, 586.

San Francisco.

Second. In the district of San Francisco, a collector, a naval officer, a surveyor, who shall reside at San Francisco, two appraisers, two assistant appraisers, and a special examiner of drugs, medicines, and chemicals; a deputy collector who shall reside at Eureka, a deputy collector who shall reside at Vallejo, an inspector at Monterey, an inspector at Sacramento, an inspector at Benicia, and an inspector at Stockton.

28 Sept., 1850, c. 79, ss. 1, 2, v. 9, p. 508. 18 Aug., 1856, c. 129, s. 17, v. 11, p. 92. 2 June, 1862, c. 92, s. 1, v. 12, p. 411. 3 Mar., 1871, c. 130, ss. 1, 3, v. 16, p. 583.

Vessels going to or from Vallejo.

SEC. 2584. Any vessel of five hundred tons, or over, coming from or going to sea, may proceed directly to or from the port of Vallejo, and report through the deputy collector at that port to the collector of customs at San Francisco.

1 July, 1870, c. 190, s. 2, v. 16, p. 182.

Vessels going to or from Eureka or Wilmington.

SEC. 2585. Any vessel of one hundred tons or over, coming from or going to sea, may proceed directly to or from [*either*] the port of Eureka [*or the port of Wilmington,*] and report through the deputy collector of such port to the collector of customs at San Francisco. [See § 2582.]

3 Mar., 1871, c. 130, s. 2, v. 16, p. 583. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

Districts in Oregon and Washington Territory.

SEC. 2586. There shall be in the State of Oregon and Territory of Washington four collection-districts, as follows:

Southern Oregon.

First. The southern district of Oregon, to comprise all the waters and shores of that part of the State of Oregon lying south and east of the north bank of the Siuslaw River; in which Coos Bay, in Coos County, shall be the port of entry, and Ellensberg, at the mouth of Rogue River, Port Orford, and Gardner, on the Umpqua River, ports of delivery.

3 Mar., 1873, c. 264, ss. 1, 2, v. 17, p. 601.

Oregon.

Second. The district of Oregon; to comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the forty-sixth and a half degree of north latitude, and west of the coast range of mountains to the forty-eighth degree of north latitude, except that portion situated above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Astoria shall be the port of entry.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567. 11 June, 1864, c. 122, v. 13, p. 125.

Willamette.

14 Feb., 1851, c. 8, s. 3, v. 9, p. 567. 14 June, 1870, c. 127, s. 1, v. 16, pp. 150, 151.

Third. The district of Willamette; to comprise all the waters and shores lying north and east of the north bank of Siuslaw River to the forty-sixth and a half degree of north latitude and west of the coast range of mountains to the forty-eighth degree of north latitude, above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Portland shall be the port of entry.

Puget Sound.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567. 25 July, 1866, c. 252, v. 14, p. 250.

Fourth. The district of Puget Sound; to comprise all the waters and shores of the State of Oregon and Territory of Washington not included in the districts of the southern district of Oregon, Oregon, and Willamette; in which Port Townsend shall be the port of entry.

Officers in Oregon and Washington Territory.

SEC. 2587. There shall be in the collection-districts in the State of Oregon and the Territory of Washington the following officers:

Southern Oregon.

3 Mar., 1873, c. 264, ss. 1, 2, v. 17, p. 601.

First. In the southern district of Oregon, a collector, who shall reside at Empire City, and three deputy collectors, who may be appointed by the collector, with the approval of the Secretary of the Treasury, and of whom one shall reside at Ellensberg, one at Port Orford, and one at Gardner.

Oregon.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.

Second. In the district of Oregon, a collector, who shall reside at Astoria.

Willamette.

14 June 1870, c. 127, s. 1, v. 16, p. 150. 14 July, 1870, c. 55, s. 36, v. 16, p. 271.

Third. In the district of Willamette, a collector, and an appraiser who shall reside at Portland.

Puget Sound.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567. 25 July, 1866, c. 252, v. 14, p. 250. 27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 245.

Fourth. In the district of Puget Sound, a collector, who shall reside at Port Towns[*h*]end.

Manifests of vessels bound for Portland.

14 June, 1870, c. 127, s. 2, v. 16, p. 151.

SEC. 2588. The master of every vessel entering the Columbia River from the sea, and bound for Portland, in the district of Willamette, shall exhibit his papers to the collector of the port of Astoria, and deposit with him a sworn copy of the manifest of cargo. If the vessel is laden with domestic merchandise or merchandise in bond for Portland, the collector at Astoria shall permit her to proceed to her place of destination; but if she has dutiable merchandise on board not bonded, he shall cause a customs officer to proceed on board the vessel to Portland, who shall see that no goods are landed from such vessel before her arrival and entry at the latter port. The necessary expenses, including the per diem of such officer and the expense of his return to Astoria, shall be paid by the master of such vessel to the collector of customs at Portland, for the use of the United States, before permit shall be given to unload.

Manifests of vessels clearing from Portland.

14 June, 1870, c. 127, s. 3, v. 16, p. 151.

SEC. 2589. All vessels clearing from Portland, in the district of Willamette, and bound to sea, shall, on arrival at Astoria, in the district of Oregon, report to the collector; and the master of every vessel so reporting shall leave a copy of his manifest, including any additional cargo taken on board after leaving Portland, with the collector at Astoria, and thereupon shall be allowed to proceed to sea. The master or other person in charge or command of any vessel entering the Columbia River from the sea, or clearing from Portland and bound to sea as described in this section, who shall neglect to exhibit his papers, or to report to the collector, or to deposit his manifest, as herein required, shall be liable to a penalty of one hundred dollars.

Vessels having merchandise for both Astoria and Portland.

14 June, 1870, c. 127, s. 4, v. 16, p. 151.

SEC. 2590. When a vessel shall arrive at Astoria, in the district of Oregon, from sea, having merchandise on board for that place and also for Portland, in the district of Willamette, such vessel shall enter at Astoria and discharge such portion of her cargo as is destined for that place, whereupon the collector shall cause her hatches to be closed and sealed, and shall then permit her to proceed to Portland in charge of a customs officer.

District of Alaska.

SEC. 2591. There shall be in the Territory of Alaska one collection-district, as follows:

The district of Alaska; to comprise all the Territory of Alaska; in which Sitka shall be the port of entry. 27 July, 1868, c. 273, s. 2, v. 15, p. 240.

SEC. 2592. There shall be in the collection-district of Alaska a collector, who shall reside at Sitka. Officer in Alaska. 27 July, 1868, c. 273, s. 2, v. 15, p. 240.

SEC. 2593. There shall be in the Territories of Montana and Idaho one collection-district, as follows: District of Montana and Idaho.

The district of Montana and Idaho; to comprise the Territories of Montana and Idaho, as bounded on the thirteenth day of April, eighteen hundred and sixty-six. The port of entry shall be designated by the Secretary of the Treasury. 13 Apr., 1866, c. 44, s. 2, v. 14, p. 33.

SEC. 2594. There shall be in the collection-district of Montana and Idaho a collector, who shall reside at the port of entry. Officers in Montana and Idaho. 13 Apr., 1866, c. 44, s. 2, v. 14, p. 33.

SEC. 2595. There shall be in the State of Minnesota two collection-districts, as follows: Districts in Minnesota.

First. The district of Minnesota; to comprise all the territory of the United States north of the States of Wisconsin and Iowa and east of the Territory of Montana, as bounded on the thirteenth day of April, eighteen hundred and sixty-six, except the waters and shores of Lake Superior and the rivers connected therewith; in which Pembina shall be the port of entry, and Saint Paul a port of delivery. Minnesota. 28 Sept., 1850, c. 79, s. 8, v. 9, p. 510. 23 May, 1872, c. 199, s. 2, v. 17, p. 157. 14 *Aug.*, 1876, *c.* 270, *v.* 19, *p.* 139.

Second. The district of Du Luth; to comprise all the waters and shores of Lake Superior and the rivers connected therewith, within the State of Minnesota; in which Du Luth shall be the port of entry. Du Luth. 23 May, 1872, c. 199, s. 1, v. 17, p. 157.

SEC. 2596. There shall be in the collection-districts of Minnesota the following officers: Officers in Minnesota.

First. In the district of Minnesota, a collector, who shall reside at Pembina, and a deputy collector, who shall reside at Saint Paul. Minnesota. 28 Sept., 1850, c. 79, ss. 8, 9, v. 9, p. 510. 23 May, 1872, c. 199, s. 2, v. 17, p. 157.

Second. In the district of Du Luth, a collector, who shall reside at Du Luth. Du Luth. 23 May, 1872, c. 199, s. 1, v. 17, p. 157.

SEC. 2597. There shall be in the State of Wisconsin one collection-district, as follows: District in Wisconsin.

The district of Milwaukee; to comprise all the waters and shores of Lake Michigan within the State of Wisconsin; in which Milwaukee shall be the port of entry, and Kenosha, Racine, Sheboygan, Green Bay, and Depère, ports of delivery. Milwaukee. 28 Sept., 1850, c. 79, s. 5, v. 9, pp. 509, 510. 17 June, 1864, c. 130, s. 4, v. 13, p. 134.

SEC. 2598. There shall be in the collection-district [*s*] of Wisconsin the following officers: Officers in Wisconsin. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

In the district of Milwaukee, a collector and an appraiser, who shall reside at Milwaukee, and a deputy collector at each of the ports of Kenosha, Racine, Sheboygan, Green Bay, and Depère. Milwaukee. 28 Sept., 1850, c. 79, ss. 6, 7, v. 9, pp. 509, 510. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

SEC. 2599. There shall be in the State of Michigan four collection-districts, as follows: Districts in Michigan.

First. The district of Michigan; to comprise all the waters and shores of the State of Michigan lying west of the principal meridian and south of the latitudinal line dividing township number forty-three from township number forty-four north of the base-line of the State, except the territory bordering Green Bay, and including the island of Bois Blanc; in which Grand Haven shall be the port of entry, and Duncan City a port of delivery. Michigan. 13 Apr., 1866, c. 44, s. 1, v. 14, p. 32. 25 June, 1868, c. 74, s. 1, v. 15, p. 78. 20 *June*, 1876, *c.* 137, *v.* 19, *p.* 60.

Second. The district of Huron; to comprise all the waters and shores of the Saint Clair River, and of the counties of Saint Clair, Lapeer, Tuscola, and Saginaw, as bounded on the thirteenth day of April, eighteen hundred and sixty-six, and of all the territory of the State of Michigan lying north of those counties and east of the principal meridian; in which Port Huron shall be the port of entry. Huron. 13 Apr., 1866, c. 44, s. 1, v. 14, p. 32. 25 June, 1868, c. 24, s. 3, v. 15, p. 78.

Detroit.

2 Mar., 1799, c. 22, s. 17, v. 1, p. 637.

Third. The district of Detroit; to comprise all the waters and shores of Lake Erie and Lake Saint Clair, and the waters connected therewith, within the jurisdiction of the United States, from the Miami River to the mouth of the Saint Clair River; in which Detroit shall be the port of entry. And the President is authorized to establish within the district of Detroit two ports of delivery.

Superior.

2 Mar., 1799, v. 1, p. 638. 3 Mar., 1863, c. 87, s. 4, v. 12, p. 761. 25 June, 1868, c. 74, s. 2, v. 15, p. 78. 10 April, 1869, c. 28, v. 16, p. 47.

Fourth. The district of Superior; to comprise all the waters and shores of that part of the upper peninsula of the State of Michigan lying east of the principal meridian, all the islands in and bordering upon the Sainte Marie River, and all that part of the State of Michigan lying west of the principal meridian and north of the latitudinal line dividing township number forty-three, from township number forty-four north of the base-line of that State, including the territory in the State bordering Green Bay, together with all the islands, waters, and shores of Lake Superior, and the adjacent territory to the headwaters of all the rivers and streams tributary thereto and within the States of Michigan and Wisconsin; in which Marquette shall be the port of entry, and Sault Sainte Marie and Mackinaw ports of delivery.

Officers in Michigan.

SEC. 2600. There shall be in the collection-districts of Michigan the following officers:

Michigan.

13 April, 1866, c. 44, s. 1, v. 14, p. 32.

First. In the district of Michigan, a collector, who shall reside at Grand Haven.

Huron.

13 April, 1866, c. 44, s. 1, v. 14, p. 32.

Second. In the district of Huron, a collector, who shall reside at Port Huron.

Detroit.

2 Mar., 1799, c. 22, s. 17, v. 1, p. 638. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271. 20 April, 1871, c. 21, s. 15, v. 17, p. 10.

Third. In the district of Detroit, a collector, and an appraiser, who shall reside at Detroit, and a surveyor at each of the two ports of delivery designated by the President.

Superior.

10 April, 1869, c. 28, v. 16, p. 47. 3 Mar., 1863, c. 87, s. 4, v. 12, p. 761.

Fourth. In the district of Superior, a collector, who shall reside at Marquette, a deputy collector, who shall reside at Sault Sainte Marie, and a deputy collector, who shall reside at Mackinaw.

District of Indiana and Illinois.

SEC. 2601. There shall be in the States of Indiana and Illinois one collection-district, as follows:

Chicago.

16 July, 1846, c. 56, v. 9, p. 38. 7 Aug., 1848, c. 145, v. 9, p. 275. 28 Sept., 1850, c. 79, s. 5, v. 9, p. 509. 28 Feb., 1865, c. 72, s. 2, v. 13, p. 445.

The district of Chicago; to comprise all the waters and shores of Lake Michigan within the States of Indiana and Illinois; in which Chicago shall be the port of entry, and Waukegan and Michigan City ports of delivery.

Officers in Indiana and Illinois.

SEC. 2602. There shall be in the collection-district of Indiana and Illinois the following officers:

Chicago.

16 July, 1846, c. 56, s. 7, v. 9, p. 38. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

First. In the district of Chicago, a collector, and an appraiser, who shall reside at Chicago; a deputy collector, who shall reside at Waukegan; and a surveyor, who shall reside at Michigan City.

Districts in Ohio.

SEC. 2603. There shall be in the State of Ohio three collection-districts, as follows:

Miami.

3 Mar., 1805, c. 34, s. 3, v. 2, p. 336. 28 Sept., 1850, c. 79, s. 12, v. 9, p. 511.

First. The district of Miami; to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States, from the western cape of Sandusky Bay to the western bank of the Miami River; in which Toledo shall be the port of entry. And the President is authorized to establish two ports of delivery in said district.

Sandusky.

2 Mar., 1811, c. 33, s. 2, v. 2, p. 657. 3 Mar., 1821, c. 48, v. 3, p. 642. 16 Aug., 1842, c. 179, v. 5, p. 507.

Second. The district of Sandusky; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from the western bank of the Vermillion River to the western cape of Sandusky Bay, in which Sandusky shall be the port of entry.

Cuyahoga.

Third. The district of Cuyahoga; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from the western boundary of the State of Pennsylvania to the western bank of the Vermillion River. The President is authorized to designate such place as he shall deem expedient to be the port of entry; and Fairport and two other places which may be established by the President shall be ports of delivery.

2 Mar., 1799, c. 22, s. 17, v. 1, p. 638. 3 Mar., 1805, c. 34, s. 3, v. 2, p. 336. 11 April, 1818, c. 51, v. 3, p. 425. 3 Mar., 1825, c. 96, s. 1, v. 4, p. 127.

Officers in Ohio.

SEC. 2604. There shall be in the collection-districts of Ohio the following officers:

Miami.

First. In the district of Miami, a collector, who shall reside at Toledo.

3 Mar., 1805, c. 34, s. 3, v. 2, p. 336. 28 Sept., 1850, c. 79, s. 12, v. 9, p. 511.

Sandusky.

Second. In the district of Sandusky, a collector, who shall reside at Sandusky.

2 Mar., 1811, c. 33, s. 2, v. 2, p. 657. 16 Aug., 1842, c. 179, v. 5, p. 507.

Cuyahoga.

Third. In the district of Cuyahoga, a collector, who shall reside at Cleveland; and an appraiser at Cleveland.

2 Mar., 1799, c. 22, s. 17, v. 1, p. 638. 3 Mar., 1805, c. 34, s. 4, v. 2, p. 336. 11 April, 1818, c. 51, v. 3, p. 425. 14 July, 1870, c. 225, ss. 35, 36, v. 16, p. 271.

Additional inspectors for certain districts.

SEC. 2605. The Secretary of the Treasury may appoint, whenever he deems it necessary, additional inspectors of the revenue for the districts named below, as follows: Passamaquoddy, four; Portland and Falmouth, eight; Boston and Charleston, fourteen; Pembina, two; Chicago, eight; Superior, two; Sandusky, one; Cuyahoga, three; Erie, one; Dunkirk, one; Buffalo, six; Niagara, two; Genesee, two; Oswego, five; Oswegatchie, two; Champlain, four; Vermont, two.

27 June, 1864, c. 164, s. 7, v. 13, p. 198.

Weighers, gaugers, measurers, and inspectors.

SEC. 2606. At each of the ports of Providence, Norfolk, Portland in Maine, Buffalo, Chicago, Detroit, Cincinnati, Saint Louis, Evansville, Milwaukee, Louisville, Cleveland, San Francisco, Portland in Oregon, Memphis, and Mobile there shall be appointed such number of weighers, gaugers, measurers, and inspectors as may be necessary.

14 July, 1870, c. 255, s. 36, v. 16, p. 271.

Weighers, gaugers, &c., at San Diego.

SEC. 2607. At the port of San Diego, in the district of San Diego, the Secretary of the Treasury shall have power to appoint such inspectors, weighers, gaugers, measurers, and other officers as may be necessary for the collection of the revenue at that port.

3 Mar., 1873, c. 253, v. 17, pp. 585, 586.

General appraisers.

SEC. 2608. There shall be appointed by the President, by and with the advice and consent of the Senate, four appraisers of merchandise, who shall be employed in visiting such ports of entry in the United States, under the direction of the Secretary, as may be deemed useful by him for the security of the revenue, and shall at such ports afford such aid and assistance in the appraisement of merchandise thereat as may be deemed necessary by the Secretary of the Treasury to protect and insure uniformity in the collection of the revenue from customs.

3 Mar., 1851, c. 38, s. 3, v. 9, p. 630.

Gibbs *v.* Washington, McAll., 430.

Merchants employed as appraisers.

SEC. 2609. Whenever an appraisement of imported merchandise is to be made at any port for which no appraiser is provided by law, the collector of the district shall appoint two respectable resident merchants, who shall be the appraisers of such merchandise. [See § 2946.]

1 Mar., 1823, c. 21, s. 16, v. 3, p. 735.

Merchant refusing to serve as appraiser.

SEC. 2610. Every merchant who, after being chosen by the collector as provided in the preceding section, and after due notice of such choice has been given to him in writing, declines or neglects to assist at such appraisement, shall be liable to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor. [See § 2945.]

1 Mar., 1823, c. 21, s. 19, v. 3, p. 736.

Oath of special examiners of drugs.

SEC. 2611. Special examiners of drugs, medicines, chemicals, and so forth, shall, before entering upon their duties, take and subscribe an oath faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States; which oath shall be administered by the collector of the port or district where the examiner making it is employed. [See §§ 2933, 2937.]

26 June, 1848, c. 70, s. 6, v. 9, p. 239.

Instructions to prevent importation of adulterated drugs.

SEC. 2612. The Secretary of the Treasury shall give to the collectors of districts for which an examiner of drugs, medicines, and chemicals is not provided by law, such instructions as he may deem necessary to prevent the importation of adulterated and spurious drugs and medicines.

26 June, 1848, c. 70, s. 5, v. 9, p. 238.

CHAPTER TWO.

QUALIFICATIONS, PAY, AND DUTIES OF OFFICERS.

Sec.
2613. Term of office of collectors, naval officers, &c.
2614. Appraiser's oath of office.
2615. Assistant appraiser's oath.
2616. Oath of office of customs officer.
2617. Who may administer oath of office.
2618. Certification, &c., of oath.
2619. Bonds of collectors, naval officers, and surveyors.
2620. Bonds how approved and filed.
2621. Duties of collectors where naval officers and surveyors are appointed.
2622. Duties of collector where no naval officer is appointed.
2623. Duties of collector where a collector only is appointed.
2624. Employment of temporary surveyors.
2625. Performance of collector's duties in case of disability.
2626. Duties of naval officers.
2627. Duties of surveyors where collectors and naval officers are appointed.
2628. Duties of surveyor when surveyor only is appointed.
2629. Performance of surveyor's duties in case of disability.
2630. Deputy collectors.
2631. In case of sickness or absence collector or surveyor may authorize, &c.
2632. Deputies of naval officers and surveyors.
2633. When deputies may be clothed with powers of collectors.
2634. Limitation upon number and compensation of clerks and deputies.
2635. Table of fees to be kept posted up.
2636. Penalty for extortion by customs officers.
2637. Penalty for extortion by inspectors, weighers, gaugers, or measurers.
2638. Customs officers, &c., not to own vessels or engage in importations.
2639. Collectors, naval officers, and surveyors must keep and render accounts.
2640. Their duty in respect to accounts, penalty for omission.
2641. Accounts must include all emoluments as well as expenses.
2642. Services of occasional inspectors must be specified.
2643. List of clerks and account of expenditures for stationery, to be furnished.
2644. By collectors upon northern, &c., frontiers.
2645. Accounts to be rendered quarterly.
2646. Books to be furnished to customs officers.
2647. Quarterly account of collection of fines required.
2648. Blanks.
2649. Special agents to examine books, accounts, &c., of collectors.
2650. Classification and payment of agents.
2651. Regulations for special agents; limit of their number and pay.
2652. Customs officers to follow instructions and decisions of Secretary of Treasury.
2653. Subordinate offices in any district may be abolished.
Sec.
2654. Fees of collectors.
2655. Division of fees and expenses between collector and naval officer.
2656. Division of drawback-fees between collector, naval officer, and surveyor.
2657. Fees of surveyors, inspectors, and deputy inspectors.
2658. Fee for entry on northern, &c., frontier.
2659. Compensation of collectors for New York and other districts.
2660. Additional compensation in certain districts.
2661. Collector for Mobile.
2662. Collector for Pearl River.
2663. Collector for Saint Mary's and Key West.
2664. Collectors for Saint John's and Fernandina.
2665. Collector for the Teche.
2666. Collector for Natchez.
2667. Collector for Newark.
2668. Collector for Vicksburgh.
2669. Collector for Stonington.
2670. Collector for Puget Sound.
2671. Collector for Paso del Norte.
2672. Collector for San Francisco.
2673. Collector for Oregon.
2674. Collector for Wilmington.
2675. Collectors for Chicago and other districts.
2676. Collectors for Galveston and other districts.
2677. Collectors for Beaufort, South Carolina, and Pensacola.
2678. Collectors for Georgetown, District of Columbia, and other districts.
2679. Collector for eastern district of Maryland.
2680. Collectors for the districts in North Carolina.
2681. Collector for Alaska.
2682. Collector for Aroostook.
2683. Collector for Willamette.
2684. Collector for San Diego.
2685. Collector for southern district of Oregon.
2686. Division of commissions on death of collector.
2687. Apportionment of compensation for part of a year's service.
2688. Limit to compensation of collectors and surveyors acting as collectors.
2689. Compensation to be exclusive of expenses.
2690. Limit to compensation of collectors at Boston, and other specified ports.
2691. Limit to compensation of collectors at other ports.
2692. Powers of Secretary over incidental expenses.
2693. Accounts for services of clerks, must be verified.
2694. Assistant collector at New York.
2695. Assistant collector at Jersey City.
2696. Assistant collector at Camden.
2697. Deputy collectors at New York and other ports.
2698. Deputy collectors at Eureka and Vallejo.

Sec.
2699. Deputy collector at Potomac.
2700. Deputy collector at Shreveport.
2701. Deputy collector at Saint Paul.
2702. Deputy collectors southern district of Oregon.
2703. Naval officers for San Francisco.
2704. Limit to compensation of naval officers.
2705. Deputy naval officers at New York and other ports.
2706. Surveyors at Eastport and other ports.
2707. Surveyors at ports in district of New Orleans.
2708. Surveyors at Pittsburgh and other ports.
2709. Surveyor at Velasco.
2710. Surveyor at Matagorda and Lavacca.
2711. Surveyors at Pacific City and Milwaukee.
2712. Surveyor at Cairo.
2713. Surveyor at Selma.
2714. Surveyor at San Francisco.
2715. Surveyor at Salem.
2716. Surveyor at Michigan City.
2717. Surveyor at Albany.
2718. Surveyor at La Crosse.
2719. Limit of compensation of surveyors at Portland and other ports.
2720. Limit of compensation of surveyors generally.
2721. Deputy surveyors at San Francisco.
2722. Deputy surveyors at New York and other ports.
Sec.
2723. Deputy surveyor at Savannah.
2724. Principal appraisers at Savannah and Charleston.
2725. Merchant appraisers.
2726. General appraiser at New York.
2727. General appraisers.
2728. Appraisers at Boston and other ports.
2729. Appraiser at New York.
2730. Appraisers at Providence and other ports.
2731. Assistant appraisers at New York.
2732. Assistant appraisers at Boston and other ports.
2733. Inspectors.
2734. Inspectors at San Antonio and other ports.
2735. Inspectors at Monterey and other ports.
2736. Inspector at Chester.
2737. Power of Secretary to increase compensation of inspectors.
2738. Persons acting as inspectors.
2739. Weighers at Boston and other ports.
2740. Head gaugers at New Orleans.
2741. Gaugers at New York.
2742. Gaugers and measurers at Boston.
2743. Special examiners of drugs.
2744. Special examiner of drugs at San Francisco.
2745. Examiners and subordinate officers at New York.
2746. Additional compensation to customs officers at San Francisco.

Term of office of collectors, naval officers, &c.

SEC. 2613. Collectors of the customs, naval officers, and surveyors of the customs shall be appointed for the term of four years.

19 May, 1820, c. 102, s. 1, v. 3, p. 582.—U. S. *v.* Eckford's Executors, 1 How., 250.

Appraiser's oath of office.

SEC. 2614. The appraiser at New York, before he enters upon the duties of his office, shall take and subscribe an oath faithfully to direct and supervise the examination, inspection, and appraisement according to law, of such merchandise as the collector may direct pursuant to law, and to cause to be duly reported to the collector the true value thereof, as required by law. All other appraisers, and all resident merchants appointed according to law to act as appraisers, shall severally take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof.

1 Mar., 1823, c. 21, s. 16, v. 3, p. 735. 27 July, 1866, c. 284, s. 1, v. 14, p. 302. 14 July, 1870, c. 255, ss. 34, 36, v. 16, p. 271.

Oath of assistant appraisers.

SEC. 2615. Each of the assistant appraisers at the port of New York, before entering upon the duties of his office, shall take and subscribe an oath diligently and faithfully to examine and inspect such goods, wares, and merchandise as the appraiser may direct, and truly to report to him the true value thereof, according to law. Such report shall be subject to revision and correction by the appraiser, and when approved by him shall be transmitted to the collector, and shall be deemed an appraisement by the United States local appraiser of the district of such merchandise required by law. The assistant appraisers at Boston, Philadelphia, and San Francisco, shall take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the principal appraisers may direct, and truly to report to them the true value thereof, according to law.

28 May, 1830, c. 147, s. 2, v. 4, p. 409. 27 July, 1866, c. 284, s. 2, v. 14, p. 302. 14 July, 1870, c. 255, ss. 34–36, v. 16, p. 271.

Oath of office of customs officers.

SEC. 2616. Every officer, clerk, or employé appointed under this Title shall, before entering upon his duties, take and subscribe an oath in addition to the oath of office prescribed by section seventeen hundred and fifty-six or section seventeen hundred and fifty-seven, Title "PROVISIONS APPLYING TO SEVERAL CLASSES OF OFFICERS," that he will use his best endeavors to prevent and detect frauds against the laws of the United States imposing duties upon imports.

2 Mar., 1799, c. 22, s. 20, v. 1, p. 641. 3 Mar., 1817, c. 109, s. 7, v. 3, p. 397. 30 July, 1846, c. 74, s. 9, v. 9, p. 44. 9 May, 1848, c. 40, v. 9, p. 220. 26 June, 1848, c. 70, s. 6, v. 9, p. 239. 8 *Feb.*, 1875, c. 36, *s.* 11, *v.* 18, *p.* 309.

Whom may administer oath of office.

2 Mar., 1799, c. 22, s. 20, v. 1, p. 641. 30 July, 1846, c. 74, s. 9, v. 9, p. 44. 26 June, 1848, c. 71, s. 6, v. 9, p. 239.

SEC. 2617. The oath of office required by law to be taken by a collector may be taken before any magistrate authorized to administer oaths within the district to which such collector belongs. The oath required to be taken by any other person appointed to any office under this Title shall be taken before the collector of his district. [See § 1758.]

Certification, &c., of oath.

2 Mar., 1799, c. 22, s. 20, v. 1, pp. 641, 642.

SEC. 2618. The oath of office administered to any person appointed to any office under this Title shall be certified under the hand and seal of the person by whom the same shall have been administered, and shall, within three months thereafter, be transmitted to the Commissioner of Customs. In default of taking such oath, or of transmitting a certificate thereof, the person failing shall be liable to a penalty of two hundred dollars.

Bonds of collectors, naval officers, and surveyors.

2 Mar., 1799, c. 23, s. 1, v. 1, p. 705. 4 June, 1844, c. 39, v. 5, p. 661. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 245.

SEC. 2619. Every collector, naval officer, and surveyor, shall, before entering on the duties of his office, give a bond to the United States, with one or more sufficient sureties, for the true and faithful discharge of the duties thereof according to law, [*under penalty as follows:*] ["And all bonds to be hereafter given shall be of the form following, to wit: Know all men by these presents that we ——— are held and firmly bound unto the United States of America in the full and just sum of ——— dollars, money of the United States; to which payment, well and truly to be made, we bind ourselves, jointly and severally our joint and several heirs executors and administrators, firmly by these presents, sealed with our seals and dated this ——— day of ——— one thousand ——— The condition of the foregoing obligation is such, that whereas the President of the United States hath, pursuant to law, appointed the said ——— to the office of ——— in the State of ———: Now, therefore, if the said ——— has truly and faithfully executed and discharged, and shall continue truly and faithfully to execute and discharge, all the duties of the said office, according to law, then the above obligation to be void and of none effect; otherwise it shall abide and remain in full force and virtue.

Sealed and delivered in the presence of ——— And the amount of penalty shall be fixed by the President, as provided in section thirty six hundred and thirty nine."]

2 Mar., 1799, c. 23, s. 1, v. 1, p. 705.

First. The collectors of New York and Philadelphia, in the sum of sixty thousand dollars each.

U. S. *v.* Eckford's Executors, 1 How., 250; Broome *v.* U. S., 15 How., 143; U. S. *v.* Morgan, 11 How., 154.

Ibid.

Second. The collector of Boston and Charlestown, in the sum of forty thousand dollars.

Ibid.

Third. The collectors of Baltimore and Charleston, in the sum of thirty thousand dollars each.

Ibid.

Fourth. The collector of Norfolk and Portsmouth, in the sum of fifteen thousand dollars.

Ibid.

10 May, 1800, c. 49, v. 2, p. 68. 7 July, 1838, c. 169, s. 8, v. 5, p. 267.

Fifth. The collectors of Portsmouth in New Hampshire, Salem and Beverly, Newport, Providence, Wilmington in Delaware, Annapolis, Georgetown in the District of Columbia, Richmond, Alexandria, Wilmington in North Carolina, New Berne, Edenton, and Vicksburgh, in ten thousand dollars each.

2 Mar., 1799, c. 23, s. 1, v. 1, p. 705. 7 May, 1822, c. 109, s. 2, v. 3, p. 693. 30 June, 1834, c. 135, s. 10, v. 4, p. 716.

Sixth. The collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Newark, Yorktown, Tappahannock, Georgetown in South Carolina, Beaufort in South Carolina, and Savannah, in five thousand dollars each.

2 Mar., 1799, c. 23, s. 1, v. 1, p. 705.

Seventh. The collectors of Middletown and Waldoborough, in four thousand dollars each.

7 May, 1822, c. 62, s. 8, v. 3, p. 684. 12 Jan., 1829, c. 10, s. 1, v. 4, p. 331.

Eighth. The collectors of the several districts in the State of Florida, in such sum as the President shall prescribe.

2 Mar., 1831, c. 76, s. 4, v. 4, p. 476. 3 Mar., 1857, c. 105, v. 11, p. 200.

2 Mar., 1799, c. 23, s. 1, v. 1, p. 705.

Ninth. All collectors not above mentioned, in two thousand dollars each.

Tenth. The naval officers at Boston, New York, Philadelphia, Baltimore, and Charleston, in ten thousand dollars each. Ibid.

Eleventh. All naval officers not above mentioned, in two thousand dollars each. Ibid.

Twelfth. The surveyors at Albany, Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez, in ten thousand dollars each. 2 Mar., 1831, c. 87, ss. 1, 5, v. 4, pp. 480, 482. 2 Mar., 1867, c. 178, s. 1, v. 14, p. 542.

Thirteenth. The surveyors of Boston, New York, Philadelphia, Baltimore, and Charleston, in five thousand dollars each. 2 Mar., 1799, c. 23, s. 1, v. 1, p. 705.

Fourteenth. All surveyors not above mentioned, in one thousand dollars each. [See § 3689.] Ibid.

Bonds, how approved and filed.

SEC. 2620. All bonds required by law to be given by collectors, naval officers, surveyors, or other officers of the customs, shall be approved by the Commissioner of Customs, and shall be filed in his office. 17 June, 1864, c. 130, s. 5, v. 13, p. 134.

Duties of collector where naval officers and surveyors are appointed.

SEC. 2621. At each of the ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the collector: 2 Mar., 1799, c. 22, s. 21, v. 1, p. 642.

First. To receive all reports, manifests, and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this Title.

3 *Mar.*, 1875, *c.* 141, *s.* 5, *v.* 18, *p.* 477.—Stewart *v.* U. S., 17 How., 116; U. S. *v.* Woods, 2 Gallis., 361.

Second. To record, in books to be kept for that purpose, all manifests.

Third. To receive the entries of all ships or vessels, and of the goods, wares, and merchandise imported in them.

Fourth. To estimate, together with the naval officer where there is one, or alone where there is none, the amount of the dues payable thereupon, indorsing such amount upon the respective entries.

Fifth. To receive all moneys paid for duties, and take all bonds for securing the payment thereof.

Sixth. To grant all permits for the unlading and delivery of goods.

Seventh. To employ, with the approval of the Secretary of the Treasury, proper persons as weighers, gaugers, measurers, and inspectors at the several ports within his district.

Eighth. To provide, with the like approval, at the public expense, store-houses for the safe-keeping of goods, and such scales, weights, and measures as may be necessary. [See §§ 837, 4299.]

Duties of collector where no naval officer is appointed.

SEC. 2622. At ports to which a collector and surveyor only are appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer is appointed. And he shall act in like manner in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act until an appointment is made. 2 Mar., 1799, c. 22, s. 21, v. 1, p. 643. 3 *Mar.*, 1875, *c.* 141, *s.* 5, *v.* 18, *p.* 477.

Duties of collector where a collector only is appointed.

SEC. 2623. At ports to which a collector only is appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at ports where a naval officer is appointed, and he shall also, as far as may be, perform all the duties prescribed for surveyors at ports where surveyors are authorized. 2 Mar., 1799, c. 22, s. 21, v. 1, p. 643. 3 *Mar.*, 1875, *c.* 141, *s.* 5, *v.* 18, *p.* 477.

Employment of temporary surveyors.

SEC. 2624. At ports of delivery to which no surveyor is appointed, and at such ports only, the collector may, from time to time, when it is necessary, employ a proper person to perform the duties of a surveyor; who shall be entitled to the like compensation with an inspector during the time he is employed. 2 Mar., 1799, c. 22, s. 21, v. 1, p. 643. 3 *Mar.*, 1875, *c.* 141, *s.* 5, *v.* 18, *p.* 477.

Performance of collector's duties in case of disability.

SEC. 2625. In case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and, if there be no deputy, they shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, they shall devolve upon 2 Mar., 1799, c. 22, s. 22, v. 1, p. 644. 3 *Mar.*, 1875, *c.* 141, *s.* 5, *v.* 18, *p.* 477.

the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if there be no such surveyor, they shall devolve upon the surveyor of the port nearest thereto and within the district.

Duties of naval officers.

2 Mar., 1799, c. 22, s. 21, v. 1, p. 642.

SEC. 2626. At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the naval officer— [See § 3650.]

First. To receive copies of all manifests and entries.

Second. To estimate, together with the collector, the duties on all merchandise subject to duty, and no duties shall be received without such estimates.

Third. To keep a separate record of such estimates.

Fourth. To countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector.

Fifth. To examine the collector's abstracts of duties and other accounts of receipts, bonds, and expenditures, and certify the same if found right.

Duties of surveyors where collectors and naval officers are appointed.

2 Mar., 1799, c. 22, s. 21, v. 1, p. 642.

SEC. 2627. At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the surveyor, who shall be in all cases subject to the direction of the collector— [See § 3650.]

First. To superintend and direct all inspectors, weighers, measurers, and gaugers within his port.

Second. To report once in every week to the collector the name or names of all inspectors, weighers, gaugers, or measurers who are absent from or neglect to do their duty.

Third. To visit or inspect the vessels which arrive in his port, and make a return in writing every morning to the collector of all vessels which have arrived from foreign ports during the preceding day; specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, to what nation belonging, and, if American vessels, whether the masters thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions of law.

Fourth. To put on board each of such vessels one or more inspectors immediately after their arrival in his port.

Fifth. To ascertain the proof, quantities, and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof, as defined by the laws imposing duties on spirits.

Sixth. To examine whether the goods imported in any vessel, and the deliveries thereof, agreeably to the inspector's returns, correspond with the permits for landing the same; and if any error or disagreement appears, to report the same to the collector, and to the naval officer, if any. [See §§ 2887–2890.]

Seventh. To superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty, or allowance, and examine and report whether the kind, quantity, and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor.

Eighth. To examine, and, from time to time, and particularly on the first Mondays of January and July in each year, try the weights, measures, and other instruments used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, to report the same to the collector; and to obey and execute such directions as he may receive for correcting the same, agreeably to the standards.

Duties of surveyor where a surveyor only is appointed.

2 Mar., 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2628. At ports to which surveyors only are appointed, the surveyor shall perform all the duties enjoined upon surveyors by the preceding section; and shall also receive and record the copies of all manifests transmitted to him by the collector; shall record all permits granted by the collector, distinguishing the gauge, weight, measure, and quality of goods specified therein; and shall take care that no goods be unladen or delivered from any ship or vessel without a proper permit for that purpose. [See §§ 4844–4846, 5814.]

Performance of surveyor's duties in case of disability.

SEC. 2629. In case of the disability or death of a surveyor, the collector of the district may authorize some fit person to perform his duties

and exercise his powers; and the powers of the person so authorized shall continue until a successor is duly appointed, and ready to enter upon the execution of his office.

2 Mar., 1799, c. 22, s. 22, v. 1, p. 644.

Deputy collectors.

SEC. 2630. Every collector of the customs shall have authority, with the approval of the Secretary of the Treasury, to employ within his district such number of proper persons as deputy collectors of the customs as he shall deem necessary; and such deputies are declared to be officers of the customs. And in cases of occasional and necessary absence, or of sickness, any collector may exercise his powers and perform his duties by deputy, duly constituted under his hand and seal, and he shall be answerable for the acts of such deputy in the execution of such trust.

2 Mar., 1799, c. 22, s. 22, v. 1, p. 644. 3 Mar., 1817, c. 109, s. 7, v. 3, p. 397.

U. S. *v.* Barton, Gilp., 439; Schmaire *v.* Maxwell, 3 Blatch., 408; Falleck *v.* Barney, 5 Blatch., 38; Spring *v.* Russell, Lowell, 258; Andrews *v.* U. S., 2 Story, 203.

In case of sickness or absence, collectors and surveyors may authorize some officer or clerk to act.

SEC. 2631. In case of the sickness or unavoidable absence of any collector or surveyor of customs from his office, he may, with the approval of the Secretary of the Treasury, authorize some officer or clerk under him to act in his place, and to discharge all the duties required by law of such collector or surveyor in his capacity as disbursing agent; and the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.

3 Mar., 1873, c. 271, v. 17, p. 604.

Deputies of naval officers and surveyors.

SEC. 2632. Every naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform his functions, powers, and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable.

2 Mar., 1799, c. 22, s. 22, v. 1, p. 644.

U. S. *v.* Barton, Gilp., 439; Merriam *v.* Clinch, 6 Blatch., 5.

When deputies may be clothed with powers of collectors.

SEC. 2633. The Secretary of the Treasury is authorized, whenever in his opinion the public interest demands it, to clothe any deputy collector at a port other than the principal port of entry, with all the powers of his principal appertaining to official acts; and he may require such deputy to give bond to the United States, in such amount as the Secretary may prescribe, for the faithful discharge of his official duties.

18 July, 1866, c. 201, s. 29, v. 14, p. 185.

27 July, 1868, c. 273, s. 3, v. 15, p. 240.

Limit upon number and compensation of clerks, and compensation of deputies.

SEC. 2634. The Secretary of the Treasury may, from time to time, except in cases otherwise provided, limit and fix the number and compensation of the clerks to be employed by any collector, naval officer, or surveyor, and may limit and fix the compensation of any deputy of any such collector, naval officer, or surveyor.

7 May, 1822, c. 107, s. 15, v. 3, p. 695.

Table of fees to be kept posted up.

SEC. 2635. Every collector, naval officer, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required so to do; and for every failure so to do, he shall be liable to a penalty of one hundred dollars, recoverable to the use of the informer.

2 Mar., 1799, c. 22, s. 73, v. 1, p. 680.

Penalty for extortion by customs officers.

SEC. 2636. Every officer of the customs who demands or receives any other or greater fee, compensation, or reward than is allowed by law, for performing any duty or service required from him by law, shall be liable to a penalty of two hundred dollars for each offense, recoverable to the use of the party aggrieved.

2 Mar., 1799, c. 22, s. 73, v. 1, p. 680.

Penalty for extortion by inspectors, weighers, gaugers, or measurers.

SEC. 2637. If any inspector, gauger, weigher, or measurer shall receive any gratuity, fee, or reward for any services performed by virtue of this Title, other than is by law allowed, or if any gauger, weigher, or measurer, employed as such by the public, in the districts of Portsmouth, Salem and Beverly, Boston and Charlestown, Providence, New York, Philadelphia, Baltimore, Norfolk and Portsmouth, or Charleston, shall gauge, weigh, or measure any article or articles, other than shall be directed by the proper officer, in order to ascertain the duties to be received, or the drawbacks to be allowed thereon, or shall make a return of the weight,

2 Mar., 1799, c. 22, s. 73, v. 1, p. 680.

gauge, or measure of any merchandise laden, or to be laden, on board any vessel for the benefit of drawback upon exportation, without having actually weighed, gauged, or measured the same, as the case may require, after such merchandise shall have been notified to the collector and entered for exportation, he shall be liable for the first offense to a penalty of fifty dollars, and for each subsequent offense to a penalty of two hundred dollars, and be discharged from the public service. And if any inspector or other officer of the customs shall certify the shipment of any merchandise entitled to drawback on exportation without having duly inspected and examined the same, after he shall have received the permit for lading such merchandise, or if the amount of such drawback shall be estimated according to weight, gauge, or measure, until such merchandise shall be first weighed, gauged, or measured, as the case may require, he shall be subject to the like penalties, and be discharged from the public service. [See § 5444.]

Customs officers, &c., not to own vessels or engage in importation.

2 Mar., 1799, c. 22, s. 86, v. 1, p. 695.

SEC. 2638. No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of five hundred dollars. [See §§ 248, 1788, 1790.]

Collectors, naval officers, and surveyors must keep and render accounts.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 708.

3 Mar., 1849, c. 108, s. 12, v. 9, p. 396.

Andrews v. U. S., 2 Story, 203.

SEC. 2639. Every collector, naval officer, and surveyor shall keep accurate accounts of all fees and official emoluments received by him, and of all expenditures, specifying expenditures for rent, fuel, stationery, and clerk-hire, and shall annually, within ten days after the thirtieth day of June, transmit the same, verified by oath, to the Commissioner of Customs, who shall annually lay an abstract of the same before Congress. Every collector, naval officer, or surveyor who omits or neglects to keep such account, or to transmit the same so verified, shall be liable to a penalty of not more than five hundred dollars. [See § 1780.]

Their duty in respect to accounts, and the penalty for omission.

2 Mar., 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2640. Collectors, naval officers, and surveyors shall attend in person at the ports to which they are respectively appointed; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the Secretary of the Treasury; and shall at all times submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose; and shall once in every month, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement. And if any collector, naval officer, or surveyor shall omit to keep fair and true accounts, or shall refuse to submit forthwith his books, papers, and accounts to inspection as required by law, or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding three months after the same shall have been required by the proper officer, the delinquent officer shall be liable to a penalty of one thousand dollars, to be recovered with costs of suit.

Accounts must include all emoluments as well as expenses.

7 May, 1822, c. 107, s. 12, v. 3, p. 695.

SEC. 2641. Every collector, naval officer, and surveyor shall account to the Treasury for all his emoluments, and also for all the expenses incident to his office. Such accounts, as well of expenses as of emoluments, shall be rendered on oath, at such times and in such forms, and shall be supported by such proofs, as shall be prescribed by the Secretary of the Treasury.

Services of occasional inspectors must be specified.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 707.

SEC. 2642. The services performed by occasional inspectors shall be particularly detailed in the accounts to be transmitted to the Treasury, and certified by the naval officer or surveyor of the district, if there be any, as to the necessity for and performance of such services.

List of clerks and account of expenditures for stationery, &c., to be furnished.

SEC. 2643. Every collector, naval officer, and surveyor shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each, and the duties which they severally perform; and also an account of the sums paid for stationery, official or contingent expenses, fuel,

and office-rent, stating the purposes for which the premises rented are applied.

7 May, 1822, c. 107, s. 13, v. 3, p. 695.

SEC. 2644. The collector of customs of each of the districts on the northern, northeastern, and northwestern frontiers shall render, with his accounts of the expenses incident to his office, a list of the clerks and other officers of the customs employed by him, stating the rate of compensation allowed to each, the duties they severally perform, and also an account of the sums paid for stationery, fuel, and all other office expenses, including office-rent; for all of which expenses he shall submit an estimate each month in advance, and shall state the purposes for which any premises are used; and shall also render an accurate account of all fees and commissions collected by him.

Accounts of collectors upon northern, &c., frontiers.

3 Mar., 1863, c. 87, s. 1, v. 12, p. 760.

Monthly estimate in advance.

Ibid.

SEC. 2645. All accounts for salary, compensation, and emoluments shall be rendered quarterly, at the end of each quarter of the fiscal year.

Accounts to be rendered quarterly.

11 Feb., 1846, c. 7, s. 2, v. 9, p. 3.

SEC. 2646. All blank-books, blanks, and stationery of every kind required by collectors and other officers of the customs shall, so soon as they can be prepared for delivery, by or under the direction of the Secretary of the Treasury, be furnished to them for the use of their respective offices, upon requisition made by them, and the expense of such books, blanks, and stationery shall be paid out of the appropriation for defraying the expenses of collecting the revenue from customs.

Books to be furnished to customs officers.

28 July, 1866, c. 293, s. 5, v. 14, p. 309.

SEC. 2647. Every collector of customs, every naval officer, and every surveyor performing or having performed the duties of a collector, shall render a quarter-yearly account, under oath, to the Secretary of the Treasury, in such form as the Secretary shall prescribe, of all sums of money by each of them respectively received or collected for fines, penalties, or forfeitures, or for seizure of merchandise, or upon compromises made upon any seizure; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of merchandise, which may be stored in the public store-houses, and for which a rent is paid beyond the rents paid by the collector or other such officer; or for custody of goods in bonded warehouses; and if from such accounting it shall appear that the money received in any one year by any collector, naval officer, or surveyor, on account and for rents and storage, and for fees and emoluments, shall in the aggregate exceed the sum of two thousand dollars, such excess shall be paid by the collector, naval officer, or surveyor, as the case may be, into the Treasury as public money. [See § 2720.]

Quarterly account of collections of fines, &c., required.

3 Mar., 1841, c. 35, s. 5, v. 5, p. 432.

3 Mar., 1857, c. 108, s. 8, v. 11, p. 229.

18 July, 1866, c. 201, s. 40, v. 14, p. 187.

U. S. *v.* Walker, 22 How., 299.

U. S. *v.* McDonald, 5 Wall., 647.

McLean *v.* U. S., 8 C. Cls., 217.

SEC. 2648. Collectors and surveyors of the collection-districts on the northern, northeastern, and northwestern frontiers are authorized to keep on sale, at their several offices, blank manifests and clearances required for the business of their districts, and to charge the sum of ten cents, and no more, for each blank which shall be prepared and executed by them.

Blanks.

14 July, 1862, c. 169, s. 2, v. 12, p. 572.

SEC. 2649. The Secretary of the Treasury may appoint special agents, not exceeding fifty-three in number, for the purpose of making the examinations of the books, papers, and accounts of collectors and other officers of the customs, and to be employed generally, under the direction of the Secretary, in the prevention and detection of frauds on the customs revenue; and the expense thereof shall be charged to the "appropriation to defray the expense of collecting the revenue from customs."

Special agents to examine books, accounts, &c., of collectors, &c.

12 May, 1870, c. 102, s. 1, v. 16, p. 122.

15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

By c. 287 of the Statutes of 1876, v. 19, p. 152, the power of the Secretary of the Treasury was so modified as to authorize the appointment of only twenty special agents to be employed in the customs service, at a compensation not exceeding eight dollars per day "and actual traveling expenses when actually employed in the duties" of the agency.

SEC 2650. The special agents shall be divided into three classes:

First. The first class shall consist of nineteen agents, two of whom shall each receive, in addition to the expenses necessarily and actually incurred by him, a compensation of ten dollars per day, and seventeen

Classification and payment of agents.

12 May, 1870, c. 102, s. 2, v. 16, p. 123.

15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

of whom shall each receive, in addition to expenses necessarily and actually incurred by him, a compensation of eight dollars per day.

Second. The second class shall consist of sixteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of six dollars per day.

Third. The third class shall consist of eighteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of five dollars per day.

Regulations for special agents, and limitations on their number and compensation.

12 May, 1870, c. 102, ss. 2, 3, v. 16, p. 123.

16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72.

15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

SEC. 2651. The Secretary of the Treasury may, from time to time, make such regulations not inconsistent with law, for the government of the special agents, as he deems expedient, and may rescind or alter regulations so made. But no special agent, in addition to those authorized by the two preceding sections, shall be appointed or employed upon any business relating to the customs revenue; nor shall any sum be paid to any agent authorized to be employed for mileage or any other expenses except such as are actually incurred in the discharge of his official duty.

Customs officers to follow instructions and decisions of Secretary of the Treasury.

30 Aug., 1842, c. 270, s. 24, v. 5, p. 566.

SEC. 2652. It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty shall arise as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary of the Treasury shall be conclusive and binding upon all officers of the customs. [See §§ 249, 4792–4797, 5315.]

3 *Mar.*, 1875, *c.* 136, *ss.* 2, 3, *v.* 18, *pp.* 469, 470.—Tucker *v.* Kane, Taney, 146.

Subordinate offices in any district may be abolished.

18 July, 1866, c. 201, s. 29, v. 14, p. 185.

SEC. 2653. The Secretary of the Treasury is hereby authorized, whenever he shall think it advantageous to the public service, to abolish or suspend the office of naval officer, or any other subordinate office, in any collection-district of the United States, except in Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, Portland in Maine, and San Francisco, and to assign the duties of the office or any other subordinate office so abolished or suspended to a deputy collector or inspector of the customs; and so much of all fines, penalties, and forfeitures as would otherwise inure to either of such naval officers shall, after the discontinuance of their offices, respectively, be paid into the Treasury of the United States, and there credited to the fund for defraying the expenses of collecting the revenue from customs. [See § 253.]

Fees of collectors.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.

17 June, 1864, c. 130, s. 3, v. 13, p. 134.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *p.* 190.

Ogden *v.* Maxwell, 3 Blatch., 319.

SEC. 2654. There shall be allowed and paid for the use of the collectors the following fees:

First. To each collector for every entrance of any vessel of one hundred tons burden and upward, two dollars and a half.

Second. For every clearance of any vessel of one hundred tons burden and upward, two dollars and a half.

Third. For every entrance of any vessel under the burden of one hundred tons, one dollar and a half.

Fourth. For every clearance of any vessel under one hundred tons burden, one dollar and a half.

Fifth. For every post entry, two dollars.

Sixth. For every permit to land goods, twenty cents.

Seventh. For every bond taken officially, forty cents.

Eighth. For every permit to load goods for exportation, which are entitled to drawback, thirty cents.

Ninth. For every debenture or other official certificate, twenty cents.

Tenth. For every bill of health, twenty cents.

Eleventh. For every official document, registers excepted, required by any merchant, owner, or master of any vessel not elsewhere enumerated, twenty cents.

Division of fees and expenses between collector and naval officer.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.

SEC. 2655. Where a naval officer is appointed to the same port, the fees allowed by the preceding section shall be equally divided between the collector and the naval officer; except the expense of fuel, office-rent, and necessary stationery for the collectors of Salem and Beverly, Boston and Charlestown, New York, Philadelphia, Charleston, Baltimore, Norfolk

and Portsmouth, which shall be paid, three-fourths by the collectors, and the other fourth by the respective naval officers in those districts. And all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his share thereof.

Division of drawback fees between collector, naval officer, and surveyor.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.

SEC. 2656. All fees arising on the exportation of any merchandise on which drawback is allowed, shall be equally shared among the collector, naval officer, and surveyor, where there are such officers at the port where the fees are paid, to be accounted for monthly, by the collector or naval officer who shall receive the same; where there is no naval officer, such fees shall be divided equally between the collector and the surveyor who may have been concerned in attending to such exportation; and the surveyors shall pay their proportion of the expenses of stationery and printing.

Fees of surveyors, inspectors, and deputy inspectors.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.
26 Apr., 1816, c. 95, v. 3, p. 306.
17 June, 1864, c. 130, s. 3, v. 13, p. 134.

SEC. 2657. There shall be allowed to the surveyors or inspectors of the revenue for ports the sum of two cents and one-fourth for every certificate to accompany foreign distilled spirits, and three cents and three-fourths for every certificate to accompany wines, issued within their ports respectively; and to the deputies of the inspectors, the sum of three cents and three-fourths for every cask, or package, of foreign distilled spirits or wines, by them marked and returned to their respective principals; and for gauging wines whereon duties are payable according to the value thereof, nine cents for every cask actually gauged.

Fee for entry on northern, &c., frontiers.

14 July, 1862, c. 169, s. 4, v. 12, p. 572.

SEC. 2658. For every entry of goods at any custom-house on the northern, northeastern, and northwestern frontiers of the United States, a fee of fifty cents shall be charged by the collector, and accounted for to the Government.

Compensation of collectors for New York and other districts.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.
10 May, 1800, c. 54, s. 2, v. 2, p. 72.
27 Mar., 1804, c. 58, s. 2, v. 2, p. 301.
3 Mar., 1817, c. 49, s. 2, v. 3, p. 368.
7 May, 1822, c. 107, s. 7, v. 3, p. 694.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

U. S. *v.* Heth., 3 Cr., 399.

SEC. 2659. There shall also be allowed to the several officers hereafter mentioned the following allowances and percentages, viz: To the collector for the district of Savannah, one per centum; to the collector for the district of Marblehead, two and one-half per centum; to the collector for the district of Wiscasset, two per centum; to the collectors for the districts of Baltimore and Philadelphia, three-eighths of one per centum; to the collector for the district of Charleston, three-quarters of one per centum; to the collector for the district of Providence, one and one-quarter per centum; to the collector for the district of Portland and Falmouth, three-quarters of one per centum; to the collector for the district of Salem and Beverly, five-eighths of one per centum; to the collectors for the districts of Middletown and Newburyport, three per centum; to the collectors for the districts of Saco and Saint Mary's, three per centum; to the collectors for the districts of Kennebunk, Newport, and New London, two and a half per centum; to the collectors for the districts of Bath, Bristol, New Haven, and Alexandria, two per centum; to the collector for the district of Portsmouth, New Hampshire, one and three-fourths per centum; to the collectors for the districts of Norfolk and Portsmouth, Petersburgh and Richmond, one and three-fourths per centum; to the collector for the district of New Orleans, one per centum; to the collector for the district of Boston and Charlestown, one-fifth of one per centum; to the collector for the district of New York, one-sixth of one per centum; and to the collectors of all other districts for which no provision is otherwise made, three per centum, on all moneys by them respectively received on account of duties upon imports, [*or*] tonnage, [and marine hospital dues.]

Additional compensation of collectors in certain districts.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.
10 May, 1800, c. 54, s. 1, v. 2, p. 72.
27 Mar., 1804, c. 58, s. 1, v. 2, p. 300.

SEC. 2660. In addition to the fees and allowances otherwise provided, the collector for the district of Passamaquoddy shall receive a salary of five hundred dollars a year; the collector for the district of Sag Harbor, four hundred dollars a year; the collectors for the districts of Annapolis, York, Waldoborough, Saco, Edgartown, Fairfield, Tappahannock, and Georgetown in South Carolina, two hundred and fifty dollars a year each; the collectors for the districts of Wiscasset and Yorktown, two hundred dollars a year each; the collectors for the districts of Fall River, [Plymouth,] Castine, Frenchman's Bay, and Burlington, New Jersey, one

15 Dec., 1807, c. 3, v. 2, p. 451.
7 May, 1822, c. 107, s. 8, v. 3, p. 694.
13 Feb., 1837, c. 13, v. 5, p. 146.

hundred and fifty dollars a year each; the collectors for the districts of Machias, Great Egg Harbor, Little Egg Harbor, Perth Amboy, [Gloucester, Nantucket] and Bridgeton, two hundred and fifty dollars a year each.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

Collector for Mobile.

SEC. 2661. The collector for the district of Mobile shall receive, in addition to his other fees and emoluments, a salary of two hundred and fifty dollars a year.

24 Feb., 1804, c. 13, s. 11, v. 2, p. 254.—Donovan *v.* U. S., 3 Dill., 53.

Collector for Pearl River.

SEC. 2662. The collector for the district of Pearl River shall receive, in addition to the fees and other emoluments established by law, a salary of two hundred and fifty dollars a year.

2 Mar., 1821, c. 16, v. 3, p. 617.

Collectors for Saint Mary's and Key West.

SEC. 2663. The collectors for the districts of Saint Mary's and Key West shall, in addition to the fees and emoluments allowed by law, receive a salary of five hundred dollars a year, each, and three per centum commissions, and no more, on all moneys received and paid by them on account of duties on imports or tonnage.

7 May, 1822, c. 62, s. 8, v. 3, p. 684.

Collectors for Saint John's and Fernandina.

SEC. 2664. The collectors for the districts of Saint John's and Fernandina shall receive, in addition to the fees and emoluments allowed by law, a salary of five hundred dollars a year, each, and three per centum commissions, and no more, on all moneys received and paid by them on account of duties on imports or tonnage.

2 Mar., 1831, c. 76, s. 4, v. 4, p. 476.
3 Mar., 1857, c. 105, v. 11, p. 200.

Collector for the Teche.

SEC. 2665. The collector for the district of Teche shall receive a salary of one thousand dollars a year, which shall cover all expenses to the United States for house-rent and storage.

25 Feb., 1873, c. 198, s. 2, v. 17, p. 476.

Collector for Natchez.

SEC. 2666. The collector for the district of Natchez shall receive a salary of five hundred dollars a year.

30 June, 1834, c. 135, s. 1, v. 4, p. 715.

Collector for Newark.

SEC. 2667. The collector for the district of Newark shall be allowed three per centum on all moneys received on account of duties on imports or tonnage; and shall receive, in addition to his other fees and emoluments allowed by law, the annual sum of two hundred and fifty dollars, subject, however, to the limitations provided by law.

30 June, 1834, c. 135, s. 10, v. 4, p. 716.

Collector for Vicksburgh.

SEC. 2668. The collector for the district of Vicksburgh shall receive a salary of five hundred dollars a year.

7 July, 1838, c. 169, s. 8, v. 5, p. 267.

Collector for Stonington.

SEC. 2669. The collector for the district of Stonington shall receive, in addition to the other emoluments allowed by law, a salary of one hundred and fifty dollars a year.

3 Aug., 1842, c. 120, s. 3, v. 5, p. 500.

Collector for Puget Sound.

SEC. 2670. The collector for the district of Puget Sound shall receive a salary of one thousand dollars a year, with additional maximum compensation of two thousand dollars a year, when the official emoluments and fees, provided by existing laws, amount to that sum.

14 Feb., 1851, c. 8, s. 2, v. 9, p. 567.

Collector for Paso del Norte.

SEC. 2671. The collector for the district of Paso del Norte shall receive a salary of not exceeding two thousand dollars a year, including in that sum the fees allowed by law. And the amount he shall collect in any one year for fees exceeding the sum of two thousand dollars shall be accounted for and paid into the Treasury of the United States.

2 Aug., 1854, c. 193, s. 2, v. 10, p. 335.

Collector for San Francisco.

SEC. 2672. The collector for the district of San Francisco shall receive a salary of six thousand dollars a year.

2 June, 1862, c. 92, s. 2, v. 12, p. 411.

Collector for Oregon.

SEC. 2673. The collector for the district of Oregon shall receive a salary of three thousand dollars a year, and no more, to include the fees of his office.

21 July, 1862, c. 68, s. 2, v. 10, p. 25.

Collector for Wilmington.

SEC. 2674. The collector of the district of Wilmington, Delaware, shall receive, in addition to the fees and emoluments established by law, a salary of five hundred dollars a year.

7 May, 1822, c. 107, s. 8, v. 3, p. 694.

Collectors for Chicago and other districts.

SEC. 2675. The collectors for the districts of Chicago, Milwaukee, Superior, Detroit, Miami, Sandusky, Cuyahoga, Erie, Dunkirk, Buffalo Creek, Niagara, Genesee, Oswego, Cape Vincent, Oswegatchie, Champlain, Huron, Michigan, Montana and Idaho, Minnesota, Du Luth, and Vermont shall receive a salary of one thousand dollars a year each, and, in addition thereto, the fees allowed by law, and a commission of three per centum on all moneys collected and accounted for by them respectively [on account of duties on imports, tonnage, and marine hospital dues.] But the aggregate compensation derived from salary, fees, and commissions shall not in any case exceed the sum of twenty-five hundred dollars per annum, subject to the provisions of section twenty-six hundred and eighty-seven. And whenever the aggregate of salary, fees, and commissions shall in any case exceed the sum of twenty-five hundred dollars, after deducting the necessary expenses incident to the office, for and during the same period for which such compensation is allowed, the excess shall, in every such case, be paid into the Treasury of the United States.

17 June, 1864, c. 130, s. 2, v. 13, p. 134.
13 April, 1866, c. 44, ss. 1, 2, v. 14, pp. 32, 33.
23 May, 1872, c. 199, s. 1, v. 17, p. 157.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 246.

Collectors for Galveston and other districts.

SEC. 2676. The collectors for the districts of Galveston, Saluria, Corpus Christi, and Brazos de Santiago shall receive a salary of one thousand five hundred dollars a year each, in addition to the fees of office. But such compensation shall in no case exceed the sum of twenty-five hundred dollars per annum in the aggregate.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

Collectors for Beaufort, S. C., and Pensacola.

SEC. 2677. The collectors for the districts of Beaufort, in South Carolina, and Pensacola shall receive a salary of one thousand dollars a year each, in addition to the fees of office.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

Collectors for Georgetown, D. C., and other districts.

SEC. 2678. The collectors for the district of Georgetown in the District of Columbia, and for the districts of Cherrystone, Brunswick, Saint Augustine, Saint Mark's, and Apalachicola shall receive a salary of five hundred dollars a year each, in addition to the fees of office.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

Collector for eastern district of Maryland.

SEC. 2679. The collector for the eastern district of Maryland shall receive a salary of twelve hundred dollars a year.

25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Collectors for the districts in North Carolina.

SEC. 2680. The collectors for the districts of Albemarle, Pamlico, Beaufort, and Wilmington, in the State of North Carolina, shall receive a salary of one thousand dollars a year each, in addition to the fees of office. Such compensation, however, shall in no case exceed the sum of twenty-five hundred dollars a year in the aggregate.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.
1 July, 1870, Res. No. 97, v. 16, p. 384.

Collector for Alaska.

SEC. 2681. The collector for the district of Alaska shall receive a salary of two thousand five hundred dollars a year in addition to the usual legal fees and emoluments of the office. But his entire compensation shall not exceed four thousand dollars a year, or a proportionate sum for a less period of time.

27 July, 1868, c. 273, s. 2, v. 15, p. 240.

Collector for Aroostook.

SEC. 2682. The collector for the district of Aroostook shall receive a salary of one thousand dollars a year; and in addition thereto, the fees allowed by law and a commission of three per centum on all moneys collected and accounted for by him. But the aggregate maximum compensation of the collector shall not exceed fifteen hundred dollars, which shall be the entire compensation allowed.

22 Feb., 1869, c. 42, s. 2, v. 15, p. 273.

Collector for Willamette.

SEC. 2683. The collector for the district of Willamette shall receive a salary of one thousand dollars a year, with the fees allowed by law, and a commission on all customs money collected and accounted for by him, such salary, fees, and commissions not to exceed three thousand dollars a year.

20 April, 1871, c. 24, v. 17, p. 16.

Collector for San Diego.

SEC. 2684. The collector for the district of San Diego shall receive a salary of three thousand dollars a year.

3 Mar., 1873, c. 253, s. 1, v. 17, p. 585.

Collector for southern district of Oregon.

SEC. 2685. The collector for the southern district of Oregon shall receive a salary of one thousand dollars a year, with the fees allowed by law, and a commission on all customs money collected and accounted for by him,

3 Mar., 1873, c. 264, s. 3, v. 17, p. 601.

such salary, fees, and commissions not to exceed the sum of two thousand five hundred dollars a year.

Division of commissions on death of collector.

2 Mar., 1799, c. 23, s. 4, v. 1, p. 709.

SEC. 2686. Whenever a collector shall die or resign, the commissions to which he would have been entitled, on the receipt of all duties bonded by him, shall be equally divided between the collector resigning, or the legal representative of such deceased collector, and his successor in office, whose duty it shall be to collect the same; and for this purpose all the public or official books, papers, and accounts of the collector resigning or deceased shall be delivered over to such successor.

Bates *v.* Drury, 4 Mas., 118.

Apportionment of compensation for part of a year's service.

11 Feb., 1846, c. 7, s. 1, v. 9, p. 3.

18 July, 1866, c. 201, s. 34, v. 14, p. 186.

SEC. 2687. Collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum compensation of such officers respectively for the time only which they actually serve as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate provided by law. And this section shall be applied and enforced in regard to all officers, agents, and employés of the United States whomsoever, as well those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise. [See § 2691.]

Limit to compensation of collectors, and surveyors acting as collectors.

3 Mar., 1841, c. 35, s. 5, v. 5, p. 432.

8 June, 1872, c. 347, v. 17, p. 336.

3 *Mar.*, 1875, *c.* 130, *s.* 10, *v.* 18, *p.* 401.

SEC. 2688. No collector, or surveyor performing the duties of collector, shall, on any pretense whatsoever, receive, hold, or retain for himself, in the aggregate, more than six thousand dollars per year, including all commissions for duties, and all fees for storage, or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law. [That hereafter the maximum compensation of each surveyor of customs, performing the duties of collectors of customs, shall be five thousand dollars a year, out of any and all fees and emoluments by him received.] [See § 3657.]

Hoyt *v.* U. S., 10 How., 109; Stewart *v.* U. S., 17 How., 116; U. S. *v.* Walker, 22 How., 299; U. S. *v.* McDonald, 5 Wall., 647; U. S. *v.* Collier, 3 Blatch., 325; Hooper *v.* Fifty-one Casks of Brandy, Dav., 370; Donovan *v.* U. S., 23 Wall., 383; McLean's Case, 8 C. of Cls., 217.

Compensation to be exclusive of expenses.

3 Mar., 1841, c. 35, s. 5, v. 5, p. 432.

SEC. 2689. The aggregate sums allowed in each year to the collectors, naval officers, and surveyors, shall be exclusive of the necessary expenses incident to their respective offices, in the same year, subject to the regulation of the Secretary of the Treasury.

Limit to compensation of collectors for Boston and other specified ports.

7 May, 1822, c. 107, s. 9, v. 3, p. 695.

3 Mar., 1841, c. 35, s. 5, v. 5, p. 432.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

SEC. 2690. Whenever the emoluments of any collector of either of the ports of Boston, Portland Maine, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans shall exceed six thousand dollars, or the emoluments of any naval officer of either of those ports shall exceed five thousand dollars, or the emoluments of any surveyor of either of said ports shall exceed four thousand five hundred dollars, in any one year, after deducting the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the Treasury, for the use of the United States.

—Hoyt *v.* U. S., 10 How., 109; U. S. *v.* McDonald, 5 Wall., 647; Donovan *v.* U. S., 23 Wall., 383.

Limit to compensation of collectors for other ports.

7 May, 1822, c. 107, ss. 10, 11, v. 3, p. 695.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

SEC. 2691. Whenever the emoluments of any other collector shall exceed three thousand dollars, or the emoluments of any other naval officer shall exceed two thousand five hundred dollars, or the emoluments of any other surveyor shall exceed two thousand dollars, in any one year, after deducting therefrom the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the Treasury, for the use of the United States. But the provisions of this and the preceding section shall not extend to fines, penalties, or forfeitures, or the distribution thereof. [No collector, surveyor, or naval officer

shall ever receive more than four hundred dollars annually exclusive of his compensation as collector, surveyor, or naval officer, and the fines and forfeitures allowed by law, for any services he may perform for the United States in any office or capacity, except as provided in sections twenty six hundred and fifty four and twenty six hundred and fifty-seven.]

U. S. *v.* Walker, 22 How., 299; U. S. *v.* McDonald, 5 Wall., 647; U. S. *v.* Pierce, 2 Sum., 575; Wentworth *v.* U. S., 2 Story, 452.

Donovan *v.* U. S., 23 Wall., 383.

Powers of Secretary over incidental expenses.

SEC. 2692. In all cases in which the fees and emoluments received by any collector or other principal officer of the customs are, in the opinion of the Secretary of the Treasury, insufficient to afford a reasonable compensation for the services of such officer, after payment out of the same of reasonable incidental expenses of the office, the Secretary may direct that so much of the incidental expenses as shall seem to him to be just shall be paid out of the appropriation for paying the expenses of collecting the revenue; and the Secretary shall have the same power in regard to incidental expenses which have heretofore been incurred, and which have not been settled and paid into the Treasury; and all fees paid into the Treasury by customs officers shall be placed to the credit of the fund for defraying the expenses of collecting the revenue from customs.

18 July, 1866, c. 201, s. 33, v. 14, p. 186.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Accounts for services of clerks must be verified.

SEC. 2693. No account for the compensation for services of any clerk, or other person employed in any duties in relation to the collection of the revenue, shall be allowed, until such clerk or other person shall have certified, on oath, that the same services have been performed, that he has received the full sum therein charged to his own use and benefit, and that he has not paid, deposited, or assigned, or contracted to pay, deposit, or assign, any part of such compensation to the use of any other person, or in any way, directly or indirectly, paid or given, or contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof.

7 May, 1822, c. 107, s. 16, v. 3, p. 696.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Assistant collector at New York.

SEC. 2694. The assistant collector appointed at New York shall receive a salary of five thousand dollars a year, and shall perform such duties and exercise such powers now devolved on the collector as may be assigned to him by that officer; and all the official acts of such assistant, in pursuance of such assignment, shall be as valid in law as if performed by the collector himself. The collector shall be responsible for the official acts of such assistant, and no additional appropriation shall be made for the payment of his compensation.

3 Mar., 1863, c. 79, s. 16, v. 12, p. 753.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

3 *Mar.*, 1875, *c.* 130, *s.* 11, *v.* 18, *p.* 401.

Assistant collector at Jersey City.

SEC. 2695. The assistant collector at Jersey City, in New Jersey, shall receive a salary of two thousand dollars a year in full for all the services to be by him performed, and in lieu of commissions and fees.

21 Feb., 1863, c. 52, v. 12, p. 658.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191. 3 *Mar.*, 1875, *c.* 130, *s.* 11 *v.* 18, p. 401.

Assistant collector at Camden.

SEC. 2696. The assistant collector at Camden, in New Jersey, shall receive a salary of fifteen hundred dollars a year in full for all services to be by him performed, and in lieu of commissions and fees.

28 Feb., 1867, c. 103, s. 1, v. 14, p. 417.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191. 3 *Mar.*, 1875, *c.* 130, *s.* 11, *v.* 18, *p.* 401.

Deputy collectors at New York and other ports.

SEC. 2697. The deputy collectors at New York, Boston, Philadelphia, Baltimore, New Orleans, Portland in Maine, and San Francisco, shall receive a salary of three thousand dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191. 3 *Mar.*, 1875, *c.* 130, *s.* 11, *v.* 18, p. 401

Deputy collectors at Eureka and Vallejo.

SEC. 2698. The deputy collectors at Eureka, and Vallejo, in California, shall receive a salary of one thousand five hundred dollars a year each.

3 Mar., 1871, c. 130, ss. 1, 3, v. 16, p. 583. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Deputy collector at Potomac.

SEC. 2699. The deputy collector at Potomac shall receive a salary of one thousand dollars a year.

19 April, 1871, c. 17, s. 2, v. 17, p. 4. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Deputy collector at Shreveport.

SEC. 2700. The deputy collector at Shreveport shall receive a salary to be determined by the Secretary of the Treasury, not exceeding fifteen hundred dollars a year.

1 Mar., 1872, c. 25, v. 17, p. 33.

22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Deputy collector at Saint Paul.

SEC. 2701. The deputy collector at Saint Paul shall receive a salary of two thousand dollars a year, which shall include his official emoluments of all kinds. And he shall be required, in addition to his duties as deputy collector, to perform the duties of inspector, without additional compensation.

3 Mar., 1873, c. 273, v. 17, p. 604. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191. 14 *Aug.*, 1876, *c.* 270, *s.* 2, *v.* 19, *p.* 140.

Deputy collectors southern district of Oregon.

SEC. 2702. The deputy collectors at [*Ellinsburg*] [Ellensberg,] at the mouth of Rogue River, Port Orford, and Gardiner, shall receive a salary of one thousand dollars a year each.

3 Mar., 1873, c. 264, s. 3, v. 17, p. 602. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

Naval officers for San Francisco.

SEC. 2703. The naval officer for the district of San Francisco shall receive a salary of four thousand five hundred dollars a year.

2 June, 1862, c. 92, s. 2, v. 12, p. 411. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Limit to compensation of naval officers.

SEC. 2704. No naval officer shall, on any pretence whatever, in the aggregate, receive, or retain for himself more than five thousand dollars a year, including all commissions on duties, and all fees for storage, or fees or emoluments, or any other commissions or salaries; but each naval officer shall be entitled to a maximum compensation of five thousand dollars a year out of any and all fees and emoluments by him received.

3 Mar., 1841, c. 35, s. 5, v. 5, p. 432. 12 July, 1870, c. 251, s. 8, v. 16, p. 251. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.—McLean's Case, 8 C. of Cls., 217.

Deputy naval officers at New York and other ports.

SEC. 2705. The deputy naval officers at New York, Boston, Philadelphia, Baltimore, New Orleans, San Francisco, and Portland in Maine, shall receive a salary of two thousand five hundred dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

28 July, 1866, c. 293, s. 4, v. 14, p. 308. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyors at Eastport and other ports.

SEC. 2706. In addition to the allowances and fees otherwise provided by law, the surveyor at Eastport shall receive a salary of five hundred dollars a year; the surveyors at Portsmouth in New Hampshire, Newburyport, Gloucester, and Fredericksburgh, in Virginia, two hundred and fifty dollars a year each; the surveyors at Portland in Maine, and Savannah, one hundred and fifty dollars a year each; the surveyors of such ports as may be established by the President, and for whom no other salaries are provided, not exceeding two hundred and fifty dollars a year each.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 708. 10 May, 1800, c. 54, s. 1, v. 2, p. 72. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyors at ports in district of New Orleans.

SEC. 2707. The surveyors at the ports in the district of New Orleans, when no other provision is made by law, shall receive, in addition to their other fees and emoluments, a salary of two hundred and fifty dollars a year each.

24 Feb., 1804, c. 13, s. 9, v. 2, p. 254. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyors at Pittsburgh and other ports.

SEC. 2708. The surveyors at the ports of Pittsburgh in Pennsylvania, Wheeling in West Virginia, Cincinnati in Ohio, Louisville in Kentucky, Saint Louis in Missouri, Memphis and Nashville in Tennessee, Evansville and New Albany, Madison and Jeffersonville in Indiana; Alton, Quincy and Galena in Illinois; Burlington, Keokuk, and Dubuque in Iowa; Paducah in Kentucky, Selma in Alabama, Parkersburgh in West Virginia, Leavenworth in Kansas, Omaha in Nebraska, Saint Joseph and Kansas City in Missouri, shall receive, in addition to the customary fees, a salary of three hundred and fifty dollars a year each.

2 Mar., 1831, c. 87, ss. 1, 5, v. 4, p. 480; vol. 9, pp. 510, 511; vol. 10, pp. 144, 266, 334, 346; vol. 11, p. 199; vol. 13, pp. 22, 342; vol. 16, pp. 190, 229, 278. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyor at Velasco.

SEC. 2709. The surveyor at the port of Velasco shall receive a salary not exceeding one thousand dollars a year, including in that sum the fees allowed by law; and the amount collected by such surveyor in any one year for fees, exceeding the sum of one thousand dollars, shall be accounted for and paid into the Treasury.

31 Dec., 1845, c. 2, s. 3, v. 9, p. 2. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyors at Matagorda and Lavaca.

SEC. 2710. The surveyors at Matagorda and Lavacca, in the district of Saluria, shall receive a salary of six hundred dollars a year each. The surveyor at Copano shall receive a salary of five hundred dollars a year.

3 Mar., 1847, c. 57, s. 3, v. 9, p. 182. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyors at Pacific City and at Milwaukee.

[SEC. 2711. *The surveyors at Pacific City and at Milwaukee shall receive, in addition to the fees authorized by law, a salary not exceeding one thousand dollars a year each.*]

14 *Feb.*, 1851, *c.* 8, *s.* 3, *v.* 9, *p.* 567. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

Surveyor at Cairo.

SEC. 2712. The surveyor at Cairo, in Illinois, shall receive a salary of eight hundred dollars a year.

3 Mar., 1855, c. 198, s. 2, v. 10, p. 680. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyor at Selma.

SEC. 2713. The surveyor at Selma shall receive, in addition to his fees, a salary of three hundred and fifty dollars a year.

3 Mar., 1857, c. 102, v. 11, p. 199. 27 Jan., 1858, c. 3, v. 11, p. 260. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyor at San Francisco.

SEC. 2714. The surveyor at San Francisco shall receive a salary of four thousand dollars a year.

2 June, 1862, c. 92, s. 2, v. 12, p. 411. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyor at Salem.

SEC. 2715. The surveyor at Salem and Beverly shall receive a salary of four hundred dollars a year.

28 Feb., 1865, c. 71, s. 3, v. 13, p. 445. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyor at Michigan City.

SEC. 2716. The surveyor at Michigan City shall receive a salary of three hundred and fifty dollars a year.

28 Feb., 1865, c. 72, s. 2, v. 13, p. 445. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Surveyor at Albany.

SEC. 2717. The surveyor at Albany shall receive, in addition to the customary fees and emoluments of his office, a salary of six hundred dollars a year.

2 Mar., 1867, c. 178, s. 1, v. 14, p. 542. 22 *June*, 1874, *c.* 391, *s.* 22, *v.* 18, *pp.* 190, 191.

Surveyor at La Crosse.

SEC. 2718. The surveyor at La Crosse, in Wisconsin, shall receive a compensation not exceeding twelve hundred dollars a year.

3 Mar., 1873, c. 251, v. 17, p. 584. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.

Limit of compensation of surveyors at Portland and other ports.

SEC. 2719. Whenever the emoluments of any surveyor at either of the ports of Portland, Maine, Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans, shall exceed four thousand five hundred dollars in any one year, after deducting the necessary expenses incident to his office in the same year, the excess shall be paid into the Treasury, for the use of the United States.

7 May, 1822, c. 107, s. 9, v. 3, p. 695. 3 Mar., 1841, c. 35, s. 5, v. 5, p. 432. 12 July, 1870, c. 251, s. 8, v. 16, p. 251. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191.—McLean's Case, 8 C. of Cls., 217.

Limit of compensation of surveyors generally.

SEC. 2720. Whenever the emoluments of any surveyor, other than those named in the preceding section, shall exceed two thousand dollars in any one year, after deducting therefrom the necessary expenses incident to his office in the same year, the excess shall be paid into the Treasury, for the use of the United States; [but each surveyor of this class shall be entitled to a maximum compensation of two thousand dollars a year out of any and all fees and emoluments by him received.] And no surveyor shall, on any pretense whatever, in the aggregate, receive, or retain for himself, more than four thousand five hundred dollars a year, including all commissions or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law; but each surveyor [at the ports designated in section twenty-seven hundred and nineteen] shall be entitled to a maximum compensation of four thousand five hundred dollars a year, out of any and all fees and emoluments by him received. And when any surveyor shall perform the duties of collector, he shall be entitled to the same compensation as is allowed to a collector for like services, and shall be subject to the same limitations.

7 May, 1822, c. 107, s. 10, v. 3, p. 695. 3 Mar., 1841, c. 35, s. 5, v. 5, p. 432. 12 July, 1870, c. 251, s. 8, v. 16, p. 251. 22 *June*, 1874, *c.* 391, *s.* 23, *v.* 18, *pp.* 190, 191. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

[See § 2647.]

Deputy surveyor at San Francisco.

SEC. 2721. The deputy surveyor at San Francisco shall receive a salary of three thousand dollars a year.

28 July, 1866, c. 293, s. 4, v. 14, p. 308. 2 Mar., 1867, c. 168, s. 7, v. 14, p. 470.

Deputy surveyors at New York and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

SEC. 2722. The deputy surveyors at New York, Boston, Philadelphia, Baltimore, New Orleans, and Portland, in Maine, shall receive a salary of two thousand five hundred dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

Deputy surveyor at Savannah.

SEC. 2723. The deputy surveyor at Savannah shall receive as salary not more than one thousand five hundred dollars a year.

7 May, 1822, c. 107, s. 15, v. 3, p. 695.

Principal appraisers at Savannah and Charleston.

SEC. 2724. The principal appraisers at Savannah and Charleston shall receive a salary of fifteen hundred dollars a year each.

1 Mar., 1823, c. 21, s. 17, v. 3, p. 736.

Merchant appraisers.

1 Mar., 1823, c. 21, s. 17, v. 3, p. 736.

SEC. 2725. The merchants who may be appointed to act as appraisers, as provided in section twenty-six hundred and nine, shall receive a compensation of five dollars a day while actually employed.

General appraiser at New York.

SEC. 2726. The general appraiser at New York shall receive a salary of three thousand dollars a year.

2 Mar., 1867, c. 167, s. 5, v. 14, p. 466.

General appraisers.

3 Mar., 1851, c. 38, s 3, v. 9, p. 630. [See § 2608.]
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

SEC. 2727. [*The four general appraisers authorized by law shall receive a salary of two thousand five hundred dollars a year, each, together with their actual traveling expenses, to be regulated by the Secretary of the Treasury.*]

Appraisers at Boston and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

SEC. 2728. The local appraisers and general appraisers at Boston, Philadelphia, Baltimore, and New Orleans, shall receive a salary of three thousand dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

Appraiser at New York.

27 July, 1866, c. 284, ss. 6, 7, v. 14, p. 303.

SEC. 2729. The appraiser at New York shall receive a salary of four thousand dollars a year, to be paid out of the appropriation for defraying the expenses of collecting the revenue, in monthly payments, and in due proportion for any period less than one month for the time he may actually serve. [See § 2941.]

Appraisers at Providence and other ports.

14 July, 1870, c. 255, s. 36, v. 16, p. 271.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 318.

SEC. 2730. The appraisers at Providence, Norfolk, Portland in Maine, [Pittsburgh,] Buffalo, Chicago, Detroit, Cincinnati, Saint Louis, Evansville, Milwaukee, Louisville, Cleveland, San Francisco, Portland in Oregon, Memphis, and Mobile, shall receive a salary of three thousand dollars a year each.

Assistant appraisers at New York.

27 July, 1866, c. 284, s. 6, v. 14, p. 303.

SEC. 2731. The assistant appraisers at the port of New York shall receive a salary of three thousand dollars a year, to be paid out of the appropriation for defraying the expenses of collecting the revenue, and paid to them in monthly payments, and in due proportion for any period less than one month for the time they may actually serve. [See § 2938.]

Assistant appraisers at Boston and other ports.

2 Mar., 1867, c. 167, s. 5, v. 14, p. 466.

SEC. 2732. The assistant appraisers at Boston, Philadelphia, Baltimore, New Orleans, Portland, and San Francisco shall receive a salary of twenty-five hundred dollars a year each.

See note to section 3679.

Inspectors.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.
26 April, 1816, c. 95, v. 3, p. 306.
Champney *v.* Bancroft, 1 Story, 423.

SEC. 2733. Each inspector shall receive, for every day he shall be actually employed in aid of the customs, three dollars; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspector, or in any other way in aid of the revenue, a like sum, while actually so employed, not exceeding three dollars for every day so employed. [See § 2787.]

Inspectors at San Antonio and other ports.

SEC. 2734. The inspectors at San Antonio, Eagle Pass, Presidio del Norte, and San Elizario, or the other places designated by the Secretary of the Treasury on the routes to San Fernando, Paso del Norte, and

Chihuahua, in Mexico, shall receive a salary of two hundred and fifty dollars a year each. 30 Aug., 1852, c. 96, s. 3, v. 10, p. 38.

Inspectors at Monterey and other ports.

SEC. 2735. The inspectors at Monterey, Sacramento, Benicia, Stockton, San Pedro, and Santa Barbara, shall receive a salary of one thousand dollars a year each.

2 June, 1862, c. 92, s. 1, v. 12, p. 411. 3 Mar., 1873, c. 253, s. 2, v. 17, p. 586.

Inspector at Chester.

SEC. 2736. The compensation of the inspector at Chester shall not exceed that allowed by law to inspectors at the port of Philadelphia.

3 Mar., 1873, c. 225, s. 2, v. 17, p. 485.

Power of Secretary to increase compensation of inspectors.

SEC. 2737. The Secretary of the Treasury may increase the compensation of inspectors of customs in such ports as he may think it advisable so to do, and may designate, by adding to the present compensation of such officers a sum not exceeding one dollar per day.

29 April, 1864, c. 71, v. 13, p. 61. 23 July, 1866, c. 208, s. 9, v. 14, p. 208.

Persons acting as inspectors.

SEC. 2738. All aids to the revenue or others performing the duties of inspectors of customs in any collection-district, shall be paid the same per-diem compensation as inspectors of customs.

27 July, 1866, c. 284, s. 10, v. 14, p. 304.

Weighers at Boston and other ports.

SEC. 2739. The custom-house weighers at the ports of Boston, Philadelphia, Baltimore, New Orleans, Portland, in Maine, and San Francisco, shall receive a salary of two thousand dollars each, payable out of the appropriation for expenses of collecting the revenue from customs.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

Head gaugers at New Orleans.

SEC. 2740. The three head gaugers at the port of New Orleans shall receive a salary of one thousand five hundred dollars a year each.

31 Aug., 1852, c. 108, s. 6, v. 10, p. 98.

Gaugers at New York.

SEC. 2741. The gaugers at the port of New York shall receive a salary of two thousand dollars a year each; but the amount of compensation of such officers, as hereby established, shall not exceed in any fiscal year the amount of fees earned by them.

2 Mar., 1867, c. 168, s. 4, v. 14, p. 470.

Gaugers and measurers at Boston.

SEC. 2742. The compensation of gaugers and measurers at the port of Boston shall be the same as provided for the [*same class of officers*] [gaugers] at the port of New York.

17 Jan., 1873, c. 39, v. 17, p. 411. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

Special examiners of drugs.

SEC. 2743. The salaries of the special examiners of drugs, medicines, chemicals, and so forth, except at New York and San Francisco, shall be one thousand dollars a year, and shall be paid each year quarterly.

26 June, 1848, c. 70, s. 5, v. 9, p. 238.

[See §§ 2938, 2781.]

Special examiner of drugs at San Francisco.

SEC. 2744. The special examiner of drugs, chemicals, medicines, and so forth, at San Francisco, shall receive a salary of two thousand dollars a year.

18 Aug., 1856, c. 129, s. 17, v. 11, p. 92.

Examiners and subordinate officers at New York.

SEC. 2745. The compensation of the examiners at the port of New York shall be limited and fixed by the Secretary of the Treasury, but shall not exceed the rate of twenty-five hundred dollars a year each. The compensation of clerks, verifiers, samplers, openers, packers, and messengers, at the port of New York, shall be limited and fixed by the Secretary of the Treasury, but shall not exceed the rates of compensation usually paid for similar services. [See §§ 2940, 2941.]

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

Additional compensation to customs officers at San Francisco.

SEC. 2746. An additional compensation of twenty-five per centum shall be continued to the appraisers [deputy collectors, deputy surveyors, and] deputy naval officers, [*and weighers*] at the port of San Francisco.

28 July, 1866, c. 293, s. 4, v. 14, p. 308. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

CHAPTER THREE.

REVENUE CUTTERS AND BOATS.

Sec.
2747. Revenue-cutters.
2748. Useless cutters may be sold.
2749. Number of officers and men.
2750. Grades of engineers.
2751. Appointment of commissioned officers.
2752. Qualifications of captains and lieutenants.
2753. Compensation of officers of revenue-cutter service.
2754. Wages of petty officers and crews.
2755. Officers on duty entitled to one Navy ration per day.
2756. Contracts for rations authorized.
2757. Revenue-officers to co-operate with the Navy.
2758. Powers of the Secretary of the Treasury.
2759. Aid to vessels on the lakes.
2760. Powers and duties of officers of revenue-cutters.
2761. Returns.
2762. Further duties of officers.
2763. Employment of small boats authorized.
2764. Ensigns and pendants.
2765. Immunities of officers.

Revenue-cutters.

2 Mar., 1799, c. 22, ss. 97, 100, v. 1, p. 699.
3 Mar., 1845, c. 78, v. 5, p. 795.
20 July, 1868, c. 177, s. 1, v. 15, p. 112.

SEC. 2747. The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the revenue-cutters as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of such sum as shall be annually appropriated for the revenue-cutter service, and not otherwise. [See § 5818.]

Useless cutters may be sold.

2 Mar., 1799, c. 22, s. 100, v. 1, p. 700.
20 April, 1866, c. 63, s. 2, v. 14, p. 40.

SEC. 2748. The President may from time to time cause such of the revenue-cutters as have become unfit for further service to be sold; and the proceeds shall be paid into the Treasury: *Provided*, That the Secretary of the Treasury may apply, in the purchase or construction of revenue-cutters, any unexpended balance of the proceeds of revenue-cutters sold by him under the authority of section two of the act of twentieth April, eighteen hundred and sixty-six, chapter sixty-three.

Number of officers and men.

25 July, 1861, c. 20, s. 2, v. 12, p. 275.
31 *July*, 1876, *c.* 246, *v.* 19, *p.* 107.

SEC. 2749. The officers for each revenue-vessel shall be one captain, and one first, one second, and one third lieutenant, and for each steam-vessel, in addition, one engineer and one assistant engineer; but the Secretary of the Treasury may assign to any vessel a greater number of officers whenever in his opinion the nature of the service which she is directed to perform requires it. And vessels of both descriptions shall have such number of petty officers and men as in the opinion of the Secretary are required to make them efficient for their service.

Grades of engineers.

4 Feb., 1863, c. 20, s. 2, v. 12, p. 639.

SEC. 2750. The grades of engineers shall be chief engineer, and first and second assistant engineer, with the pay and relative rank of first, second, and third lieutenant, respectively.

Appointment of commissioned officers.

SEC. 2751. The commissioned officers of the revenue-cutter service shall be appointed by the President, by and with the advice and consent of the Senate. [See § 1492.]

4 Feb., 1863, c. 20, s. 1, v. 12, p. 639.

Qualifications of captains and lieutenants.

SEC. 2752. No person shall be appointed to the office of captain, first, second, or third lieutenant, of any revenue-cutter, who does not adduce competent proof of proficiency and skill in navigation and seamanship.

2 Mar., 1855, c. 141, s. 2, v. 10, p. 630.

Compensation of officers of revenue-cutter service.

28 Feb., 1867, c. 101, s. 1, v. 14, p. 416.

SEC. 2753. The compensation of the officers of the revenue-cutter service shall be at the following rates while on duty:

Captains, twenty-five hundred dollars a year each.

First lieutenants and chief engineers, eighteen hundred dollars a year each.

Second lieutenants and first assistant engineers, fifteen hundred dollars a year each.

Third lieutenants and second assistant engineers, twelve hundred dollars a year each.

And at the following rates while on leave of absence or while waiting orders:

Captains, eighteen hundred dollars a year each.

First lieutenants and chief engineers, fifteen hundred dollars a year each.

Second lieutenants and first assistant engineers, twelve hundred dollars a year each.

Third lieutenants and second assistant engineers, nine hundred dollars a year each.

Wages of petty officers and crews.
4 Feb., 1837, c. 20, s. 3, v. 12, p. 640.

SEC. 2754. The wages of petty officers and seamen of the revenue-cutter service shall not exceed the average wages paid for like services on the Atlantic or Pacific coasts, respectively, in the merchant service.

Officers on duty entitled to one Navy ration per day.

SEC. 2755. Each officer of the revenue-cutter service, while on duty, shall be entitled to one Navy ration per day.

28 Feb., 1867, c. 101, s. 2, v. 14, p. 416.

Contracts for rations authorized.
2 Mar., 1799, c. 22, s. 98, v. 1, p. 699.

SEC. 2756. The Secretary of the Treasury may cause contracts to be made for the supply of rations for the officers and men of the revenue-cutters.

Revenue officers to co-operate with the Navy.
2 Mar., 1799, c. 22, s. 98, v. 1, p. 699.

SEC. 2757. The revenue-cutters shall, whenever the President so directs, co-operate with the Navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department. [See §§ 1492, 5557, 5558.]

Powers of the Secretary of the Treasury.
25 July, 1861, c. 20, s. 3, v. 12, p. 275.

SEC. 2758. The Secretary of the Treasury may direct the performance of any service by the revenue-vessels which, in his judgment, is necessary for the protection of the revenue.

Aid to vessels on the lakes.
15 July, 1870, c. 292, s. 3, v. 16, p. 309.

SEC. 2759. The revenue-cutters on the northern and northwestern lakes, when put in commission, shall be specially charged with aiding vessels in distress on the lakes.

Powers and duties of officers of revenue-cutters.
2 Mar., 1799, c. 22, s. 99, v. 1, p. 700.

SEC. 2760. The officers of the revenue-cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination.

Returns.
2 Mar., 1799, c. 22, s. 99, v. 1, p. 700.

SEC. 2761. The master of any revenue-cutter shall make a weekly return to the collector, or other officer of the district under whose direction it is placed, of the transactions of the cutter, specifying the vessels that have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know.

Further duties of officers.
2 Mar., 1799, c. 22, s. 99, v. 1, p. 700.

SEC. 2762. The officers of revenue-cutters shall perform, in addition to the duties hereinbefore prescribed, such other duties for the collection and security of the revenue as from time to time shall be directed by the Secretary of the Treasury, not contrary to law. [See § 4792.]

Employment of small boats authorized.
2 Mar., 1799, c. 22, s. 101, v. 1, p. 700.

SEC. 2763. The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small open row and sail boats, and persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of vessels and otherwise, for the better detection of frauds.

Ensigns and pendants.

SEC. 2764. The cutters and boats employed in the service of the revenue shall be distinguished from other vessels by an ensign and pendant, with

2 Mar., 1799, c. 22, s. 102, v. 1, p. 700.

such marks thereon as shall be prescribed by the President. If any vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in such service, the master of the vessel so offending shall be liable to a penalty of one hundred dollars.

Immunities of officers.

2 Mar., 1799, c. 22, s. 102, v. 1, pp. 700, 701.

SEC. 2765. Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the revenue service, the master of such cutter or boat may fire at or into such vessel which does not bring-to, after such pendant and ensign has been hoisted, and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail. [See § 4843.]

CHAPTER FOUR.

ENTRY OF MERCHANDISE.

Sec.
2766. Definition of word "merchandise."
2767. Definition of "port."
2768. Definition of "master."
2769. Departure from prescribed forms.
2770. Where vessels from foreign ports may enter and unlade.
2771. Where foreign vessels may enter and unlade.
2772. Where vessels bound to ports of delivery only may enter.
2773. Penalty for departing from port of arrival before making a report or entry.
2774. Duty of making report on arrival.
2775. Special report of spirits and wines.
2776. Exception as to goods destined for foreign port.
2777. Bond before proceeding to foreign port.
2778. Duty of collector as to such bond.
2779. Vessels may proceed to other districts.
2780. Copy of report and manifest with collector's certificate required.
2781. Report or entry in other districts prescribed.
2782. Bond upon proceeding to another district.
2783. Cancellation of bond.
2784. Penalty for omitting to procure certificate.
2785. Requisites of an entry of goods generally.
2786. Verification of entry.
2787. Bond by agent.
2788. Entry when particulars are unknown.
2789. Custody when invoice is imperfect.
2790. Vessel's papers to be produced to collector.
2791. Public vessels need not enter.
2792. Ferry-boats need not enter.
2793. Enrolled or licensed vessels.
2794. Entry of spirits and wines.
2795. Sea-stores to be specified.
2796. Collection of duty on excess of sea-stores.
2797. Forfeiture of sea-stores.
2798. Coal for steam-vessels.
Sec.
2799. Baggage and tools.
2800. Bond that owner shall make oath required from agent.
2801. Permit for baggage and tools.
2802. Penalty for concealing dutiable articles in baggage.
2803. Baggage in transit to a foreign country.
2804. Entry, &c., of cigars.
2805. Oaths, how taken.
2806. Manifests of cargo required.
2807. What must be stated in manifest.
2808. Merchandise destined to different ports or districts.
2809. Penalty for failure to have a correct manifest.
2810. Except by accident or mistake.
2811. Production of manifest.
2812. Delivery of copies of manifest.
2813. What number of copies must be delivered.
2814. Forfeiture for omitting to produce manifest and deliver copies.
2815. Making return of violations.
2816. Entry of merchandise intended for Albany.
2817. Entry of merchandise intended for Augusta.
2818. Entry of merchandise intended for Pilatka.
2819. Entry of merchandise intended for Bayport.
2820. Entry of merchandise intended for Selma.
2821. Entry of merchandise intended for Houston.
2822. Entry of merchandise intended for ports upon the Mississippi and its tributaries.
2823. Ibid.
2824. Entry of merchandise intended for Vallejo.
2825. Schedule of merchandise and estimate of duties.
2826. Entry of merchandise and permit for landing.
2827. Duplicate manifests.
2828. Penalty for illegal departure.
2829. Delivery of manifests.

Sec.
2830. Inspection.
2831. No entry when value exceeds bond.
2832. Vessels bound for Natchez and Vicksburgh.
2833. Expenses of officer sent with vessel.
2834. Duties of master bound for any district in Connecticut or for Burlington.
2835. Duties of master bound up James River.
2836. Duties of master bound for Petersburgh or Richmond.
2837. What weights and measures used in invoices.
2838. What currency used in invoices.
2839. Forfeiture when cost is not set forth in invoice.
2840. Collector to take possession when invoice is not correct.
2841. Oaths to accompany invoices.
2842. Bond for production of invoice of goods of absent owner.
2843. Oath of purchaser.
2844. Authentication in absence of consul.
2845. Oath of manufacturer, &c.
2846. Oath of representative.
2847. Secretary may admit goods notwithstanding want of invoice.
2848. Bond to produce invoice required.
2849. Oath, where one of owners resides abroad.
2850. Effect of omission of oath.
2851. Fee for verification of invoice.
2852. Certificate upon invoice.
2853. Triplicate invoices.
2854. Declaration to accompany invoice.
2855. Indorsement upon invoice.
2856. Declaration in adjacent countries.
2857. Change of destination.
2858. Remission of forfeiture in case of loss of invoice.
2859. Countries excepted from foregoing provisions.
2860. No entry allowed without invoices, except, &c.
2861. Restriction on consular certificates.
2862. Consuls to exact proof of invoice.
2863. To report fraudulent practices.
2864. Punishment for making, &c., false invoice.
2865. For issuing false invoice.
2866. Entry of merchandise destined for British possessions.

Definition of word "merchandise."

SEC. 2766. The word "merchandise," as used in this Title, may include goods, wares, and chattels of every description capable of being imported.

Of "port."

SEC. 2767. The word "port," as used in this Title, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported.

Of "master."

SEC. 2768. The word "master," as used in this Title, may include any person having the chief charge or command of the employment and navigation of a vessel.

Departure from prescribed forms.

2 Mar., 1799, c. 22, s. 111, v. 1, p. 704.

SEC. 2769. In cases where the forms of official documents, as prescribed by this Title, shall be substantially complied with and observed, according to the true intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom.

Where vessels from foreign ports may enter and unlade.

2 Mar., 1799, c. 22, s. 18, v. 1, p. 639.

U. S. *v.* Hayward, 2 Gall., 510, 511.

SEC. 2770. It shall not be lawful to make entry of any vessel which shall arrive within the United States, from any foreign port, or of the cargo on board such vessel, elsewhere than at one of the ports of entry designated in chapter one of this Title; nor to unlade the cargo, or any part thereof, elsewhere than at one of the ports of delivery therein designated, except that every port of entry shall be also a port of delivery. This section shall not prevent the master or commander of any vessel from making entry with the collector of any district in which such vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned. [See § 5314–5321.]

Where foreign vessels may enter and unlade.

2 Mar., 1799, c. 22, s. 18, v. 1, p. 639. 24 April, 1816, c. 71, v. 3, p. 299. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 22 Feb., 1827, c. 31, v. 4, p. 206. 13 Feb., 1837, c. 13, v. 5, p. 146.

SEC. 2771. Vessels which are not vessels of the United States shall be admitted to unlade only at ports of entry established by law; and no such vessel shall be admitted to make entry in any other district than in the one in which she shall be admitted to unlade.

Where vessels bound to ports of delivery only may enter.

2 Mar., 1799, c. 22, s. 19, v. 1, p. 640. 10 May, 1800, c. 49, s. 4, v. 2, p. 68. 25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.

SEC. 2772. The master of every vessel bound to a port of delivery only, in any district, shall first come to at the port of entry of such district, with his vessel, and there make report and entry in writing, and pay all duties required by law, port fees and charges, before such vessel shall proceed to her port of delivery. Any master of a vessel who shall proceed to a port of delivery contrary to such directions shall be liable to a penalty of five hundred dollars, to be recovered with costs of suit.

Penalty for departing from port

SEC. 2773. If any vessel, having arrived within the limits of any collection-district, from any foreign port, departs, or attempts to depart

of arrival before making report or entry.

2 Mar., 1799, c. 22, s. 29, v. 1, p. 648.

The Apollon, 9 Wh., 362; U. S. *v.* Bearse, 4 Mas., 192; Le Tigre, 3 Wash. C. C., 572.

from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master with the collector of some district, the master shall be liable to a penalty of four hundred dollars; and any collector, naval officer, surveyor, or commander of any revenue-cutter may cause such vessel to be arrested and brought back to the most convenient port of the United States. If, however, it is made to appear by the oath of the master, and of the person next in command, or by other sufficient proof to the satisfaction of the collector of the district within which such vessel shall afterward come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the departure or attempt to depart was occasioned by stress of weather, pursuit or duress of enemies, or other necessity, the penalty imposed by this section shall not be incurred.

Duty of making report on arrival.

2 Mar., 1799, c. 22, s. 30, v. 1, p. 649.

U. S. *v.* Webber, 1 Gall., 392; U. S. *v.* Gallacar, 1 Sprague, 545; U. S. *v.* Randall, 1 Sprague, 546.

SEC. 2774. Within twenty-four hours after the arrival of any vessel, from any foreign port, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as such hours will permit, the master shall repair to such office, and make report to the chief officer, of the arrival of the vessel; and he shall, within forty-eight hours after such arrival, make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in, and verified like, a manifest. Every master who shall neglect or omit to make either of such reports and declarations, or to verify any such declaration as required, or shall not fully comply with the true intent and meaning of this section, shall, for each offense, be liable to a penalty of one thousand dollars.

Special report of spirits and wines.

2 Mar., 1799, c. 22, s. 30, v. 1, p. 650.

1 May, 1872, c. 131, v. 17, p. 59.

SEC. 2775. The master of any vessel having on board distilled spirits, or wines, shall, within forty-eight hours after his arrival, whether the same be at the first port of arrival of such vessel or not, in addition to the requirements of the preceding section, report in writing to the surveyor or officer acting as inspector of the revenue of the port at which he has arrived, the foreign port from which he last sailed, the name of his vessel, his own name, the tonnage and denomination of such vessel, and to what nation belonging, together with the quantity and kinds of spirits and wines, on board of the vessel, particularizing the number of casks, vessels, cases, or other packages containing the same, with their marks and numbers, as also the quantity and kinds of spirits and wines, on board such vessel as sea-stores, and in default thereof he shall be liable to a penalty of five hundred dollars, and any spirits omitted to be reported shall be forfeited.

Exception as to goods destined for foreign port.

2 Mar., 1799, c. 22, s. 32, v. 1, p. 651.

22 Feb., 1805, c. 18, s. 2, v. 2, p. 316.

SEC. 2776. Any vessel may proceed with any merchandise brought in her, and, in the manifest delivered to the collector of the customs, reported as destined for any foreign port, from the district within which such vessel shall first arrive to such foreign port without paying or securing the payment of any duties upon such merchandise as shall be actually re-exported in the vessel. But the manifest so declaring to re-export such merchandise shall be delivered to such collector within forty-eight hours after the arrival of the vessel. And the master of such vessel shall give bond as required by the next section.

Bond before proceeding to foreign port.

2 Mar., 1799, c. 22, s. 32, v. 1, p. 651.

SEC. 2777. The master of any vessel so destined for a foreign port shall give bond, with one or more sureties, in a sum equal to the amount of the duties upon the merchandise, as the same shall be estimated by the collector and naval officer of the port where the report shall be made, to the satisfaction of the collector, with condition that the merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made and the duties thereupon paid, according to law. Such bond shall be taken for the same period, and canceled in like manner, as a bond given for obtaining drawback of duties. No such bond shall be required in respect to merchandise on board of any vessel which has put into the United States from a neces-

sity, shown as prescribed in section twenty-seven hundred and seventy-three.

Duty of collector as to such bond.

SEC. 2778. The collector receiving any bond conditioned for the payment of duties upon merchandise reported as destined for a foreign port, in case the same shall be landed within the United States, or any other bonds taken upon the exportation of merchandise entitled to drawback, shall immediately after the time when by the conditions of the same they ought to be canceled, put the same in suit, provided the proof of the occurrence of such a necessity as excuses a landing of such goods within the United States has not been produced, or further time granted therefor by the Secretary of the Treasury.

2 Mar., 1799, c. 22, s. 32, v. 1, p. 652.
20 *June*, 1876, *c.* 136, *v.* 19, *p.* 60.

Vessels may proceed to other districts.

SEC. 2779. Any vessel in which any merchandise is brought into the United States from any foreign port, and which is specified in the manifest verified before the collector of the port in which such vessel first arrives, to be destined for other districts, may proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the merchandise only as shall be landed in any district shall be paid within such district.

2 Mar., 1799, c. 22, s. 33, v. 1, p. 652.

Copy of report and manifest, with collectors' certificate, required.

SEC. 2780. Before any vessel departs from the district in which she shall first arrive for another district, provided such departure is not within forty-eight hours after her arrival within such district, with merchandise brought in such vessel from a foreign port on which the duties have not been paid, the master shall obtain from the collector of the district from which she is about to depart, who is hereby required to grant the same, a copy of the report and manifest made by such master, certified by the collector, to which copy shall be annexed a certificate of the quantity and particulars of the merchandise which appears to him to have been landed within his district, or of the quantity and particulars of the merchandise which remains on board and upon which the duties are to be paid in some other district.

2 Mar., 1799, c. 22, s. 34, v. 1, p. 652.

Report or entry in other districts prescribed.

SEC. 2781. Within twenty-four hours after the arrival of such vessel within any other district, the master shall make report or entry to or with the collector of such other district, producing and showing the certified copy of his first report, together with a certificate from each collector of any other district within which any of the merchandise, brought in such vessel, has been landed, of the quantity and particulars of such merchandise as has been landed in each district respectively.

2 Mar., 1799, c. 22, s. 34, v. 1, p. 653.

Bond upon proceeding to another district.

SEC. 2782. The master shall, however, first give bond, with one or more sureties, to the satisfaction of the collector of the district within which the vessel first arrives, in a sum equal to the amount of the duties on the residue of the merchandise, according to such estimate as the collector shall form thereof, with condition that the residue of such merchandise shall be duly entered and delivered in another district for which the same has been reported to be destined.

2 Mar., 1799, c. 22, s. 34, v. 1, p. 653.

Cancellation of bond.

SEC. 2783. The bond shall be canceled or discharged within six calendar months from the date thereof, by the production of certificates from the collectors of the districts for which the merchandise has been reported, showing the due entry and delivery of the merchandise in such districts, or upon due proof to the satisfaction of the collector by whom the bond was taken and to the naval officer of the port, if any, that such entry and delivery were prevented by some unavoidable accident or casualty, and if the whole or any part of the merchandise has not been lost, that it has been duly entered and delivered within the United States.

2 Mar., 1799, c. 22, s. 34, v. 1, p. 654.

Penalty for omitting to procure certificate.

SEC. 2784. If the master of any such vessel fails by his neglect or fault to obtain the copy of his report from the collector of the district from which he is about to depart, or any certificate which he ought to obtain, or neglects to exhibit the same to the collector of any other district to which the vessel afterward proceeds, within the time for that purpose allowed, he shall be liable to a penalty, for every such neglect or omission, of five hundred dollars.

2 Mar., 1799, c. 22, s. 34, v. 1, p. 654.

Requisites of an entry of goods generally.

SEC. 2785. The owner or consignee of any merchandise on board of any such vessel, or, in case of his absence or sickness, his known agent or factor in his name, shall, within fifteen days after the report of the

2 Mar., 1799, c. 22, s. 36, v. 1, p. 655. 1 *May*, 1876, c. 89, v. 19, p. 49.

master to the collector of the district for which such merchandise shall be destined, make entry thereof in writing with the collector, and shall in such entry specify the name of the vessel and of her master, in which, and the port or place from which such merchandise was imported, the particular marks, numbers, denominations, and prime cost, including charges of each particular package or parcel whereof the entry shall consist, or, if in bulk, the quantity, quality, and prime cost, including charges thereof, particularly specifying the species of money in which the invoices thereof are made out. Such entry shall be subscribed by the person making it, if the owner or consignee, in his own name, or, if another person, in his name as agent or factor, for the owner or consignee. The person making such entry shall also produce to the collector and naval officer, if any, the original invoices of the merchandise, or other documents received in lieu thereof, or concerning the same, in the same state in which they were received, with the bills of lading for the same; which invoices shall be signed by the persons in the offices of the collector and naval officer who have compared and examined them.

Conrad *v.* Insurance Company, 6 Pet., 262; U. S. *v.* Randall, 1 Sprague, 546; Ninety-five Bales of Paper, 1 Paine, 149; U. S. *v.* Lyman, 1 Mas., 482; Gray *v.* Lawrence, 3 Blatch., 117.

See note to section 2841.

Verification of entry.

2 Mar., 1799, c. 22, s. 36, v. 1, p. 656.

SEC. 2786. The entries to be made by any importer, consignee, or agent, under the preceding section, shall be verified by the oath of the person making the same.

Bond by agent.

2 Mar., 1799, c. 22, s. 36, v. 1, p. 657.

SEC. 2787. Whenever any entry is made with the collector of any district, of merchandise imported into the United States subject to duty, by any agent, factor, or person, other than the person to whom it belongs, or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person, in the penal sum of one thousand dollars, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to an entry previous to the landing of merchandise; which account shall be verified by a like oath, as in the case of an entry, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs. In case of the payment of the duties at the time of entry, by any factor or agent, on the merchandise entered by him, the condition of the bond shall be to produce the account of the proper owner, or consignee, verified in manner as before directed, within ninety days from the date of such bond.

Entry when particulars are unknown.

2 Mar., 1799, c. 22, s. 36, v. 1, p. 658.

SEC. 2788. Where the particulars of any merchandise are unknown, in lieu of the entry prescribed by section twenty-seven hundred and eighty-five, an entry thereof shall be made and received according to the circumstances of the case; the party making the same declaring upon oath all that he knows or believes concerning the quality and particulars of the merchandise, and that he has no other knowledge or information concerning the same.

Custody when invoice is imperfect.

2 Mar., 1799, c. 22, s. 36, v. 1, p. 658.

SEC. 2789. Whenever an entry of merchandise is imperfect, for want of invoices, bills of lading, or for any other cause, the collector shall take the merchandise into his custody, until the quantity, quality, or value thereof, as the case may require, can be ascertained.

Vessel's papers to be produced to collector.

2 Mar., 1799, c. 22, s. 63, v. 1, p. 675.

SEC. 2790. The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to a vessel at her departure from the port from whence she may have arrived, Mediterranean passports excepted, shall previous to entry be produced to the collector with whom such entry is to be made, and shall remain in his office; and on the clearance of such vessel the register and other documents shall be returned to the master or owner of such vessel.

Public vessels need not enter.

2 Mar., 1799, c. 22, s. 31, v. 1, p. 651.

SEC. 2791. It shall not be necessary for the master of any vessel of war, or of any vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws

of such prince or state to be employed in the transportation of merchandise, in the way of trade, to make report and entry. [See § 1624, Art. 12.]

Brig Wilson *v.* U.S., 1 Brock., 423.

SEC. 2792. Vessels used exclusively as ferry-boats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

Ferry-boats need not enter.

4 June, 1872, c. 280, v. 17, p. 214.

SEC. 2793. Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear.

Enrolled or licensed vessels.

10 Feb., 1871, Res. 27, s. 2, v. 16, p. 595.

SEC. 2794. Every importer of distilled spirits or wines, or person to whom distilled spirits or wines are consigned, shall make a separate and additional entry thereof, specifying the name of the vessel, and her master, in which, and the place from which, such spirits or wines were imported, together with the quantity and quality thereof, and a particular detail of the casks or receptacles containing the same, with their marks and numbers; such entry shall be subscribed by the person making the same, for himself, or in behalf of the person for whom such entry is made, and shall be certified by the collector, before whom it is made, as a true copy, and conformable to the general entry before directed, in respect to all distilled spirits and wines therein contained; such entry thus certified shall be transmitted to the surveyor or officer acting as inspector of the revenue for the port where it is intended to commence the delivery of such spirits or wines. [See § 2504, Schedule D.]

Entry of spirits and wines.

2 Mar., 1799, c. 22, s. 37, v. 1, p. 658.

SEC. 2795. In order to ascertain what articles ought to be exempt from duty as the sea-stores of a vessel, the master shall particularly specify the articles, in the report or manifest to be by him made, designating them as the sea-stores of such vessel; and in the oath to be taken by such master, on making such report, he shall declare that the articles so specified as sea-stores are truly such, and are not intended by way of merchandise or for sale; whereupon the articles shall be free from duty.

Sea-stores to be specified.

2 Mar., 1799, c. 22, s. 45, v. 1, p. 661.

SEC. 2796. Whenever it appears to the collector to whom a report and manifest of sea-stores are delivered, together with the naval officer, where there is one, or alone, where there is no naval officer, that the quantities of the articles, or any part thereof, reported as sea-stores, are excessive, the collector, jointly with the naval officer, or alone, as the case may be, may in his discretion estimate the amount of the duty on such excess; which shall be forthwith paid by the master, to the collector, on pain of forfeiting the value of such excess.

Collection of duty on excess of sea-stores.

2 Mar., 1799, c. 22, s. 45, v. 1, p. 661.

SEC. 2797. If any other or greater quantity of articles are found on board such vessel as sea-stores than are specified in an entry of sea-stores, or if any of the articles are landed without a permit first obtained from the collector, and naval officer if any, for that purpose, all such articles as are not included in the report or manifest by the master, and all which are landed without a permit, shall be forfeited, and may be seized; and the master shall moreover be liable to a penalty of treble the value of the articles omitted or landed.

Forfeiture of sea-stores.

2 Mar., 1799, c. 22, s. 45, v. 1, p. 661.

SEC. 2798. The master of any vessel propelled by steam, arriving at any port in the United States, may retain all the coal such vessel may have on board at the time of her arrival, and may proceed with such coal to a foreign port, without being required to land the same in the United States or to pay any duty thereon

Coal for steam-vessels.

7 July, 1838, c. 178, v. 5, p. 288.

SEC. 2799. In order to ascertain what articles ought to be exempted as the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, due entry thereof, as of other merchandise, but separate and distinct from that of any other merchandise, imported from a foreign

Baggage and tools.

2 Mar., 1799, c. 22, s. 46, v. 1, p. 661.

3 Mar., 1823, c. 53, s. 4, v. 3, p. 782.

The Robert Edwards, 6 Wh , 187.

port, shall be made with the collector of the district in which the articles are intended to be landed by the owner thereof, or his agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers; and the person who shall make the entry shall take and subscribe an oath before the collector, declaring that the entry subscribed by him and to which the oath is annexed contains, to the best of his knowledge and belief, a just and true account of the contents of the several packages mentioned in the entry, specifying the name of the vessel, of her master, and of the port from which she has arrived; and that such packages contain no merchandise whatever other than wearing apparel, personal baggage, or, as the case may be, tools of trade, specifying it; that they are all the property of a person named who has arrived, or is shortly expected to arrive in the United States, and are not directly or indirectly imported for any other, or intended for sale.

Bond that owner shall make oath required from agent.

2 Mar., 1799, c. 22, s. 46, v. 1, p. 661.

SEC. 2800. Whenever the person making entry of any articles as wearing apparel, personal baggage, tools, or implements, is not the owner of them, he shall give bond with one or more sureties, to the satisfaction of the collector, in a sum equal to the duties on like articles imported subject to duty, upon the condition that the owner of the articles shall, within one year, personally make an oath such as is prescribed in the preceding section.

Permit for baggage and tools.

2 Mar., 1799, c. 22, s. 46, v. 1, p. 662.

SEC. 2801. On compliance with the two preceding sections, and not otherwise, a permit shall be granted for landing such articles. But whenever the collector and the naval officer, if any, think proper, they may direct the baggage of any person arriving within the United States to be examined by the surveyor of the port, or by an inspector of the customs, who shall make a return of the same; and if any articles are contained therein which in their opinion ought not to be exempted from duty, due entry of them shall be made and the duties thereon paid.

Penalty for concealing dutiable articles in baggage.

2 Mar., 1799, c. 22, s. 46, v. 1, p. 662.

The Robert Edwards, 6 Wh., 187.

SEC. 2802. Whenever any article subject to duty is found in the baggage of any person arriving within the United States, which was not, at the time of making entry for such baggage, mentioned to the collector before whom such entry was made, by the person making entry, such article shall be forfeited, and the person in whose baggage it is found shall be liable to a penalty of treble the value of such article.

Baggage in transit to a foreign country.

30 June, 1864, c. 171, s. 29, v. 13, p. 218.

SEC. 2803. Any baggage or personal effects arriving in the United States, in transit to any foreign country, may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained without the payment or exaction of any import duty, and to be delivered to such parties on their departure for their foreign destination, under such rules, regulations, and fees as the Secretary of the Treasury may prescribe.

Entry, &c., of cigars.

28 July, 1866, c. 298, s. 1, v. 14, p. 328.

U. S. *v.* Jacoby, 12 Blatch., 491.

SEC. 2804. No cigars shall be imported unless the same are packed in boxes of not more than five hundred cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than three thousand in a single package; and all cigars on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, with the date thereof. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps, and to make all necessary regulations for carrying the above provisions of law into effect. [See § 2504, Schedule J.]

Oaths, how taken.

2 Mar., 1799, c. 22, s. 49, v. 1, p. 664.

SEC. 2805. All oaths to be taken upon making of any of the reports or entries, or respecting any of the acts mentioned in this chapter, whether by a master of any vessel, or the owner or consignee of any merchandise, his factor or agent, or by any other person, shall be administered by the collector, or officer to or with whom the report or entry is made, and shall be reduced to writing, and subscribed by the person taking and by the person administering the oath.

Manifests or cargo required.

SEC. 2806. No merchandise shall be brought into the United States, from any foreign port, in any vessel unless the master has on board manifests in writing of the cargo, signed by such master.

2 Mar., 1799, c. 22, s. 23, v. 1, p. 644. 18 July, 1866, c. 201, s. 25, v. 14, p. 184.—U. S. *v.* The steamship The Queen, 11 Blatch., 416.

What must be stated in manifest.

SEC. 2807. Every manifest required by the preceding section shall contain:

2 Mar., 1799, c. 22, s. 23, v. 1, pp. 644–645.

First. The name of the ports where the merchandise in such manifest mentioned were taken on board, and the ports within the United States for which the same are destined; particularly noting the merchandise destined for each port respectively.

Second. The name, description, and build of the vessel; the true admeasurement or tonnage thereof; the port to which such vessel belongs; the name of each owner, according to the register of the same; and the name of the master of such vessel.

Third. A just and particular account of all the merchandise, so laden on board, whether in packages or stowed loose, of any kind or nature whatever, together with the marks and numbers as marked on each package, and the number or quantity and description of the packages in words at length, whether leaguer, pipe, butt, puncheon, hogshead, barrel, keg, case, bale, pack, truss, chest, box, band-box, bundle, parcel, cask, or package, of any kind or sort, describing the same by its usual name or denomination.

Fourth. The names of the persons to whom such packages arerespectively consigned, agreeably to the bills of lading signed for the same, unless when the goods are consigned to order, when it shall be so expressed in the manifest.

Fifth. The names of the several passengers on board the vessel, distinguishing whether cabin or steerage passengers, or both, with their baggage, specifying the number and description of packages belonging to each respectively. [See §§ 4266–4274.]

Sixth. An account of the sea-stores remaining, if any.

Merchandise destined to different ports or districts.

SEC. 2808. If merchandise shall be imported, destined to be delivered in different districts or ports, the quantities and packages so destined to be delivered shall be inserted in successive order in the manifest; and all spirits and wines constituting the whole or any part of the cargo of any vessel shall also be inserted in successive order, distinguishing the ports to which the same may be destined, and the kinds, qualities, and quantities thereof.

2 Mar., 1799, c. 22, s. 23, v. 1, p. 644.

Penalty for failure to have a correct manifest.

SEC. 2809. If any merchandise is brought into the United States in any vessel whatever from any foreign port without having such a manifest on board, or which shall not be included or described in the manifest, or shall not agree therewith, the master shall be liable to a penalty equal to the value of such merchandise not included in such manifest; and all such merchandise not included in the manifest belonging or consigned to the master, mate, officers, or crew of such vessel, shall be forfeited.

2 Mar., 1799, c. 22, s. 24, v. 1, p. 646.

U. S. *v.* Twenty-six Diamond Rings, 1 Sprague, 294; U. S. *v.* Ten Thousand Cigars, 2 Curt., 436; The Steamer Missouri, 3 Ben., 508; U. S. *v.* Certain Cigars, 1 Woods, 306.

Except by accident or mistake.

SEC. 2810. Whenever it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where either of the other of the officers [*are*] [is] not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of any vessel without proper manifests was unshipped, after it was taken on board, except such as shall have been particularly specified and accounted for in the report of the master, and that the manifests had been lost or mislaid, without fraud or collusion, or were defaced by accident, or became incorrect by mistake, no forfeiture or penalty shall be incurred under the preceding section.

2 Mar., 1799, c. 22, s. 24, v. 1, p. 646. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 246.

Production of manifest.

SEC. 2811. Every master of any vessel laden with merchandise, and bound to any port in the United States, shall, on his arrival within four

2 Mar., 1799, c. 22, s. 25, v. 1, p. 646. 18 July, 1866, c. 201, s. 25, v. 14, p. 184.

leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks, or inlets thereof, upon demand, produce the manifests in writing, which such master is required to have on board his vessel, to such officer of the customs as first comes on board his vessel, for inspection, and shall deliver to such officer true copies thereof, which copies shall be provided and subscribed by the master, and the officer to whom the original manifests have been produced shall certify upon the back thereof that the same were produced, and the day and year on which the same were so produced, and that such copies were to him delivered and by him examined with the original manifest; and shall likewise certify upon the back of such copies the day and year on which the same were delivered, and shall forthwith transmit such copies to the respective collectors of the several districts, to which the goods by such manifests appear respectively to be consigned.

Delivery of copies of manifest.

2 Mar., 1799, c. 22, s. 25, v. 1, p. 647.

SEC. 2812. The master of any such vessel shall in like manner produce to the officer of the customs who first comes on board such vessel, upon her arrival within the limits of any collection-district in which the cargo, or any part thereof, is intended to be discharged or landed, for his inspection, such manifest; and shall also deliver to him true copies thereof, such copies also to be provided and subscribed by the master, the production of which manifests and the delivery of which copies shall also be certified by the officer of the customs, upon the back of the original manifests, with the particular day and year when such manifests were produced to such officer, and when he so received the copies thereof; and such officer is required forthwith to transmit the copies of the manifests to the collector of the district; and the master shall afterward deliver the original manifests so certified to the collector. When any manifest shall be produced, upon which there shall be no certificate from any officer of the customs as before mentioned, the master producing the same shall be required to make oath that no officer has applied for, and that no indorsement has taken place on, any manifest of the cargo of such vessel.

What number of copies must be delivered.

2 Mar., 1799, c. 22, s. 25, v. 1, p. 647.

SEC. 2813. The master of any such vessel shall not be required to make delivery of more than one copy of each manifest to the officer who shall first come on board of such vessel, within four leagues of the coast of the United States, and one other copy to such officer as shall first come on board within the limits of any collection-district, for which the cargo of such vessel, or some part thereof, is destined, nor to make delivery of any such copy to any other officer; but it shall be sufficient, in respect to any such other officer, to exhibit to him the original manifests and the certificates thereupon.

Forfeiture for omitting to produce manifest and deliver copies.

2 Mar., 1799, c. 22, s. 26, v. 1, p. 647.

SEC. 2814. If the master of any vessel laden with merchandise, and bound to any port in the United States, fails upon his arrival within four leagues of the coast thereof, or within the limits of any collection-district, where the cargo of such vessel, or any part thereof, is intended to be discharged, to produce such manifests as are heretofore required, in writing, to the proper officer upon demand therefor, or to deliver such copies thereof, according to the directions of the preceding sections, or if he fails to give an account of the true destination of the vessel, which he is hereby required to do, upon request of such officer, or gives a false account of such destination, in order to evade the production of the manifests, the master shall for every such neglect, refusal, or offense, be liable to a penalty of not more than five hundred dollars. If any officer first coming on board, in each case, shall neglect or refuse to certify on the back of such manifests the production thereof, and the delivery of such copies respectively as are directed to be delivered to such officer, such officer shall be liable to a penalty of five hundred dollars.

Making return of violations.

2 Mar., 1789, c. 22, s. 26, v. 1, p. 648.

SEC. 2815. The officers who may apply to the master of any such vessel, respecting any of the provisions in the preceding sections, and who shall not receive full satisfaction therein, are hereby required to make a return in writing of the name of the vessel and master so offending, in any or all of the particulars required, as soon as possible, to the collector of the district to which such vessel shall be considered to be bound.

Entry of merchandise intended for Albany.

SEC. 2816. When any merchandise is intended to be imported from any foreign country into the port of Albany, upon the Hudson River, in New York, such merchandise may be entered at any port of entry and thereafter transported to Albany, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive. [See § 2968.]

2 Mar., 1867, c. 178, ss. 1, 2, v. 14, p. 542.

Entry of merchandise intended for Augusta.

SEC. 2817. When any merchandise is intended to be imported from any foreign country into the port of Augusta, upon the Savannah River, in Georgia, such merchandise may be entered at the port of Savannah and thereafter transported, either by the river or by railroad, to Augusta, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

2 Mar., 1857, c. 62, v. 11, p. 168.

Entry of merchandise intended for Pilatka.

SEC. 2818. When any merchandise is intended to be imported from any foreign country into the port of Pilatka, upon the Saint John's River, in Florida, such merchandise may be entered at Saint John's, and thereafter transported to Pilatka upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

Entry of merchandise intended for Bayport.

SEC. 2819. When any merchandise is intended to be imported from any foreign country to the port of Bayport, in Florida, such merchandise may be entered at [*Saint Mark's,*] [Cedar Keys,] and thereafter transported to Bayport, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 246.

Entry of merchandise intended for Selma.

SEC. 2820. When any merchandise is intended to be imported from any foreign country into the port of Selma, upon the Alabama River, in Alabama, such merchandise may be entered [at] Mobile, and thereafter transported to Selma, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

3 Mar., 1857, c. 102, v. 11, p. 199. 27 Jan., 1858, c. 3, v. 11, p. 260. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

Entry of merchandise intended for Houston.

SEC. 2821. When any merchandise is intended to be imported from any foreign country into the port of Houston, upon [*Trinity River,*] [Buffalo Bayou,] in Texas, such merchandise may be entered at the port of Galveston and thereafter transported to Houston, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

14 July, 1870, c. 269, v. 16, p. 278. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 246.

Entry of merchandise intended for ports upon the Mississippi and its tributaries.

SEC. 2822. When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, being ports upon the Mississippi River and its tributaries, namely, Pittsburgh, in Pennsylvania; Wheeling, in West Virginia; Cincinnati, in Ohio; Louisville, in Kentucky; Saint Louis, in Missouri; [and] Nashville, in Tennessee; [*and Natchez, in Mississippi,*] such merchandise may be entered at the port of New Orleans, or at either of such ports of entry on the seaboard as may be designated by the Secretary of the Treasury, and thereafter transported to the port of delivery for which the same is intended, by such inland routes as the Secretary of the Treasury may designate, under such rules and regulations not inconsistent with law as he may prescribe, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

2 Mar., 1831, c. 87, s. 1, v. 4, p. 480. 28 Sept., 1850, c. 79, s. 19, v. 9, p. 512. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *pp.* 246, 247.

Ibid.

SEC. 2823. When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, namely: Parkersburgh, in West Virginia; Paducah, in Kentucky; Saint Joseph and Kansas City, in Missouri; Memphis, in Tennessee; Alton, Galena, Quincy, and Cairo, in Illinois; Evansville, New Albany, Madison, and Jeffersonville, in Indiana; Keokuk, Dubuque, and Burlington, in Iowa; Leavenworth, in Kansas, and Omaha, in Nebraska, such merchandise may be entered at the port of New Orleans, and thereafter transported to the port of delivery for which the same is intended, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

2 Mar., 1831, c. 87, s. 1, v. 4, p. 480. 28 Sept., 1850, c. 79, s. 11, v. 9, p. 510. 28 Sept., 1850, c. 79, s. 14, v. 9, p. 511. 31 Aug., 1852, c. 115, ss. 1, 2, v. 10, p. 143. 2 Feb., 1854, c. 9, v. 10, p. 266. 2 Aug., 1854, c. 191, v. 10, p. 334. 2 Aug., 1854, c. 192, s. 2, v. 10, p. 334. 3 Aug., 1854, c. 198, v. 10, p. 345. 3 Aug., 1854, c. 202, s. 2, v. 10, p. 346. 11 Mar., 1864, c. 23, v. 13, p. 22. 1 July, 1864, c. 202, v. 13, p. 342. 7 July, 1870, c. 211, v. 16, p. 190. 11 July, 1870, c. 244, v. 16, p. 229. 14 July, 1870, c. 268, v. 16, p. 278.

Entry of merchandise intended for Vallejo.

1 July, 1870, c. 190, v. 16, p. 182.
3 Mar., 1871, c. 130, s. 3, v. 16, p. 583.

SEC. 2824. When any merchandise is intended to be imported from any foreign country into the port of Vallejo, in California, such merchandise may be entered at the port of San Francisco and thereafter transported to Vallejo, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive; except that the powers and duties assigned by those sections to the surveyors of the ports of delivery, shall, at Vallejo, be exercised and performed by the deputy collector.

Schedule of merchandise and estimate of duties.

2 Mar., 1831, c. 87, s. 1, v. 4, p. 480.
20 *June*, 1876, *c.* 136, *c.* 19, *p.* 60.

SEC. 2825. The importer of any merchandise destined for any of the ports mentioned in the nine preceding sections shall deposit in the custody of the surveyor of such port of delivery a schedule of the goods so intended to be imported, with an estimate of their cost at the place of exportation, whereupon the surveyor shall make an estimate of the amount of duties accruing on the same, and the importer or consignee shall give bond, with sufficient sureties, to be approved by the surveyor, in double the amount of the duties so estimated, conditioned for the payment of the duties on such merchandise, ascertained as hereinafter directed; and the surveyor shall forthwith notify the collector at the port of entry for the collection-district to which such port of delivery is attached, of the same, by forwarding to him a copy of bond and schedule.

Entry of merchandise and permit for landing.

2 Mar., 1831, c. 87, s. 2, v. 4, p. 481.
27 *Feb.*, 1877, *c.* 69, *c.* 19, *p.* 247.

SEC. 2826. The importer, or his agent, may enter merchandise at the port of entry for the collection-district into which it is to be imported in the usual manner; and the collector shall grant a permit for the landing thereof, and cause the duties to be ascertained as in other cases, the goods remaining in the custody of the collector until reshipped for the place of destination. The collector shall certify to the surveyor at such place the amount of such duties, which the surveyor shall enter on the margin of the bond given to secure the same; and the merchandise shall be delivered by the collector to the agent of the importer or consignee, duly authorized to receive the same, for shipment to the place of [*importation*] [destination.]

Duplicate manifests.

2 Mar., 1831, c. 87, s. 2, v. 4, p. 481.

SEC. 2827. The master or conductor of every vessel or vehicle in which such merchandise shall be transported, shall, previously to departure from the port of entry, deliver to the collector duplicate manifests of such merchandise, specifying the marks and numbers of every case, bag, box, chest, or package, containing the same, with the name and place of residence of every importer or consignee of such merchandise, and the quantity shipped to each, to be by him subscribed, and to the truth of which he shall swear, and that the merchandise has been received on board his vessel or vehicle, stating the name of the agent who shipped the same; and the collector shall certify the facts, on the manifests, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the place of his destination.

Penalty for illegal departure.

2 Mar., 1831, c. 87, s. 3, v. 4, p. 481.

SEC. 2828. If any vessel or vehicle having such merchandise on board shall depart from the port of entry without having complied with the provisions of the preceding section, the master or conductor thereof shall be liable to a penalty of five hundred dollars.

Delivery of manifests.

2 Mar., 1831, c. 87, s. 3, v. 4, p. 481.

SEC. 2829. The master or conductor of any such vessel or vehicle arriving at either of the ports named in sections twenty-eight hundred and sixteen to twenty-eight hundred and twenty-four, inclusive, on board of which merchandise shall have been shipped at such port of entry, shall, within eighteen hours next after the arrival, and previously to unloading any part of such merchandise, deliver to the surveyor of such port the manifest of the same, certified by the collector, at the port of entry, and shall make oath before the surveyor that there was not, when he departed from the port of entry, any more or other merchandise on board such boat, vessel, or vehicle so imported than is therein mentioned. If the master of such vessel or vehicle shall neglect or refuse to deliver the manifests within the time herein directed, he shall be liable to a penalty of one hundred dollars.

Inspection.

SEC. 2830. The surveyor at the port of delivery shall cause the casks, bags, boxes, chests, or packages, to be inspected, and compared with the manifests, and the same being identified he shall grant a permit for unloading the same, or such part thereof as the master or conductor shall request; and when a part only of such merchandise is intended to be landed the surveyor shall make an indorsement on the back of the manifests, designating such part, specifying the articles to be landed, and shall return the manifests to the master or conductor, indorsing thereon his permission to such vessel or vehicle to proceed to the place of its destination.

2 Mar., 1831, c. 87, s. 3, v. 4, p. 481.

No entry when value exceeds bond.

SEC. 2831. The collector at such port of entry shall permit no entry to be made of merchandise, where the duty on the same shall exceed the amount of the bond deposited with the surveyor, nor shall the surveyor receive the bond of any person for a sum less than fifty dollars. When the bond has been completed, and the actual amount of duty ascertained and certified on the margin, the surveyor of the port where the bond is taken shall collect said duties and pay the same into the Treasury of the United States.

2 Mar., 1831, c. 87, s. 4, v. 4, p. 481.

Vessels bound for Natchez and Vicksburgh.

SEC. 2832. All vessels proceeding to the ports of Natchez or Vicksburgh from any foreign port shall stop and report their arrival at the port of New Orleans; and before any such vessel shall proceed on her voyage to Natchez or Vicksburgh the collector for the district of New Orleans shall order on board any such vessel a custom-house officer, who shall remain on board such vessel until her arrival at Natchez or Vicksburgh. Such custom-house officer shall take possession of and safely keep all the papers belonging to such vessel having relation to the freight or cargo on board, which papers he shall deliver to the collector at Natchez or Vicksburgh immediately after his arrival at that port; and any such vessel, which shall depart from New Orleans without such custom-house officer on board, shall be subject to all the pains and penalties provided for by law for a violation of the revenue laws.

30 June, 1834, c. 135, s. 2, v. 4, p. 715.
7 July, 1838, c. 175, v. 5, p. 287.

Expenses of officer sent with vessel.

SEC. 2833. The expenses of the custom-house officer who may be put on board any such vessel bound for Natchez or Vicksburgh at New Orleans, from the time of his being put on board until his return to New Orleans, shall be paid by the owner of such vessel.

30 June, 1834, c. 135, s. 3, v. 4, p. 715.

Duties of master bound for any district in Connecticut or for Burlington.

SEC. 2834. The master of any vessel bound to any district in Connecticut, through or by the way of Sandy Hook, shall, before he passes the port of New York, and immediately after his arrival, deposit with the collector for the district of New York a true manifest of the cargo on board such vessel. The master of any vessel bound to the district of Burlington, shall, before he passes the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; and the collector shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made; and the collectors and surveyors, respectively, may, whenever they judge it to be necessary for the security of the revenue, put an inspector of the customs on board any vessel, to accompany the same until her arrival at the first port of entry or delivery, in the district to which such vessel may be destined. If the master of any vessel shall neglect or omit to deposit a manifest as herein prescribed, or shall refuse to receive an inspector of the customs on board, as the case requires, he shall forfeit and pay five hundred dollars, to be recovered with cost of suit, one-half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which such vessel may be bound. If, however, the manifest shall, in either of the above cases, have been previously delivered to any officer of the customs, pursuant to the provisions hereinafter made in that behalf, the depositing of a manifest shall not be necessary.

2 Mar., 1799, c. 22, s. 19, v. 1, p. 641.

Duties of master bound up James River.

SEC. 2835. Vessels bound up James River, in the State of Virginia, shall not be required to stop in Hampton Roads to deposit a manifest with the collector at Norfolk. But the master of the revenue-cutter stationed at Norfolk shall, under the orders of the Secretary of the

23 Mar., 1830, c. 35, v. 4, p. 382.

Treasury, board all such vessels, and indorse their manifests, and place an officer on board of each vessel bound up James River, having a cargo from a foreign port. If, however, there is no revenue-cutter on that station for the purpose of boarding vessels, or when the state of the weather may be such as to render it impracticable to send an officer on board any vessel bound up James River, having a cargo from a foreign port, the captain shall deposit, with the surveyor at Hampton, a copy of the manifest of the cargo on board such vessel.

Duties of master bound for Petersburgh or Richmond.

3 Mar., 1801, c. 25, v. 2, p. 116.

SEC. 2836. The master of any vessel arriving within the districts of Petersburgh or Richmond, laden with merchandise, belonging or consigned to persons resident within both the districts, shall make entry of such vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager of such vessel, shall actually reside; and the master shall, at the time of making the entry, deliver a duplicate manifest of the cargo to the collector, whose duty it shall then be to certify the same as a true copy, and to transmit it to the collector of the other district, and the delivery of such merchandise shall be authorized by permits from the collector of each district, respectively, in which the same has been duly entered according to law. No importer, owner, or consignee of merchandise, residing in either district, shall, however, be admitted to make an entry of such merchandise with the collector of the district in which such importer, owner, or consignee does not reside. All entries, moreover, for merchandise, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such vessel may discharge.

What weights and measures used in invoices.

30 June, 1864, c. 171, s. 27, v. 13, p. 217.

SEC. 2837. All invoices shall be made out in the weights or measures of the country or place from which the importation is made, and shall contain a true statement of the actual weights or measures of such merchandise, without any respect to the weights or measures of the United States. [See §§ 5443, 5445.]

What currency used in invoices.

3 Mar., 1801, c. 28, s. 2, v. 2, p. 121.

DeForest *v.* Redfield, 4 Blatch., 478.

SEC. 2838. All invoices of merchandise subject to a duty ad valorem shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such merchandise, in such foreign currency or currencies, without any respect to the value of the coins of the United States, or of foreign coins, by law made current within the United States, in such foreign place or country. [See § 2908.]

Forfeiture when cost is not set forth in invoice.

2 Mar., 1799, c. 22, s. 66, v. 1, p. 677.

22 *June*, 1874, c. 391, *s.* 11, *v.* 18, *p.* 188.

SEC. 2839. If any merchandise, of which entry has been made in the office of a collector, is not invoiced according to the actual cost thereof at the place of exportation, with design to evade payment of duty, all such merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited.

—U. S. *v.* Riddle, 5 Cr., 311; U. S. *v.* One Hundred and Fifty Crates Earthenware, 3 Wh., 232; Clifton *v.* U. S., 4 How., 242; Buckly *v.* U. S., 4 How., 251; Caldwell *v.* U. S., 8 How., 366; U. S. *v.* Sixty-seven Packages, 17 How., 85; U. S. *v.* One Package, 17 How., 97; U. S. *v.* One Case of Clocks, 17 How., 99; Wood *v.* U. S., 16 Pet., 342; Alfonso *v.* U. S., 2 Story, 421; Schmalz, 5 Court Claims, 294.

Collector to take possession when invoice is not correct.

2 Mar., 1799, c. 22, s. 66, v. 1, p. 677.

22 *June*, 1874, c. 391, *s.* 11, *v.* 18, *p.* 188.

SEC. 2840. In every case in which a collector shall suspect that any merchandise is not invoiced at a sum equal to that for which it has usually been sold in the place or country from whence it was imported, he shall take the merchandise into his possession, and retain the same with reasonable care, at the risk and expense of the owner or consignee, until its value at the time and place of importation has been ascertained, as in the case of damaged merchandise, or of merchandise not accompanied with an invoice, and until the duties arising, according to such valuation, have been paid, or secured to be paid. But in case of a prosecution for forfeiture, such appraisement shall not exclude other proof, upon the trial, of the actual cost of the merchandise at the place of exportation.

Oaths to accompany invoices.

SEC. 2841. Whenever merchandise imported into the United States is entered by invoice, one of the following oaths, according to the nature of

the case, shall be administered by the collector of the port, at the time of entry, to the owner, importer, consignee, or agent.

1 Mar., 1823, c. 21, s. 4, v. 3, pp. 730, 732.
1 *May*, 1876, *c.* 89, *v.* 19, *p.* 49.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

Oath of consignee, importer, or agent.

I, , do solemnly and truly swear (or affirm) that the invoice and bill of lading now presented by me to the collector of , are the true and only invoice and bill of lading by me received, of all the goods, wares, and merchandise imported in the , whereof is master, from , for account of any person whomsoever, for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly swear (or affirm) that, to the best of my knowledge and belief, (insert the name and residence of the owner or owners,) is (or are) [the owner (or owners)] of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, (if purchased,) or fair market-value, (if otherwise obtained,) at the time or times, and place or places, when or where procured, (as the case may be,) of the said goods, wares, and merchandise, all the charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

U. S. *v.* Wood, 14 Pet., 430; Taylor, *v.* U.S., 3 How., 197.

Oath of owner in cases where merchandise has been actually purchased.

I, , do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of , contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the , whereof is master, from ; that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Oath of manufacturer or owner in cases where merchandise has not been actually purchased.

I, , do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of , contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the , whereof is master, from ; that the said

goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce contains a just and faithful valuation of the same, at their fair market-value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places, when and where procured for my account, (or for account of myself and partners;) that the said invoice contains also a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know nor believe in the existence of any invoice or bill of lading, other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

1 *May*, 1876, *c.* 89, *v.* 19, *p.* 49.

[AN ACT to provide for the separate entry of packages contained in one importation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a separate entry may be made of one or more packages contained in an importation of packed packages consigned to one importer or consignee, and concerning which packed packages, no invoice, or statement of contents or values, has been received.

Every such entry shall contain a declaration of the whole number of parcels contained in such original packed package; and shall embrace all the goods wares, and merchandise imported in one vessel at one time for one and the same actual owner, or ultimate consignee.

SEC. 2. That the importer, consignee, or agent's oath prescribed by section twenty-eight hundred and forty-one of the Revised Statutes, is hereby modified for the purposes of this Act, so as to require the importer consignee or agent to declare therein that the entry contains an account of all the goods ——— imported in the ——— whereof ——— ——— is master, from ——— for account of ——— which oath so modified, shall in each case, be taken on the entry of one or more packages contained in an original package. But nothing in this act contained shall be construed to relieve the importer, consignee, or agent from producing the oath of the owner or ultimate consignee in every case, now required by law; or to provide that an importation may consist of less than the whole number of parcels contained in any packed package, or packed packages consigned in one vessel at one time, to one importer, consignee or agent.

SEC. 3. That all provisions of law inconsistent herewith are hereby repealed.]

Bond for production of invoice of goods of absent owner.

1 Mar., 1823, c. 21, s. 6, v. 3, p. 733. 20 *June*, 1876, c. 136, *v.* 19, *p.* 60.

SEC. 2842. No merchandise subject to ad-valorem duty imported into the United States, and belonging to a person residing in the United States, but at the time absent from the place where the merchandise is intended to be entered, shall be admitted to an entry, unless the importer, consignee, or agent, shall previously give bond, the form of which shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce, within four months, to the collector of the port where the merchandise may be, the invoice of the same, duly certified, according to the circumstances of the case, by the oath of the owner, or one of the owners; which oath shall be administered by a collector, if there is any in the place where the owner may be; or, if there is none, by some public officer duly authorized to administer oaths.

Oath of purchaser.

SEC. 2843. No merchandise subject to ad-valorem duty belonging to a person not residing at the time in the United States, and who shall

have actually purchased the same, shall be admitted to entry, unless the invoice is verified by the oath of the owner, or one of the owners, certifying that the merchandise was actually purchased for his account, or for account of himself and partners in the purchase; that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the invoice, but such as have been actually allowed on the same. Such oath shall be administered by a consul or commercial agent of the United States, or by some public officer duly authorized to administer oaths in the country where the merchandise was purchased; and the same shall be duly certified by the consul, commercial agent, or public officer; and when such oath is administered by an officer other than a consul or commercial agent of the United States, such official certificate shall be authenticated by such a consul or commercial agent. [See §§ 1715, 1717, 5442.]

1 Mar., 1823, c. 21, s. 7, v. 3, p. 733.

Authentication in absence of consul.

SEC. 2844. If there is no consul or commercial agent of the United States in the country from which such merchandise was imported, the authentication required by the preceding section shall be executed by a consul of a nation at the time in amity with the United States, if there is any such residing there; and if there is no such consul in the country the authentication shall be made by two respectable merchants, if any there be, residing in the port from which the merchandise shall have been imported.

1 Mar., 1823, c. 21, s. 7, v. 3, p. 733.

Oath of manufacturer, &c.

SEC. 2845. No merchandise subject to ad-valorem duty belonging to a person not residing at the time in the United States, who has not acquired the same in the ordinary mode of bargain and sale, or belonging to the manufacturer, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof is verified by the oath of the owner, or of one of the owners, administered and authenticated in the mode prescribed in the two preceding sections, and certifying that the invoice contains a true and faithful account of the merchandise, at its fair market-value, at the time and place when and where the same was procured or manufactured, as the case may be, and of all charges thereon; and that the invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed.

1 Mar., 1823, c. 21, s. 8, v. 3, p. 733.

Oath of representative.

SEC. 2846. Whenever merchandise subject to ad-valorem duty belongs to the estates of deceased persons or of persons insolvent who have assigned the same for the benefit of their creditors, the oaths to invoices may be administered to the executor or administrator, or to the assignee, of such persons.

1 Mar., 1823, c. 21, s. 9, v. 3, p. 734.

Secretary may admit goods notwithstanding want of invoice.

SEC. 2847. Whenever merchandise subject to ad-valorem duty is imported belonging to a person not residing in the United States, not accompanied with an invoice verified and authenticated as required by the preceding sections, or whenever it is not practicable to make such oath, or whenever there is an immaterial informality in the oath or authentication taken, or whenever the collector of the port at which the merchandise is has certified his opinion to the Secretary of the Treasury that no fraud was intended in the invoice of the merchandise, the Secretary of the Treasury may admit the same to an entry. But he shall in no case admit any merchandise to an entry where there is just ground to suspect that a fraud on the revenue was intended.

1 Mar., 1823, c. 21, s. 10, v. 3, p. 734.

Bond to produce invoice required.

SEC. 2848. The consignee, importer, or agent shall, previous to an entry allowed under the preceding section, give bond, the form whereof shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce the invoice, if the same be practicable, duly verified and authenticated, within eight months from the time of entry, if the merchandise was imported from any port on this side, and within eighteen months, if from any port beyond the Cape of Good Hope, or Cape Horn, or from the Cape of Good Hope.

1 Mar., 1823, c. 21, s. 10, v. 3, p. 734.

Oath where one of owners resides abroad.

SEC. 2849. In all cases where merchandise subject to ad-valorem duty belongs in part to a person residing in the United States, and in part to a person residing out of the United States, the oath of one of the owners residing in the United States shall be sufficient to admit the same to an

1 Mar. 1823, c. 21, s. 11, v. 3, p. 734.

entry. In all cases, however, where the merchandise was manufactured, in whole or in part, by any one of the owners, residing out of the United States, the same shall not be so admitted to an entry, unless the invoice has been verified and authenticated by such manufacturer in the manner prescribed in section twenty-eight hundred and forty-five.

Effect of omission of oath.

1 Mar., 1823, c. 21, s. 12, v. 3, p. 734.

SEC. 2850. Whenever the invoice of merchandise belonging to a person not residing in the United States has not been duly verified and authenticated, and, upon application to the Secretary of the Treasury, the merchandise has been refused an entry, the same shall be deemed suspected.

Fee for verification of invoice.

1 Mar., 1823, c. 21, s. 22, v. 3, p. 737.

SEC. 2851. For every verification of an invoice and certificate before a consul or commercial agent, such consul or commercial agent shall be entitled to demand and receive from the person making the same, a fee of two dollars and fifty cents. But each shipper shall have the right to include all articles shipped by him in the same invoice. [See §§ 1716, 1721.]

Certificate upon invoice.

1 Mar., 1823, c. 21, s. 23, v. 3, p. 737.

SEC. 2852. When any merchandise is admitted to an entry upon invoice, the collector of the port in which the same is entered shall certify the same under his official seal; and no other evidence of the value of such merchandise shall be admitted on the part of the owner thereof, in any court of the United States, except in corroboration of such entry.

Triplicate invoices.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 737.

SEC. 2853. All invoices of merchandise imported from any foreign country shall be made in triplicate, and signed by the person owning or shipping such merchandise, if the same has actually been purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

Declaration to accompany invoice.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 737.

SEC. 2854. All such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States nearest the place of shipment, for the use of the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects true; that it contains, if the merchandise mentioned therein is subject to ad-valorem duty, and was obtained by purchase, a true and full statement of the time when and the place where the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have actually been allowed thereon; and when obtained in any other manner than by purchase, the actual market-value thereof at the time and place when and where the same was procured or manufactured; and, if subject to specific duty, the actual quantity thereof; and that no different invoice of the merchandise, mentioned in the invoice so produced, has been or will be furnished to any one. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is the currency which was actually paid for the merchandise by the purchaser.

Thirty-one hundred and nine Cases of Champagne, 1 Ben., 241.

Twelve hundred and nine Quarter-casks of Wine, 2 Ben., 249.

Six Cases of Silk Ribbons, 3 Ben., 536.

Indorsement upon invoice.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 738.

SEC. 2855. The person so producing such invoice shall at the same time declare to such consul, vice-consul, or commercial agent the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, vice-consul, or commercial agent shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. The consul, vice-consul, or commercial agent shall then deliver to the person producing the same, one of the triplicates, to be used in making entry of the merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of the merchandise.

Declaration in adjacent countries.

27 July, 1868, c. 254, v. 15, p. 226.

SEC. 2856. In case of merchandise imported from a foreign country adjacent to the United States, the declaration in the two preceding sections required, may be made to, and the certificate indorsed by, the con-

sul, vice-consul, or commercial agent at or nearest to the port of clearance for the United States.

Change of destination.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 738.

SEC. 2857. Whenever, from a change of the destination of any merchandise, after the production of the invoice thereof to the consul, vice-consul, or commercial agent, or from other cause, the triplicate transmitted to the collector of the port to which such merchandise was originally destined, is not received at the port where the same actually arrives, and where it is desired to make entry thereof, the merchandise may be admitted to an entry on the execution by the owner, consignee, or agent, of a bond, with sufficient security, in double the amount of duty apparently due, conditioned for the payment of the duty which shall be found to be actually due thereon. The collector of the port where such entry shall be made shall immediately notify the consul, vice-consul, or commercial agent to whom such invoice has been produced, to transmit to such collector a certified copy thereof; and such consul, vice-consul, or commercial agent shall transmit the same accordingly without delay; and the duty shall not be finally liquidated until such triplicate, or a certified copy thereof, shall have been received. Such liquidation, however, shall not be delayed longer than eighteen months from the time of making such entry.

Remission of forfeiture in case of loss of invoice.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 739.

SEC. 2858. Whenever, from accident or other cause, it has become impracticable for the person desiring to make entry of any merchandise, to produce, at the time of making such entry, any invoice thereof, as hereinbefore required, it shall be lawful for the Secretary of the Treasury to authorize the entry of such merchandise upon such terms and in accordance with such general or special regulations as he may prescribe. The Secretary of the Treasury is hereby invested with the like powers of remission in cases of forfeiture arising under the foregoing provisions as in other cases of forfeiture under the revenue laws. [See §§ 5360, 5361.]

Countries excepted from foregoing provisions.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 739.

8 July, 1866, c. 201, s. 19, v. 14, p. 182.

SEC. 2859. The six preceding sections shall not apply to countries where there is no consul, vice-consul, or commercial agent of the United States. And whenever the value of the imported merchandise does not exceed one hundred dollars, the collector may admit it to entry without the production of the triplicate invoice, and without submitting the question to the Secretary of the Treasury, if he is satisfied that the neglect to produce such invoice was unintentional and that the importation was made in good faith, and without any purpose of defrauding or evading the revenue laws.

No entry allowed without invoices, except, &c.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 738.

22 *June*, 1874, c. 391, s. 10, v. 18, p. 188.

SEC. 2860. Except as allowed in the four preceding sections, no merchandise imported from any foreign place or country shall be admitted to an entry unless the invoice presented in all respects conforms to the requirements of sections twenty-eight hundred and fifty-three, twenty-eight hundred and fifty-four, and twenty-eight hundred and fifty-five, and has thereon the certificate of the consul, vice-consul, or commercial agent in those sections specified, nor unless the invoice is verified at the time of making such entry by the oath of the owner or consignee, or of the authorized agent of the owner or consignee, certifying that the invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made, nor, unless the triplicate transmitted by the consul, vice-consul, or commercial agent to the collector has been received by him.

Restriction on consular certificates.

22 Feb., 1873, c. 184, s. 3, v. 17, p. 474.

SEC. 2861. No consular officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. [See § 1717, bis.]

Consuls to exact proof of invoice.

3 Mar., 1865, c. 111, v. 13, p. 532.

SEC. 2862. All consular officers are hereby authorized to require, before certifying any invoice under the provisions of the preceding sections, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In the exercise of the discretion hereby given, the consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State. [See § 1715.]

To report fraudulent practices.

14 July, 1862, c. 163, s. 18, v. 12, p. 559.

SEC. 2863. All consuls and commercial agents of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the collector of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury. [See § 5442.]

Punishment for making, &c., false invoice.

3 Mar., 1863, c. 76, s. 1, v. 12, p. 738.
22 *June*, 1874, *c.* 391, *ss.* 12, 13, 16, *v.* 18, *p.* 188.
18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 319.

SEC. 2864. If any owner, consignee, or agent of any merchandise shall knowingly make, or attempt to make, an entry thereof by means of any false invoice, or false certificate of a consul, vice-consul, or commercial agent, or of any invoice which does not contain a true statement of all the particulars hereinbefore required, or by means of any other false or fraudulent document or paper, or of any other false or fraudulent practice or appliance whatsoever, such merchandise [or the value thereof] shall be forfeited. [See §§ 5444, 5452.]

—Cliquot's Champagne, 3 Wall., 114; Bollinger's Champagne, 3 Wall., 560. Thirty-one hundred and nine Cases of Champagne, 1 Ben., 241. Twenty-eight Cases, 2 Ben., 63. Twelve hundred and nine Quarter-casks of Wine, 2 Ben., 249. Six Cases of Silk Ribbons, 3 Ben., 536.

For issuing false invoice.

30 Aug., 1842, c. 270, s. 19, v. 5, p. 565.
22 *June*, 1874, *c.* 391, *ss.* 12, 13, 16, *v.* 18, *p.* 188.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

U. S. *v.* Sixty-seven Packages, 17 How., 85; U. S. *v.* Smith, 2 Blatch., 127; U. S. *v.* Nolton, 5 Blatch., 427.

SEC. 2865. [*Every person who makes out or passes, or attempts to pass, through the custom-house any false, forged, or fraudulent invoice, or who shall aid or abet in making or passing such false, forged, or fraudulent invoice, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two years, or both in the discretion of the court.*] [If any person shall knowingly and willfully, with intent to defraud the revenue of the United States, smuggle, or clandestinely introduce, into the United States, any goods, wares, or merchandise, subject to duty by law, and which should have been invoiced, without paying or accounting for the duty, or shall make out or pass, or attempt to pass, through the custom-house any false, forged, or fraudulent invoice, every such person, his, her, or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five thousand dollars, or imprisoned for any term of time not exceeding two years, or both, at the discretion of the court.]

Entry of merchandise destined for British possessions.

1 Mar., 1873, c. 213, s. 3, v. 17, pp. 482–483.

SEC. 2866. From the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May eighth, eighteen hundred and seventy-one, as contained in articles eighteen to twenty-five inclusive, and article thirty of said treaty, and so long as said articles remain in force, according to the terms and conditions of article thirty-third of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may, from time to time, prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

CHAPTER FIVE.

UNLADING.

Sec.
2867. Penalty for unlading without permit.
2868. Forfeiture for unlawful transfer.
2869. Permits.
2870. What a permit must state.
2871. License to unload at night.
2872. Time of delivery.
2873. Penalty for unlawful delivery.
2874. Forfeiture for unlawful delivery.
2875. Inspectors.
2876. Duties of inspectors.
2877. Delivery of cargo.
2878. Compensation, &c., of inspectors.
2879. Compensation of inspectors in case of delay.
2880. Time for unloading.
2881. Salt and coal.
2882. Removal from wharf.
2883. Indorsement of permit for landing spirits, &c.
2884. Landing of spirits, &c., regulated.
2885. Marking casks and cases of spirits.
2886. Obliteration of marks.
2887. Forfeiture for omitted or missing articles, except in case of accident or mistake.
2888. Account of deliveries.
2889. Proceedings upon returns of deliveries.
2890. Returns of weighers, gaugers, and measurers.
2891. Distress of weather.
2892. Storage of goods in distress.
2893. Variance between report and delivery of vessel in distress.
2894. Reloading of vessel in distress.
2895. Spanish vessels.
2896. Obstruction by ice.
2897. Unlading salt at New Orleans.
2898. Tare.

Penalty for unlading without permit.

2 Mar., 1799, c. 22, s. 27, v. 1, p. 648.
22 *June*, 1874, *c.* 391, *s.* 16, *r.* 18, *p.* 189.

Harris *v.* Dennie, 3 Pet., 304; Schooner Industry, 1 Gall., 114; Schooner Harmony, 1 Gall., 123; U. S. *v.* Hayward, 2 Gall., 485; Schooner Betsy, 1 Mas., 354; Clark *v.* Insurance Company, 1 Story, 109; U. S. *v.* The Virgin, Pet. C. C., 7; U. S. *v.* The Brant, Pet. C. C., 14.

SEC. 2867. If after the arrival of any vessel laden with merchandise and bound to the United States, within the limits of any collection-district, or within four leagues of the coast, any part of the cargo of such vessel shall be unladen, for any purpose whatever, before such vessel has come to the proper place for the discharge of her cargo, or some part thereof, and has been there duly authorized by the proper officer of the customs to unlade the same, the master of such vessel and the mate, or other person next in command, shall respectively be liable to a penalty of one thousand dollars for each such offense, and the merchandise so unladen shall be forfeited, except in case of same unavoidable accident, necessity, or distress of weather. In case of such unavoidable accident, necessity, or distress, the master of such vessel shall give notice to, and, together with two or more of the officers or mariners on board such vessel, of whom the mate or other person next in command shall be one, shall make proof upon oath before the collector, or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress happened, or before the collector, or other chief officer of the collection-district, within the limits of which such vessel shall first afterward arrive, if the accident, necessity, or distress happened not within the limits of any district, but within four leagues of the coast of the United States. The collector, or other chief officer, is hereby authorized and required to administer such oath.

Forfeiture for unlawful transfer.

2 Mar., 1799, c. 22, s. 28, v. 1, p. 648.

Schooner Harmony, 1 Gall., 123; U. S. *v.* The Virgin, Pet. C. C., 7.

SEC. 2868. If any merchandise, so unladen from on board any such vessel, shall be put or received into any other vessel, except in the case of such accident, necessity, or distress, to be so notified and proved, the master of any such vessel into which the merchandise shall be so put and received, and every other person aiding and assisting therein, shall be liable to a penalty of treble the value of the merchandise, and the vessel in which they shall be so put shall be forfeited.

Permits.

2 Mar., 1799, c. 22, s. 49, v. 1, p. 664.

Pero *v.* U. S., Pet. C. C., 256; Kohne *v.* Insurance Company, 1 Wash. C. C., 158.

SEC. 2869. The collector jointly with the naval officer, if any, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the merchandise to which the entry of any owner or consignee, his factor or agent, shall relate, which estimate shall be indorsed upon such entry and signed by the officer making the same. The amount of the estimated duties having been first paid, or secured to be paid, pursuant to the provisions of this Title, the collector shall, together with the naval officer, where there is one, or alone where there is none, grant a permit to land the merchandise, whereof entry has been so made, and then, and not before, it shall be lawful to land the merchandise.

What a permit must state.

2 Mar., 1799, c. 22, s. 49, v. 1, p. 664.

SEC. 2870. All permits shall specify, as particularly as may be, the merchandise to be delivered, namely, the number and description of the packages, whether trunk, bale, chest, box, case, pipe, hogshead, barrel, keg, or any other packages whatever, with the mark and number of each package, and, as far as circumstances will admit, the contents thereof, together with the names of the vessel and master, in which and the place from whence they were imported; and no merchandise shall be delivered by any inspector or other officer of the customs that does not fully agree with the description thereof in such permit.

License to unload at night.

3 Mar., 1873, c. 240, v. 17, p. 579.

SEC. 2871. The collector of customs, with the concurrence of the naval officer, where there is one, of any port at which a steamship from a foreign port or place may arrive, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to unlade the cargo of said vessel at night, that is to say, between sunset and sunrise, but before any such special license is granted, the master, agents, or consignees of the vessel shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship to the owner or consignee of any merchandise landed from her shall not be affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee, whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the unlading of the cargo.

Time of delivery.

2 Mar., 1799, c. 22, s. 50, v. 1, p. 665.

Harford *v.* U. S., 8 Cr., 109; The brig Concord, 9 Cr., 387; The John Griffin, 15 Wall., 29; Jackson *v.* U. S., 4 Mas., 186; The Gertrude, 3 Story, 68.

SEC. 2872. Except as authorized by the preceding section, no merchandise brought in any vessel from any foreign port shall be unladen or delivered from such vessel within the United States but in open day—that is to say, between the rising and the setting of the sun—except by special license from the collector of the port, and naval officer of the same, where there is one, for that purpose, nor at any time without a permit from the collector, and naval officer, if any, for such unlading or delivery.

Penalty for unlawful delivery.

2 Mar., 1799, c. 22, s. 50, v. 1, p. 665.

Locke *v.* U. S., 7 Cr., 339; Harford *v.* U. S., 8 Cr., 109; The Gertrude, 3 Story, 68; U. S. *v.* Burnham, 1 Mas., 57; U. S. *v.* The Hunter, Pet. C. C., 10; Bottomley *v.* U. S., 1 Story, 135; Schooner Industry, 1 Gall., 114; Schooner Harmony, 1 Gall., 123; U. S. *v.* Hayward, 2 Gall., 486; Schooner Betsy, 1 Mas., 354; Jackson *v.* U. S., 4 Mas., 186; Clark *v.* Protection Ins. Co., 1 Story, 109; U. S. *v.* The Virgin, Pet. C. C., 7; Walsh *v.* U. S., 3 Wood. and M., 341.

SEC. 2873. If any merchandise shall be unladen or delivered from any vessel, contrary to the preceding section, the master of such vessel, and every other person who shall knowingly be concerned, or aiding therein, or in removing, storing, or otherwise securing such merchandise, shall each be liable to a penalty of four hundred dollars for each offense, and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and the collector of the district shall advertise the name of such person in a newspaper printed in the State in which he resides, within twenty days after each respective conviction.

Forfeiture for unlawful delivery.

2 Mar., 1799, c. 22, s. 50, v. 1, p. 665.

SEC. 2874. All merchandise, so unladen or delivered contrary to the provisions of section twenty-eight hundred and seventy-two, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, at the port or district where landed, shall amount to four hundred dollars, the vessel, tackle, apparel, and furniture shall be subject to like forfeiture and seizure.

Inspectors.

2 Mar., 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2875. The collector of any district at which any vessel arrives, immediately on her first coming within such district, or the surveyor of any port where such vessel is, may put and keep on board such vessel,

while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States, and to perform such other duties, according to law, as they shall be directed by the collector, or surveyor, to perform for the better securing the collection of the duties. Only collectors shall have power, however, to put inspectors on board vessels, to go from one district to another.

Duties of inspectors.

2 Mar., 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2876. The inspector shall make known to the master of such vessel the duties he is to perform; and shall suffer no merchandise to be unladen, or otherwise removed from such vessel, without a permit in writing from the collector of the port, and naval officer thereof, if any. The inspector shall enter in a book, to be by him kept according to such a form as shall be prescribed or approved by the collector, the name of the person in whose behalf such permits are granted, together with the particulars therein specified, and the marks, numbers, kinds, and description of the respective packages which shall be unladen pursuant thereto, and shall keep a like account in the book of all merchandise which, not having been entered within the time limited by this Title, or for some other cause, has been sent to the store or warehouse provided for the reception of such merchandise; such book shall be delivered to the surveyor in the month of January in every year for his inspection, and immediately after such inspection be transmitted by the surveyor, with such observations as he may think necessary thereon, to the collector, to be deposited in his office.

Delivery of cargo.

2 Mar., 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2877. The inspector shall attend to the delivery of the cargo under his care, at all times when the unlading or delivery of merchandise is lawful, particularly from the rising to the setting of the sun on each day, Sundays and the fourth day of July in each year excepted; for which purpose he shall constantly attend and remain on board the vessel, the deliveries from which he is to superintend, or at any other station where his inspection is necessary. The inspector shall not quit such station or place without the leave of the surveyor of the port first obtained, who shall appoint another inspector, if he deems it necessary, to supply the place of such inspector during his absence; and any inspector who shall neglect or in any manner act contrary to the duties hereby enjoined, shall for the first offense be liable to a penalty of the sum of fifty dollars, and for the second offense shall be displaced, and be incapable of holding any station of trust or profit under the revenue laws of the United States, for a term not exceeding seven years.

Compensation, &c., of inspectors.

2 Mar., 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2878. No inspector shall perform any other duties or service on board any vessel, the superintendence of which is committed to him, for any person whatever, other than what is required by this Title, under the penalty of being disabled from acting any longer as an inspector of the customs; the wages or compensation of such inspector as may proceed from one district to another, shall be defrayed by the master of the vessel committed to his care; every inspector or other officer of the revenue, while performing any duty on board any vessel, not in a port of the United States, discharging her cargo, shall be entitled to receive from the master of such vessel such provisions and accommodations as are usually supplied to passengers, or as the state and condition of such vessel will admit, on receiving therefor fifty cents a day; and any master of any vessel who shall refuse such provisions and reasonable accommodations shall be liable to a penalty of one hundred dollars. [See § 3070.]

Compensation of inspectors in case of delay.

2 Mar., 1799, c. 22, s. 56, v. 1, p. 670.

SEC. 2879. If, by reason of the delivery of the cargo in several districts, more than the term allowed by law shall in the whole be spent therein, the wages or compensation of the inspector who may be employed on board of any vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the master or owner; and the inspector shall, previously to the clearance of the vessel, render an exact account to the collector of all such compensation as has been paid, or is due and payable by the master or owner.

Time for unloading.

2 Mar., 1799, c. 22, s. 56, v. 1, p. 669.
2 Mar., 1861, c. 81, v. 12, p. 209.

SEC. 2880. Whenever any merchandise shall be imported into any port of the United States from any foreign port, in any vessel, at the expiration of eight working days, if the vessel is less than three hundred tons burden, and within twelve working days, if it is of three hundred tons burden and less than eight hundred, and within fifteen days, if it is of eight hundred tons burden and upward, after the time within which the report of the master of any vessel is required to be made to the collector of the district, if there is found any merchandise other than has been reported for some other district, or some foreign port, the collector shall take possession thereof; but with the consent of the owner or consignee of any merchandise, or with the consent of the owner or master of the vessel in which the same may be imported, the merchandise may be taken possession of by the collector after one day's notice to the collector of the district. All merchandise so taken shall be delivered pursuant to the order of the collector of the district, for which a certificate or receipt shall be granted.

Salt and coal.

2 Mar., 1799, c. 22, s. 56, v. 1, p. 670.

SEC. 2881. The limitation of the time for unlading, prescribed by the preceding section, shall not extend to vessels laden with salt or coal; but if the master or owner of any vessel laden with salt or coal requires a longer time to discharge her cargo, the wages, or compensation of the inspector, for every day's attendance exceeding the number of days allowed by law, shall be paid by the master or owner; and thereupon the collector is hereby authorized and required to allow such longer time as, in his judgment, he may think necessary to discharge such cargo, not exceeding fifteen days.

Removal from wharf.

2 Mar., 1799, c. 22, s. 51, v. 1, p. 665.

Peisch *v.* Ware, 4 Cr., 347.

SEC. 2882. No merchandise, brought in any vessel, from any foreign port or place, requiring to be weighed, gauged, or measured, in order to ascertain the duties thereupon, shall, without the consent of the proper officer, be removed from any wharf, or place, upon which the same may be landed or put, before the same shall have been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity thereof is ascertained and marked thereon, by or under the direction of the proper officer; and if any such merchandise shall be removed from such wharf or place, unless with the consent of the proper officer, obtained before the same has been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity has been so ascertained and marked, the same shall be forfeited, and may be seized by any officer of the customs or inspection.

Indorsement on permit for landing spirits, &c.

2 Mar., 1799, c. 22, s. 37, v. 1, p. 658.

SEC. 2883. Every permit for the unlading of spirits, wines, or any part thereof, shall, previous to such landing or unlading thereof, be produced to the officer of inspection, who shall record or register in proper books the contents thereof, and shall indorse thereupon the word "Inspected," the time when, and his own name; after which he shall return the permit to the person by whom it was produced, and then, and not otherwise, it shall be lawful to land the spirits, or wines, therein specified; and if spirits or wines shall be landed without such indorsement upon the permit granted for that purpose, the master of the vessel from which the same shall have been so landed shall for every such offense be liable to a penalty of five hundred dollars, and the spirits or wines so landed shall be forfeited.

Landing spirits, &c., regulated.

2 Mar., 1799, c. 22, s. 38, v. 1, p. 658.

SEC. 2884. All distilled spirits, and wines, shall be landed under the inspection of the surveyor, or other officer acting as inspector of the revenue for the port, and such of the inspectors of the customs as shall be deputed by him for that purpose, and not otherwise, on pain of forfeiture thereof, for which purpose the officer shall at all reasonable times attend. This shall not, however, be construed to exclude the inspection of any officer of the customs, as now or heretofore practiced.

Marking casks and cases of spirits.

2 Mar., 1799, c. 22, s. 39, v. 1, p. 659.
14 July, 1832, c. 227, s. 5, v. 4, p. 591.

SEC. 2885. The officers of inspection of any port where distilled spirits or wines shall be landed, shall, upon the landing thereof, and as soon as the casks, vessels, and cases containing the same shall be inspected, gauged, or measured, brand or otherwise mark in durable characters, the several casks, vessels, and cases containing the same, and the marks shall express the number of casks, vessels, or cases, whether of spirits or wines, marked by each officer respectively, in each

year, in progressive numbers for each of the articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits or wines, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, and the rate of proof if spirits; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspection shall keep fair and correct accounts, in books to be provided for that purpose.

Obliteration of marks.

2 Mar., 1799, c. 22, s. 44, v. 1, p. 660.

SEC. 2886. On the sale of any cask, vessel, or case, which has been or shall be marked as containing distilled spirits or wines, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall, on due notice being given, attend for that purpose, at which time the certificate which ought to accompany such chest, vessel, or case, shall also be returned and canceled. Every person who shall obliterate, counterfeit, alter, or deface any mark or number placed by an officer of inspection upon any cask, vessel, or case, containing distilled spirits or wines, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, vessel, or case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions of the preceding section, shall have been defaced or obliterated, in presence of an officer of inspection; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel, or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for every such offense be liable to a penalty of one hundred dollars, with costs of suit.

Forfeiture of omitted or missing articles, except in case of accident or mistake.

2 Mar., 1799, c. 22, s. 57, v. 1, p. 671.

U. S. v. Fairclough, 4 Wash. C. C., 398.

SEC. 2887. If any package whatever which has been so reported is wanting, and not found on board such vessel, or if the merchandise on board such vessel does not otherwise agree with the report or manifest delivered by the master of any such vessel, in every such case the master shall be liable to a penalty of five hundred dollars; except that if it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them where those officers are established at any port, or to the satisfaction of the collector alone where neither of the others is established, or in case of trial for the penalty, to the satisfaction of the court, that no part whatever of merchandise of such vessel has been unshipped, landed, or unladen since it was taken on board, except as specified in the report or manifest, and pursuant to permits, or that the disagreement is by accident or mistake, in such case the penalty shall not be inflicted. But in all such cases the master of any vessel shall be required and shall make a post entry or addition to the report or manifest by him delivered of any and all merchandise omitted to be included and reported in such manifest; and it shall not be lawful to grant a permit to unlade any such merchandise so omitted before such post entry or addition to such report or manifest has been made. [Sec § 2627.]

Account of deliveries.

2 Mar., 1799, c. 22, s. 55, v. 1, p. 668.

SEC. 2888. When the delivery of merchandise from on board of any vessel is completed, copies of the accounts or entries which have been kept or made thereof, by the officer charged with the deliveries, shall be returned to the collector of the district, and the naval officer, if any, within three days after such delivery has been completed, if at the port where such officer resides, and if at any other port as soon as the nature of the case will admit, not exceeding fifteen days. The accounts or entries to be so returned shall comprise all deliveries made pursuant to permits, and all packages or merchandise sent to the public stores; also each and every package remaining on board of such vessel for the purpose of being exported therein to a foreign port, or to some other district of the United States.

Proceedings upon returns of deliveries.

SEC. 2889. Such returns shall be signed by the inspectors respectively under whose superintendence the deliveries have been made; and,

2 Mar., 1799, c. 22, s. 55, v. 1, p. 669.

after examination, and on being found correct, shall be countersigned or certified by the surveyor of the port, if any, at the port where the deliveries have been made. The returns shall be transmitted by him to the naval officer, if any; who shall compare the same with the manifests and entries in his possession; and if any difference appears, the particulars thereof shall be noted by indorsement on the returns; and if no difference appears, it shall be so noted by like indorsements. The naval officer shall transmit the returns to the collector of the district; and on being returned to the collector, shall be by him compared with the manifests and entries of the merchandise, which have been made by the owner, consignee, or his factor or agent; and if any difference appears, the same shall be noted by indorsement on such manifests specifying the particulars thereof; and if no difference appears, it shall be noted by like indorsement, that the delivery corresponds with the entry or entries thereof. The indorsement or memorandum shall, in each case, be subscribed by the officer by whom the comparison was made.

Returns of weighers, gaugers, and measurers.

2 Mar., 1799, c. 22, s. 72, v. 1, p. 678.

SEC. 2890. The weighers, gaugers, and measurers, employed in the service of the revenue, shall, within three days after any vessel is discharged, make returns of the articles by them respectively weighed, gauged, or measured, out of such vessel. Such returns shall be made by the weighers, gaugers, and measurers, in books to be prepared by them for that purpose, and kept in the custom-houses.

Distress of weather.

2 Mar., 1799, c. 22, s. 60, v. 1, p. 672.

SEC. 2891. If any vessel from any foreign port, compelled by distress of weather, or other necessity, shall put into any port of the United States, not being destined for the same, the master, together with the mate or person next in command, may, within twenty-four hours after her arrival, make protest in the usual form upon oath, before a notary public or other person duly authorized, or before the collector of the district where the vessel arrives, setting forth the cause or circumstances of such distress or necessity. Such protest, if not made before the collector, shall be produced to him, and to the naval officer, if any, and a copy thereof lodged with him or them. The master shall also, within forty-eight hours after such arrival, make report in writing to the collector, of the vessel and her cargo, as is directed hereby to be done in other cases. And if it appear to the collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of vessels arriving in distress, if any, or by the certificate of two reputable merchants, to be named for that purpose by the collector, if there are no such wardens, or other officers duly qualified, that there is a necessity for unlading the vessel, the collector and naval officer, if any, shall grant a permit for that purpose, and shall appoint an inspector to oversee such unlading, who shall keep an account of the same, to be compared with the report made by the master of the vessel.

Storage of goods in distress.

2 Mar., 1799, c. 22, s. 60, v. 1, p. 672.

SEC. 2892. All merchandise so unladen from any vessel arriving in distress shall be stored under the direction of the collector, who, upon request of the master of such vessel, or of the owner thereof, shall, together with the naval officer, where there is one, and alone where there is none, grant permission to dispose of such part of the cargo as may be of a perishable nature, if any there be, or as may be necessary to defray the expenses attending such vessel and her cargo. But entry shall be made therefor, and the duties paid.

Variance between report and delivery of vessel in distress.

2 Mar., 1799, c. 22, s. 60, v. 1, p. 672.

SEC. 2893. In case the delivery of the cargo does not agree with the report thereof, made by the master of such vessel so arriving in distress, and if the difference or disagreement is not satisfactorily accounted for in manner prescribed by this Title, the master of such vessel shall be liable to such penalties as in other like cases are prescribed.

Reloading of vessel in distress.

2 Mar., 1799, c. 22, s. 60, v. 1, p. 672.

SEC. 2894. The merchandise, or the remainder thereof, which shall not be disposed of, may be reladen on board the vessel so arriving in distress, under the inspection of the officer who superintended the landing thereof, or other proper person; and the vessel may proceed with the same to the place of her destination, free from any other charge than for the

storing and safe-keeping of the merchandise, and fees to the officers of the customs as in other cases.

Spanish vessels.

14 Feb., 1805, c. 15, s. 1, v. 2, p. 314.

SEC. 2895. Whenever any Spanish vessel shall arrive in distress, in any port of the United States, having been damaged on the coasts or within the limits of the United States, and her cargo shall have been unladen, in conformity with the provisions of the four preceding sections, the cargo, or any part thereof, may, if the vessel should be condemned as not seaworthy, or be deemed incapable of performing her original voyage, afterward be reladen on board any other vessel under the inspection of the officer who superintended the landing thereof, or other proper person. No duties, charges, or fees whatever, shall be paid on such part of the cargo as may be reladen and carried away, either in the vessel in which it was originally imported, or in any other.

Obstruction by ice.

2 Mar., 1799, c. 22, s. 85, v. 1, p. 694.

SEC. 2896. When a vessel is prevented by ice from getting to the port or place at which her cargo is intended to be delivered, the collector of the district in which such vessel may be obstructed may receive the report and entry of such vessel, and, with the consent of the naval officer, where there is one, grant permits for unlading or landing the merchandise imported in such vessel, at any place within his district, most convenient and proper. The report and entry of such vessel, and her cargo, or any part thereof, and all persons concerned therein, shall be subject to the same regulations and penalties as if the vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.

Unlading salt at New Orleans.

12 June, 1844, c. 47, v. 5, p. 663.

SEC. 2897. The Secretary of the Treasury, under such rules and regulations as he shall prescribe, may permit salt imported from foreign places to be unladen on the right bank of the river Mississippi opposite the city of New Orleans, at any point on the right bank between the upper and lower corporate limits of the municipalities of the city.

Tare.

14 July, 1862, c. 163, s. 16, v. 12, p. 558.

SEC. 2898. In estimating the allowance for tare on all chests, boxes, cases, casks, bags, or other envelope or covering of all articles imported liable to pay any duty, where the original invoice is produced at the time of making entry thereof, and the tare shall be specified therein, the collector, if he sees fit, or the collector and naval officer, if any, if they see fit, may, with the consent of the consignees, estimate the tare according to such invoice; but in all other cases the real tare shall be allowed, and may be ascertained under such regulations as the Secretary of the Treasury may from time to time prescribe; but in no case shall there be any allowance for draught.

CHAPTER SIX.

APPRAISAL.

Sec.
2899. No delivery without appraisal.
2900. Additions to entry.
2901. Number of packages to be opened.
2902. Mode of appraisal.
2903. Depreciated currency.
2904. Value at date of shipment.
2905. Goods from country other than of production, &c.
2906. Value at period of exportation.
2907. Ascertainment of value.
2908. Additions part of value.
2909. Additional duty.
2910. Different values in the same invoice.
2911. Best article fixes value.
2912. Appraisement of wool.
2913. Appraisement of gloves.
2914. Grades of sugar.
2915. Sampling of sugar.
2916. Samples of wool.
2917. Standard of vinegar.
2918. Hydrometers.
2919. Ascertainment of duties on grain.
2920. Expense of weighing, measuring, or gauging.
2921. Deficiency.
2922. Examination of owner and others.
2923. Forfeiture for refusal to submit to an examination.
2924. Forfeiture for perjury.
2925. Bond to produce proof.
2926. Storing goods with incomplete manifests.
2927. Damaged goods.
2928. Wrecked and damaged goods.
2929. Revision of report.
2930. Appeal from appraisements.
2931. Appeal to the Secretary.
2932. Appeal from decision in regard to fees.
2933. Examination of medicines.
2934. Name of proprietor to be affixed to medicines.

Sec.
2935. Return upon examination.
2936. Appeal from examination.
2937. Exportation of rejected articles.
2938. Appraiser as special examiner.
2939. Appraisement at New York.
2940. Examiners at New York.
2941. Appraisers, &c., at New York not to engage in business.
2942. Duties of appraisers at New York.
2943. Appraiser to inspect damaged goods.
2944. Labor beyond usual hours.
2945. Penalty for declining to act as appraiser.
2946. Appraisement by revenue officers.
2947. Appraisement in other districts.
2948. Additional duties not fines.
2949. Regulations for appraisal.
2950. Appraiser's certificate.
2951. Definition of word "ton."
2952. Meaning of words "value" and "valued."
2953. What buildings may be leased.

No delivery without appraisal.

28 May, 1830, c. 147, s. 4, v. 4, p. 410.

Powell *v.* Redfield, 4 Blatch., 45.

SEC. 2899. No merchandise liable to be inspected or appraised shall be delivered from the custody of the officers of the customs, until the same has been inspected or appraised, or until the packages sent to be inspected or appraised shall be found correctly and fairly invoiced and put up, and so reported to the collector. The collector may, however, at the request of the owner, importer, consignee, or agent, take bonds, with approved security, in double the estimated value of such merchandise, conditioned that it shall be delivered to the order of the collector, at any time within ten days after the package sent to the public stores has been appraised and reported to the collector. If in the mean time any package shall be opened, without the consent of the collector or surveyor given in writing, and then in the presence of one of the inspectors of the customs, or if the package is not delivered to the order of the collector, according to the condition of the bond, the bond shall, in either case, be forfeited.

Additions to entry.

3 Mar., 1865, c. 80, s. 7, v. 13, p. 493.

Stairs *v.* Peaslee, 18 How., 521; Sampson *v.* Peaslee, 20 How., 571; Belcher *v.* Lawrason, 21 How., 251; Kimball *v.* Collector, 10 Wall., 436; Grinnell *v.* Lawrence, 1 Blatch., 346; Manhattan Gas-Light Co. *v.* Maxwell, 2 Blatch., 405; Thomson *v.* Maxwell, 2 Blatch., 385; Durand *v.* Lawrence, 2 Blatch., 396; Christ *v.* Maxwell, 3 Blatch., 129; Morris *v.* Maxwell, 3 Blatch., 143; Vaccari *v.* Maxwell, 3 Blatch., 368; Crowley *v.* Maxwell, 3 Blatch., 383; Carnes *v.* Maxwell, 3 Blatch., 420; Harriman *v.* Maxwell, 3 Blatch., 421; Howland *v.* Maxwell, 3 Blatch., 146; Schmaire *v.* Maxwell, 3 Blatch., 408; Lillie *v.* Redfield, 4 Blatch., 41; Fallech *v.* Barney, 5 Blatch., 38.

SEC. 2900. The owner, consignee, or agent of any merchandise which has been actually purchased, or procured otherwise than by purchase, at the time, and not afterward, when he shall produce his original invoice to the collector and make and verify his written entry of his merchandise, may make such addition in the entry to the cost or value given in the invoice as in his opinion may raise the same to the actual market-value or wholesale price of such merchandise at the period of exportation to the United States in the principal markets of the country from which the same has been imported; and the collector within whose district the same may be imported or entered may cause such actual market-value or wholesale price to be appraised; and if such appraised value shall exceed by ten per centum or more the value so declared in the entry, then, in addition to the duties imposed by law on the same, there shall be collected a duty of twenty per centum ad valorem on such appraised value. The duty shall not, however, be assessed upon an amount less than the invoice or entered value.

Number of packages to be opened.

30 Aug., 1842, c. 270, s. 21, v. 5, p. 565.

Buckley *v.* U. S., 4 How., 251; Converse *v.* Burgess, 18 How., 413.

SEC. 2901. The collector shall designate on the invoice at least one package of every invoice, and one package at least of every ten packages of merchandise, and a greater number should he or either of the appraisers deem it necessary, imported into such port, to be opened, examined, and appraised, and shall order the package so designated to the public stores for examination; and if any package be found by the appraisers to contain any article not specified in the invoice, and they or a majority of them shall be of opinion that such article was omitted in the invoice with fraudulent intent on the part of the shipper, owner, or agent, the contents of the entire package in which the article may be, shall be liable to seizure and forfeiture on conviction thereof before any court of competent jurisdiction; but if the appraisers shall be of opinion that no such fraudulent intent existed, then the value of such article shall be added to the entry, and the duties thereon paid accordingly, and the same shall be delivered to the importer, agent, or consignee. Such forfeiture may, however, be remitted by the Secretary of the Treasury on the production of evidence satisfactory to him that no fraud was intended.

Mode of appraisal.

30 Aug., 1842, c. 270, s. 16, v. 5, p. 563.

22 *June*, 1874, *c.* 391, *s.* 14, *v.* 18, *p.* 189.

SEC. 2902. It shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector and naval officer, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate, and appraise the true and actual market-value and wholesale price, any invoice or affidavit thereto to the contrary notwithstanding, of the merchandise, at the time of exportation, and in the principal markets of the country whence the same has been imported into the United States, and the number of such yards, parcels, or quantities, and such actual market-value or wholesale price of every of them, as the case may require. All such merchandise, being manufactured of wool, or whereof wool shall be a component part, which shall be imported into the United States, in an unfinished condition, shall, in every such appraisal, be estimated to have been at the time of exportation, and place whence the same was imported into the United States, of as great value as if the same had been entirely finished. [See § 2504, Schedule L.]

Marriatt *v.* Brune, 9 How., 619, 634; Bartlett *v.* Kane, 16 How., 271; Converse *v.* Burgess, 18 How., 413; Belcher *v.* Lawrason, 21 How., 251; Barnard *v.* Morton, 1 Curt., 404; Gray *v.* Lawrason, 3 Blatch., 117.

Depreciated currency.

2 Mar., 1799, c. 22, s. 61, v. 1, p. 673.

SEC. 2903. The President may cause to be established fit and proper regulations for estimating the duties on merchandise imported into the United States, in respect to which the original cost shall be exhibited in a depreciated currency, issued and circulated under authority of any foreign government. [See § 2838.]

Grant *v.* Maxwell, 2 Blatch., 220; Dutilh *v.* Maxwell, 2 Blatch., 541; Craig *v.* Maxwell, 2 Blatch., 545; Fiedler *v.* Maxwell, 2 Blatch., 552; Reynolds *v.* Maxwell, 2 Blatch., 555; Rich *v.* Maxwell, 3 Blatch., 127; De Forest *v.* Redfield, 4 Blatch., 478.

Value at date of shipment.

2 Mar., 1861, c. 68, s. 28, v. 12, p. 197.

SEC. 2904. When the duty upon any imports shall be subject to be levied upon the true market-value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States consul, commercial agent, or other legally authorized deputy.

Goods from country other than of production, &c.

30 Aug., 1842, c. 270, s. 16, v. 5, p. 563.

SEC. 2905. In all cases where merchandise, subject to ad-valorem duty, or on which the duties are to be levied upon the value of the square yard, and in all cases where any specific quantity or parcel of such merchandise has been imported into the United States from a country in which the same has not been manufactured or produced, the foreign value shall be appraised and estimated according to the current market-value or wholesale price of similar articles at the principal markets of the country of production or manufacture, at the period of the exportation of such merchandise to the United States.

Fennerstein's Champagne, 3 Wall., 145; Barnard *v.* Morton, Sprague, 186; Grinnell *v.* Lawrence, 1 Blatch., 346.

Value at period of exportation.

3 Mar., 1865, c. 80, s. 7, v. 13, p. 493.

SEC. 2906. When an ad-valorem rate of duty is imposed on any imported merchandise, or when the duty imposed shall be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such merchandise, the collector within whose district the same shall be imported or entered shall cause the actual market-value, or wholesale price thereof, at the period of the exportation to the United States, in the principal markets of the country from which the same has been imported, to be appraised, and such appraised value shall be considered the value upon which duty shall be assessed.

Stairs *v.* Peaslee, 18 How., 521; Ballard *v.* Thomas, 19 How., 382; Sampson *v.* Peaslee, 20 How., 571; Fennerstein's Champagne, 3 Wall., 145; Goddard v. Maxwell, 3 Blatch., 131; Bailey *v.* Goodrich, 2 Cliff., 597; Gray *v.* Lawrence, 3 Blatch., 117; Barnard *v.* Morton, Sprague, 186.

Ascertainment of value.

28 July, 1866, c. 298, s. 9, v. 14, p. 330.

22 *June*, 1874, *c.* 391, *s.* 14, *v.* 18, *p.* 189.

SEC. 2907. In determining the dutiable value of merchandise, there shall be added to the cost, or to the actual wholesale price or general market-value at the time of exportation in the principal markets of the country from whence the same has been imported into the United States, the cost of transportation, shipment, and transshipment, with all the expenses included, from the place of growth, production, or manufacture, whether by land or water, to the vessel in which shipment is made to the United States; the value of the sack, box, or covering of any kind in

Grinnell *v.* Law-

rence, 1 Blatch., 346; Wilbur *v.* Lawrence, 2 Blatch., 314; Griswold *v.* Maxwell, 3 Blatch., 145; Munsell *v.* Maxwell, 3 Blatch., 364; Barnard *v.* Morton, Sprague, 186; Norcross *v.* Greely, 1 Curt., 114; Warren *v.* Peaslee, 2 Curt., 231; Grant *v.* Peaslee, 2 Curt., 250; Millar *v.* Millar, 2 Curt., 256; Baily *v.* Goodrich, 2 Cliff., 597.

which such merchandise is contained; commission at the usual rates, but in no case less than two and a half per centum; and brokerage, export duty, and all other actual or usual charges for putting up, preparing, and packing for transportation or shipment. All charges of a general character incurred in the purchase of a general invoice shall be distributed pro rata among all parts of such invoice; and every part thereof charged with duties based on value shall be advanced according to its proportion, and all wines or other articles paying specific duty by grades shall be graded and pay duty according to the actual value so determined.

Additions part of value.

28 July, 1866, c. 298, s. 9, v. 14, p. 330.

Sampson *v.* Peaslee, 20 How., 571.

SEC. 2908. All additions made to the entered value of merchandise for charges shall be regarded as part of the actual value of such merchandise, and if such addition shall exceed by ten per centum the value declared in the entry, in addition to the duties imposed by law, there shall be collected a duty of twenty per centum on such value. But nothing contained in this and the preceding section shall apply to long combing or carpet wools costing twelve cents or less per pound, unless the charges so added shall carry the cost above twelve cents per pound, in which case one cent per pound duty shall be added: *Provided*, That this and the preceding section shall not be construed as impairing the provisions relating to duties on the several classes of imported wools, contained in section two thousand five hundred and four, under Schedule L.

Additional duty.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 247.

Belcher *v.* Lawrence, 21 How., 251; Manhattan Gas-Light Co. *v.* Maxwell, 2 Blatch., 405; Fiedler *v.* Maxwell, 2 Blatch., 552; Carnes *v.* Maxwell, 3 Blatch., 420; Bannendahl *v.* Redfield, 4 Blatch., 223; Bischoff *v.* Maxwell, 4 Blatch., 384; Spring *v.* Russell, Lowell, 258.

SEC. 2909. [*Where the actual value to be appraised, estimated, and ascertained as hereinbefore stated, of any merchandise imported into the United States, and subject to any ad-valorem duty, or whereon the duty is regulated by or directed to be imposed or levied on the value of the square yard, or other parcel or quantity thereof, shall exceed by ten per centum or more the invoice value, then, in addition to the duty imposed by law on the same, there shall be levied and collected on such merchandise twenty per centum of the duty imposed on the same, when fairly invoiced.*]

Different values in the same invoice.

2 Mar., 1861, c. 68, s. 32, v. 12, p. 197.

SEC. 2910. When merchandise of the same material or description, but of different values, is invoiced at an average price, and not otherwise provided for, the duty shall be assessed upon the whole invoice at the rate to which the highest valued goods in such invoice are subject.

Best article fixes value.

14 July, 1832, c. 227, s. 13, v. 4, p. 593.

SEC. 2911. Whenever articles composed wholly, or in part, of wool or cotton, of similar kind, but different quality, are found, in the same package, charged at an average price, it shall be the duty of the appraisers to adopt the value of the best article contained in such package, and so charged, as the average value of the whole.

Appraisement of wool.

2 Mar., 1867, c. 197, s. 1, v. 14, pp. 559, 560.

SEC. 2912. When wool of different qualities is imported in the same bale, bag, or package, it shall be appraised by the appraiser, to determine the rate of duty to which it shall be subjected, at the average aggregate value of the contents of the bale, bag, or package; and when bales of different qualities are embraced in the same invoice at the same prices whereby the average price shall be reduced more than ten per centum below the value of the bale of the best quality, the value of the whole shall be appraised according to the value of the bale of the best quality; and no bale, bag, or package shall be liable to a less rate of duty in consequence of being invoiced with wool of lower value.

Appraisement of gloves.

3 Mar., 1873, c. 232, s. 4, v. 17, p. 559.

SEC. 2913. In the appraisement of kid and all other gloves imported into the United States there shall be no discrimination in determining by appraisement the foreign market-value of such goods, whether protected by trade-mark or not; and in no case shall gloves so protected by trade-mark be appraised at a less foreign market-value than the like goods not so protected; and no sale or pretended sale of such goods shall be held to fix the value of the same.

Grades of sugar.

SEC. 2914. The standard by which the color and grades of sugar are to be regulated, shall be selected and furnished to the collectors of such ports of entry as may be necessary by the Secretary of the Treasury, from time to time, and in such manner as he may deem expedient.

30 June, 1864, c. 171, s. 1, v. 13, p. 202.

Sampling of sugar.

SEC. 2915. The Secretary of the Treasury shall, by regulation, prescribe and require that samples from packages of sugar shall be taken by the proper officers, in such manner as to ascertain the true quality of such sugar; and the weights of sugar imported in casks or boxes shall be marked distinctly by the custom-house weigher, by scoring the figures indelibly on each package.

22 Dec., 1870, c. 6, v. 16, p. 397.

Samples of wool.

SEC. 2916. For the purpose of carrying into effect the classification of wool and hair of animals, prescribed by Schedule L, Title "DUTIES UPON IMPORTS," a sufficient number of distinctive samples of the various kinds of wool or hair embraced in each of the three classes named, selected and prepared under the direction of the Secretary of the Treasury, and duly verified by him, the standard samples of which shall be retained in the Treasury Department, shall be deposited in the custom-houses and elsewhere, as he may direct; which samples shall be used by the proper officers of the customs, to determine the class to which any imported wool or hair belongs.

2 Mar., 1867, c. 197, s. 1, v. 14, p. 560.

Standard of vinegar.

SEC. 2917. The standard for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize one ounce troy of vinegar; and all import duties that may be imposed by law on vinegar imported from foreign countries shall be collected according to this standard.

6 June, 1872, c. 315, s. 6, v. 17, p. 237.

Hydrometers.

SEC. 2918. The Secretary of the Treasury may, under the direction of the President, adopt such hydrometer as he may deem best calculated to promote the public interest for the purpose of ascertaining the proof of liquors; and, after such adoption, the duties imposed by law upon distilled spirits shall be collected according to proof ascertained by any hydrometer so adopted.

12 Jan., 1825, c. 4, v. 4, p. 79.

Ascertainment of duties on grain.

SEC. 2919. For the purpose of estimating the dutes on importations of grain, the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of pease, and forty-two pounds of buckwheat, avoirdupois weight, shall respectively be estimated as a bushel.

18 July, 1866, c. 201, s. 38, v. 14, p. 187.

Expense of weighing, measuring, or gauging.

SEC. 2920. In all cases in which the invoice or entry does not contain the weight, or quantity, or measure of merchandise, now weighed, or measured, or gauged, the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee.

30 July, 1846, c. 74, s. 4, v. 9, p. 43.—Manhattan Gas-Light Co. *v.* Maxwell, 2 Blatch., 405.

Deficiency.

SEC. 2921. If, on the opening of any package, a deficiency of any article shall be found, on examination by the appraisers, the same shall be certified to the collector on the invoice, and an allowance for the same be made in estimating the duties.

30 Aug., 1842, c. 270, s. 21, v. 5, p. 565.

Examination of owner and others.

SEC. 2922. The appraisers, or the collector and naval officer, as the case may be, may call before them and examine upon oath, any owner, importer, consignee, or other person, touching any matter or thing which they may deem material in ascertaining the true market-value or wholesale price of any merchandise imported, and require the production, on oath, to the collector or to any permanent appraiser, of any letters, accounts, or invoices, in his possession relating to the same. All testimony in writing, or depositions, taken by virtue of this section, shall be filed in the collector's office, and preserved for future use or reference, to be transmitted to the Secretary of the Treasury when he shall require the same.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

Belcher *v.* Lawrason, 21 How., 255.

Forfeiture for refusal to submit to an examination.

SEC. 2923. If any person so called shall neglect or refuse to attend, or shall decline to answer, or shall, if required, refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers, when so required by an appraiser or collector and naval officer, he shall be liable to a penalty of one hundred dollars; and

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

if such person be the owner, importer, or consignee, the appraisement which the appraisers, or collector and naval officer, where there are no legal appraisers, may make of the merchandise shall be final and conclusive.

Forfeiture for perjury.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

SEC. 2924. Any person who shall willfully and corruptly swear falsely on an examination before any appraiser, or collector and naval officer, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited. [See § 5392.]

Bond to produce proof.

28 May, 1830, c. 147, s. 8, v. 4, p. 411.

20 *June*, 1876, c. 136, *v.* 18, *p.* 60.

SEC. 2925. Whenever, in the opinion of the Secretary of the Treasury, it may be necessary in order to carry into full effect the laws for the collection of the revenue, he may authorize the collector of any district into which merchandise, subject to duty, may be imported, to require the owner, importer, or consignee of such merchandise, to give bond, in a sum not exceeding the value of such merchandise, that he will produce or cause to be produced, within a reasonable time, to be fixed by the Secretary, such proof as the Secretary may deem necessary, and as is in the power of the owner, importer, or consignee, to obtain, to enable the collector to ascertain the class or description of manufacture, or rate of duty, to which such merchandise is justly liable.

Storing goods with incomplete manifests.

2 Mar., 1799, c. 2, s. 52, v. 1, p. 665.

22 *June*, 1874, c. 391, *s.* 24, *v.* 18, *p.* 191.

Shelton *v.* Austin, 1 Cliff., 388.

SEC. 2926. All merchandise, of which incomplete entry has been made, or an entry without the specification of particulars, either for want of the original invoice, or for any other cause, or which has received damage during the voyage, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the parcels or packages containing the same, there to remain with due and reasonable care, at the expense and risk of the owner or consignee, under the care of some proper officer, until the particulars, cost, or value, as the case may require, shall have been ascertained either by the exhibition of the original invoice thereof, or by appraisement, at the option of the owner, importer, or consignee; and until the duties thereon shall have been paid, or secured to be paid, and a permit granted by the collector for the delivery thereof.

Damaged goods.

2 Mar., 1799, c. 22, s. 52, v. 1, p. 666.

Shelton *v.* The Collector, 5 Wall., 113; Shelton *v.* Austin, 1 Cliff., 388.

SEC. 2927. In respect to articles that have been damaged during the voyage, whether subject to a duty ad valorem, or chargeable with a specific duty, either by number, weight, or measure, the appraisers shall ascertain and certify to what rate or percentage the merchandise is damaged, and the rate of percentage of damage, so ascertained and certified, shall be deducted from the original amount, subject to a duty ad valorem, or from the actual or original number, weight, or measure, on which specific duties would have been computed. No allowance, however, for the damage on any merchandise, that has been entered, and on which the duties have been paid, or secured to be paid, and for which a permit has been granted to the owner or consignee thereof, and which may on examining the same prove to be damaged, shall be made, unless proof to ascertain such damage shall be lodged in the custom-house of the port where such merchandise has been landed, within ten days after the landing of such merchandise.

Wrecked and damaged goods.

1 Mar., 1823, c. 21, s. 21, v. 3, p. 736.

Shelton *v.* The Collector, 5 Wall., 113; The Waterloo, Blatch. & H., 114; Shelton *v.* Austin, 1 Cliff., 391.

SEC. 2928. Before any merchandise which may be taken from any wreck shall be admitted to an entry, the same shall be appraised; and the same proceedings shall be ordered and executed in all cases where a reduction of duties shall be claimed on account of damage which any merchandise shall have sustained in the course of the voyage; and in all cases where the owner, importer, consignee, or agent shall be dissatisfied with such appraisement, he shall be entitled to the privileges of appeal as provided for in this Title.

Revision of report.

28 May, 1830, c. 147, s. 2, v. 4, p. 409.

Iasigi *v.* The Collector, 1 Wall., 375.

SEC. 2929. The principal appraisers shall revise and correct the report of the assistant appraisers as they may judge proper, and report to the collector their decision thereon. If the collector deems any appraisement of goods too low, he may order a re-appraisement, either by the principal appraisers, or by three merchants designated by him for that purpose, who shall be citizens of the United States; and may cause the duties to be charged accordingly. [See § 2945.]

Appeal from appraisements.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.
3 Mar., 1851, c. 38, s. 3, v. 9, p. 630.

SEC. 2930. If the importer, owner, agent, or consignee, of any merchandise shall be dissatisfied with the appraisement, and shall have complied with the foregoing requisitions, he may forthwith give notice to the collector, in writing, of such dissatisfaction; on the receipt of which the collector shall select one discreet and experienced merchant to be associated with one of the general appraisers wherever practicable, or two discreet and experienced merchants, citizens of the United States, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions; and if they shall disagree, the collector shall decide between them; and the appraisement thus determined shall be final and be deemed to be the true value, and the duties shall be levied thereon accordingly.

Greely *v.* Thompson, 10 How., 225; Bartlett, *v.* Kane, 16 How., 263; Belcher *v.* Linn, 24 How., 508; Iasigi *v.* The Collector, 1 Wall., 375; Fielden *v.* Lawrence, 3 Blatch., 120; Bangs *v.* Maxwell, 3 Blatch., 135; Roller *v.* Maxwell, 3 Blatch., 142; Morris *v.* Maxwell, 3 Blatch., 143; McCall *v.* Lawrence, 3 Blatch., 360; Vaccari *v.* Maxwell, 3 Blatch., 368; Id., 376; Schmaire *v.* Maxwell, 3 Blatch., 408; Bannendahl *v.* Redfield, 4 Blatch., 223; Yznaga *v.* Peaslee, 1 Cliff., 493.

Appeal to the Secretary.

30 June, 1864, c. 171, s. 14, v. 13, p. 214.

Westray *v.* U.S., 18 Wall., 322. Barney, collector, *v.* Watson et al., 92 U.S., 449; Ullman *v.* Murphy, 11 Blatch., 354.

SEC. 2931. On the entry of any vessel, or of any merchandise, the decision of the collector of customs at the port of importation and entry, as to the rate and amount of duties to be paid on the tonnage of such vessel or on such merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested therein, unless the owner, master, commander, or consignee of such vessel, in the case of duties levied on tonnage, or the owner, importer, consignee, or agent of the merchandise, in the case of duties levied on merchandise, or the costs and charges thereon, shall, within ten days after the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond as for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objection thereto, and shall within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Secretary of the Treasury. The decision of the Secretary on such appeal shall be final and conclusive; and such vessel, or merchandise, or costs and charges, shall be liable to duty accordingly, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties which shall have been paid before the date of such decision on such vessel, or on such merchandise, or costs or charges, or within ninety days after the payment of duties paid after the decision of the Secretary. No suit shall be maintained in any court for the recovery of any duties alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless the decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains. [See §§ 3011-3014.]

Appeal from decision in regard to fees.

30 June, 1864, c. 171, s. 15, v. 13, p. 215.

SEC. 2932. The decision of the respective collectors of customs as to all fees, charges, and exactions of whatever character, other than those relating to the rate and amount of duties to be paid on the tonnage of any vessel, or on merchandise and the dutiable costs and charges thereon, claimed by them, or by any of the officers under them, in the performance of their official duty, shall be final and conclusive against all persons interested in such fees, charges, or exactions, unless the like notice that an appeal will be taken from such decision to the Secretary of the Treasury shall be given within ten days from the making of such decision, and unless such appeal shall actually be taken within thirty days from the making of such decision; and the decision of the Secretary of the Treasury shall be final and conclusive upon the matter so appealed, unless suit shall be brought for the recovery of such fees, charges, or exactions, within the period as provided for in the preceding section in regard to duties. No suit shall be maintained in any court for the recovery of any such fees, costs, and charges, alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have

been first had on such appeal, unless such decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains. [See § 3012.]

Examination of medicines.

26 June, 1848, c. 70, s. 1, v. 9, p. 237.

SEC. 2933. All drugs, medicines, medicinal preparations, including medicinal essential oils and chemical preparations, used wholly or in part as medicine, imported from abroad, shall, before passing the custom-house, be examined and appraised, as well in reference to their quality, purity, and fitness for medical purposes, as to their value and identity specified in the invoice.

Name of proprietor to be affixed to medicines.

26 June, 1848, c. 70, s. 2, v. 9, p. 238.

SEC. 2934. All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of the manufacturer and the place where they are prepared, permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited.

Return upon examination.

26 June, 1848, c. 70, s. 3, v. 9, p. 238.

SEC. 2935. If, on examination, any drugs, medicines, medicinal preparations, whether chemical or otherwise, including medicinal essential oils, are found, in the opinion of the examiner, to be so far adulterated, or in any manner deteriorated, as to render them inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopœias and dispensatories, and thereby improper, unsafe, or dangerous to be used for medicinal purposes, a return to that effect shall be made upon the invoice, and the articles so noted shall not pass the custom-house, unless, on a re-examination of a strictly analytical character, called for by the owner or consignee, the return of the examiner shall be found erroneous, and it is declared as the result of such analysis, that the articles may properly, safely, and without danger, be used for medicinal purposes.

Appeal from examination.

26 June, 1848, c. 70, s. 4, v. 9, p. 238.

27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 247.

SEC. 2936. The owner or consignee shall at all times, when dissatisfied with the examiner's return, have the privilege of calling, at his own expense, for a re-examination; and the collector, upon receiving a deposit of such sum as he may deem sufficient to defray such expense, shall procure some competent analytical chemist possessing the confidence of the medical profession, as well as of the colleges of medicine and pharmacy, if any such institutions exist in the State in which the collection-district is situated, [to make] a careful analysis of the articles included in the return, and a report upon the same under oath. In case this report, which shall be final, shall declare the return of the examiner to be erroneous, and the articles to be of the requisite strength and purity, according to the standards referred to in the next preceding section, the entire invoice shall be passed without reservation, on payment of the customary duties.

Exportation of rejected articles.

26 June, 1848, c. 70, s. 4, v. 9, p. 238.

SEC. 2937. If the examiner's return, however, shall be sustained by the analysis and report, the articles shall remain in charge of the collector, and the owner or consignee, on payment of the charges of storage and other expenses necessarily incurred by the United States, and on giving a bond with sureties satisfactory to the collector to land the articles out of the limits of the United States, shall have the privilege of reexporting them at any time within the period of six months after the report of the analysis; but if the articles shall not be sent out of the United States within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed, and hold the owner or consignee responsible to the United States for the payment of all charges, in the same manner as if the articles had been re-exported.

Appraiser as special examiner.

27 July, 1866, c. 284, s. 3, v. 14, p. 302.

SEC. 2938. One of the assistant appraisers at the port of New York, to be appointed with special reference to his qualifications for such duties, shall, in addition to the duties that may be required of him by the appraiser, perform the duties of a special examiner of drugs, medicines, chemicals, and so forth. [See §§ 2536, 2611.]

Appraisement at New York.

27 July, 1866, c. 284, s. 1, v. 14, p. 302.

SEC. 2939. The collector of the port of New York shall not, under any circumstances, direct to be sent for examination and appraisement less than one package of every invoice, and one package at least out of every ten packages of merchandise, and a greater number should he, or the

appraiser, or any assistant appraiser, deem it necessary. When the Secretary of the Treasury, however, from the character and description of the merchandise, may be of the opinion that the examination of a less proportion of packages will amply protect the revenue, he may, by special regulation, direct a less number of packages to be examined.

Examiners at New York.

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

SEC. 2940. The Secretary of the Treasury may, on the nomination of the appraiser, appoint such number of examiners at the port of New York as the Secretary may in writing determine to be necessary, to aid each of the assistant appraisers in the examination, inspection, and appraisement of merchandise. No person shall be appointed such examiner who is not, at the time of his appointment, practically and thoroughly acquainted with the character, quality, and value of the article in the examination and appraisement of which he is to be employed; nor shall any such examiner enter upon the discharge of his duties, as such, until he shall have taken and subscribed an oath faithfully and diligently to discharge such duties. [See § 2745.]

Appraiser, &c., at New York not to engage in business.

27 July, 1866, c. 284, s. 5, v. 14, p. 303.

SEC. 2941. No appraiser, assistant appraiser, examiner, clerk, verifier, sampler, messenger, or other person employed in the departments of appraisal at the port of New York, or any of them, shall engage or be employed in any commercial or mercantile business, or act as agent for any person engaged in such business, during the term of his appointment.

Duties of appraisers at New York.

27 July, 1866, c. 284, s. 8, v. 14, p. 303.

SEC. 2942. All provisions relating to the duties of appraisers, or to any proceedings consequent or dependent upon the action of such appraisers and not inconsistent with the provisions relating to the appraiser and assistant appraisers at the port of New York, shall be construed to apply to them.

Appraiser to inspect damaged goods.

27 July, 1866, c. 284, s. 3, v. 14, p. 302.

SEC. 2943. One of the assistant appraisers at the port of New York shall be detailed by the appraiser for the supervision of the department for the examination of merchandise damaged on the voyage of importation, and as far as practicable to make examinations and appraisals of such or any other merchandise as the appraiser may direct, and in all cases truly to report to him the extent of such damage, or the true value of the merchandise appraised, as the case may be, according to law; such report to be subject to revision, correction, and approval by the appraiser, and to be transmitted to the collector in the same manner as other appraisals.

Labor beyond usual hours.

27 July, 1866, c. 284, s. 9, v. 14, p. 303.

SEC. 2944. If at any time, from an increase of importation, or from any other cause, there shall be found upon the floors of the public stores in the city of New York an accumulation of merchandise awaiting appraisement, the appraiser shall, under regulations established by the Secretary of the Treasury, direct the assistant appraisers, and others associated with them in this branch of the public business, to devote time beyond the usual business hours, in each day, during daylight, to their respective duties, so that the business of appraisement may be faithfully and more promptly dispatched.

Penalty for declining to act as appraiser.

1 Mar., 1823, c. 21, s. 19, v. 3, p. 736.

SEC. 2945. Any merchant who shall be chosen by the collector to make any appraisement required under any act respecting imports and tonnage, and who shall, after due notice of such choice has been given to him in writing, decline or neglect to assist at such appraisement, shall be subject to a penalty of not more than fifty dollars, and to the costs of prosecution therefor. [See §§ 2609, 2610, 2630.]

Appraisement by revenue officers.

30 Aug., 1842, c. 270, s. 22, v. 5, p. 566.

SEC. 2946. When merchandise is entered at ports where there are no appraisers, the mode hereinbefore prescribed of ascertaining the foreign value thereof shall be carefully observed by the revenue officers to whom is committed the estimating and collection of duties. [See § 2609.]

Appraisement in other districts.

1 Mar., 1823, c. 21, s. 16, v. 3, p. 735.

SEC. 2947. The Secretary of the Treasury shall have authority to direct the appraisers for any collection-district to attend in any other collection-district for the purpose of appraising any merchandise imported therein.

Additional duties not fines.

11 Feb., 1846, c. 7, s. 3, v. 9, p. 3.

SEC. 2948. No portion of the additional duties provided by this Title shall be deemed a fine, penalty, or forfeiture, for the purpose of being distributed to any officer of the customs, but the whole amount thereof, when received, shall be paid directly into the Treasury.

Ring *v.* Maxwell, 17 How., 147; U. S. *v.* Collier, 3 Blatch., 325.

Regulations for appraisal.

14 July, 1842, c. 227, s. 9, v. 4, p. 592. 30 Aug., 1842, c. 270, s. 23, v. 5, p. 566.

Tucker *v.* Kane, Taney, 146; Gray *v.* Lawrence, 3 Blatch., 117.

SEC. 2949. The Secretary of the Treasury from time to time shall establish such rules and regulations, not inconsistent with the laws of the United States, to secure a just, faithful, and impartial appraisal of all merchandise imported into the United States, and just and proper entries of such actual market-value or wholesale price thereof, and of the square yards, parcels, or other quantities, as the case may require, and of such actual market-value or wholesale price of each of them. The Secretary of the Treasury shall report all such rules and regulations, with the reasons therefor, to the then next session of Congress.

Appraisers' certificate.

3 Mar., 1851, c. 38, s. 2, v. 9, p. 630.

McCall *v.* Lawrence, 3 Blatch., 360.

SEC. 2950. The certificate of any one of the appraisers of the dutiable value of any imported merchandise required to be appraised, shall be deemed to be the appraisement of such merchandise required by law to be made by such appraisers. Where merchandise shall be entered at ports where there are no appraisers, the certificate of the revenue officer to whom is committed the estimating and collection of duties of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisement of such merchandise required by law to be made by such officer.

Definition of word "ton."

2 Mar., 1861, c. 68, s. 26, v. 12, p. 196.

SEC. 2951. Wherever the word "ton" is used in this chapter, in reference to weight, it shall be construed as meaning twenty-hundred-weight, each hundred-weight being one hundred and twelve pounds avoirdupois.

Meaning of words "value" and "valued."

2 Mar., 1861, c. 68, s. 32, v. 12, p. 197.

SEC. 2952. The words "value" and "valued," used in this chapter, shall be construed as meaning the true market-value of merchandise in the principal markets of the country from whence exported at the date of exportation.

What buildings may be leased.

28 Mar., 1854, c. 30, s. 7, v. 10, p. 272.

SEC. 2953. Nothing herein contained shall be construed to prevent the leasing or hiring of such buildings or accommodations as may be required for the use of the United States appraisers for the due examination and appraisal of imported merchandise at the ports where such officers are provided by law, nor to prohibit the leasing or hiring by collectors of the customs, for short periods, with the approval of the Secretary of the Treasury, of such stores as may be required for custom-house purposes at any of the smaller revenue ports of the United States.

CHAPTER SEVEN.

THE BOND AND WAREHOUSE SYSTEM.

Sec.
2954. Lease of warehouses authorized.
2955. Restrictions.
2956. Use of leased warehouses.
2957. Limitation of leases.
2958. Cellars, vaults, and yards.
2959. Storage of grain.
2960. Private warehouses.
2961. Bond of proprietor.
2962. Deposit of merchandise at option of owners.
2963. Deposit for want of invoice.
2964. Deposit upon non-payment of duties.
2965. Unclaimed merchandise may be stored in bonded warehouses.
2966. Importations in steamers.
2967. Merchandise destined for Jeffersonville.
2968. For Albany.
2969. Custody of goods not unladen in time.
2970. Withdrawal for consumption.
2971. Withdrawal for exportation; sale of abandoned goods after three years.
2972. Distribution of proceeds.
2973. Sale after one year.
2974. Distribution of proceeds.
2975. Sale of perishable articles.
2976. Sale upon depreciation.
2977. Return of duties upon exportation from warehouse.
2978. Restriction upon exportation for drawback.
2979. Permit for exportation.
2980. Manner of withdrawal.
2981. Lien for freight.
2982. Supplies to vessels of war.
2983. No allowance for leakage, &c.
2984. Abatement and refund in case of injury by casualties.
2985. Penalty for obliterating marks.
2986. Penalty for unlawfully opening warehouse.
2987. Penalty for fraudulent removal, &c.
2988. Report of merchandise in warehouse.
2989. Warehouse regulations.
2990. Ports at which entry may be made for transportation in bond.
2991. Examination of merchandise for transportation.
2992. Transportation bond.

Sec.
2993. Carriers.
2994. Locks and seals.
2995. Transfer to vessel or vehicle.
2996. Bonded warehouses for goods intended for transportation.
2997. Ports to which goods may be transported in bond.
2998. Penalty for breaking, entering, &c.
2999. Special agents in foreign territory.
3000. Withdrawal for rewarehousing in another district.
3001. Penalty for failure to transport.
3002. Withdrawal for exportation to Mexico.
3003. Through port of Lavaca.
3004. By Indianola.
3005. Transportation in bond to British provinces or Mexico.
3006. Transportation over foreign territory.
3007. Exemption from fees.
3008. Forfeiture for relanding exported merchandise.

Lease of warehouses authorized.
14 Feb., 1850, Res. No. 4, s. 1, v. 9, p. 560.

SEC. 2954. The Secretary of the Treasury may, at his discretion, lease such warehouses as he deems necessary for the storage of unclaimed goods, or goods which for any other reason are required by law to be stored by the Government.

Restrictions.
28 Mar., 1854, c. 30, s. 7, v. 10, p. 272.
24 *Mar.*, 1874, c. 65, *v.* 18, *p.* 24.
U.S. *v.* Duvivier, 12 Blatch., 449; *In re* Clifford, 2 Saw., 428.

SEC. 2955. No leases shall be entered into by the United States for any warehouses for the storage of warehoused or unclaimed merchandise at any port where there may exist any private bonded warehouses: *Provided*, That such buildings may be leased as may be required for the use of appraisers for the examination and appraisal of imported merchandise at ports where such officers are provided by law; and collectors may lease, for short periods, at any of the smaller ports, such stores as may be required for custom-house purposes, with the approval of the Secretary of the Treasury.

Use of leased warehouses.
3 Mar., 1841, c. 35, s. 6, v. 5, p. 432.

SEC. 2956. All warehouses hired by the collector, naval officer, or surveyor, shall be on public account, and paid for by the collector as such, and shall be appropriated exclusively to the use of receiving foreign merchandise, subject, as to the rates of storage, to regulation by the Secretary of the Treasury.

Limitation of leases.
28 Mar., 1854, c. 30, s. 7, v. 10, p. 272.

SEC. 2957. No collector or other officer of the customs shall enter into any contract or agreement for the use of any building to be thereafter erected as a public store or warehouse, and no lease of any building to be so used shall be taken for a longer period than three years, nor shall rent be paid, in whole or in part, in any case, in advance.

Cellars, vaults, and yards.
28 Mar., 1854, c. 30, s. 1, v. 10, p. 271.

SEC. 2958. Cellars and vaults of stores for the storage of wines and distilled spirits only, and yards for the storage of coal, mahogany, and other woods and lumber, may, at the discretion of the Secretary of the Treasury, be constituted bonded warehouses for the storage of such articles under the same regulations and conditions as required in the storage of other merchandise; the cellars or vaults shall be exclusively appropriated to the storage of wines or distilled spirits, and shall have no opening or entrance except the one from the street, on which separate and different locks of the custom-house and the owner or proprietor of the cellars or vaults shall be placed.

Storage of grain.
18 July, 1866, c. 201, s. 37, v. 14, p. 187.

SEC. 2959. Parts of such building as shall be approved by the Secretary of the Treasury may be bonded for the storage of grain, under such rules, regulations, and conditions as he may prescribe for the security of the revenue.

Private warehouses.
28 Mar., 1854, c. 30, s. 1, v. 10, p. 270.

SEC. 2960. Private warehouses shall be used solely for the purpose of storing warehoused merchandise, and shall be previously approved by the Secretary of the Treasury, and be placed in charge of a proper officer of the customs, who, together with the owner and proprietor of the warehouse, shall have the joint custody of all the merchandise stored in the warehouse; and all the labor on the merchandise so stored must be performed by the owner or proprietor of the warehouse, under the supervision of the officer of the customs in charge of the same, at the expense of the owner or proprietor.

Bond of proprietor.
28 Mar., 1854, c. 30, s. 3, v. 10, p. 271.

SEC. 2961. Before any of the stores or cellars, owned or occupied by private individuals, shall be used as a warehouse for merchandise imported by other merchants or importers, the owner, occupant, or lessee thereof shall enter into bond, in such sums and with such sureties as may be

24 *Mar.*, 1874, *c.* 65, *v.* 18, *p.* 24.

approved by the Secretary of the Treasury, exonerating and holding harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description, connected with or arising from the deposit or keeping of the merchandise in the warehouses; and all imports deposited in any public or private warehouse authorized by this Title shall be at the sole and exclusive risk and expense of the owner or importer.

Deposit of merchandise at option of owner.

28 Mar., 1854, c. 30, s. 1, v. 10, p. 270. 30 June, 1864, c. 171, s. 19, v. 13, p. 216.

Atkins *v.* Peaslee, 1 Cliff., 446,; Clark *v.* Peaslee, 1 Cliff., 545; Irvin *v.* Schell, 5 Blatch., 157.

SEC. 2962. Any merchandise subject to duty, with the exception of perishable articles, also gunpowder, and other explosive substances, except fire-crackers, which shall have been duly entered and bonded for warehousing, in conformity with existing laws, may be deposited, at the option of the owner, importer, consignee, or agent, at his expense and risk, in any public warehouse owned or leased by the United States, or in the private warehouse of the importer, the same being used exclusively for the storage of warehoused merchandise of his own importation or to his consignment, or in a private warehouse used by the owner, occupant, or lessee, as a general warehouse for the storage of warehoused merchandise; such place of storage to be designated on the warehouse-entry at the time of entering such merchandise at the custom-house.

Deposit for want of invoice.

1 Mar., 1823, c. 21, s. 3, v. 3, p. 730.

SEC. 2963. When merchandise, imported into the United States, has not been entered in pursuance of the provisions of any act regulating imports and tonnage, the same shall be deposited in the public warehouse, and shall there remain, at the expense and risk of the owner, until such invoice is produced. Nothing herein contained shall be understood to prohibit the sale of such quantities of merchandise so stored as may be necessary to discharge the duties thereon, and all intervening charges, at the time or times when such duties shall become due and payable.

Deposit upon non-payment of duties.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

Tremlett *v.* Adams, 13 How., 295; Atkins *v.* Peaslee, 1 Cliff., 446; Brissac *v.* Lawrence, 2 Blatch., 121; Corkle *v.* Maxwell, 3 id., 413; Harriman *v.* Maxwell, 3 id., 421.

SEC. 2964. In all cases of failure or neglect to pay the duties within the period allowed by law to the importer to make entry thereof, or whenever the owner, importer, or consignee shall make entry for warehousing the same, in writing, in such form and supported by such proof as shall be prescribed by the Secretary of the Treasury, the merchandise shall be taken possession of by the collector, and deposited in the public stores, or in other stores to be agreed on by the collector or chief revenue officer of the port, and the importer, owner, or consignee, such stores to be secured under the joint locks of the inspector and importer, there to be kept, with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent, and subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing, and to be secured by a bond of the owner, importer, or consignee, with surety to the satisfaction of the collector, in double the amount of the duties, and in such form as the Secretary of the Treasury shall prescribe.

Unclaimed merchandise may be stored in bonded warehouses.

28 Mar., 1854, c. 30, s. 2, v. 10, p. 271.

SEC. 2965. Unclaimed merchandise required by existing laws to be taken possession of by collectors of the customs may be stored in any public warehouse owned or leased by the United States, or in any private bonded warehouse authorized by this Title, and all charges for storage, labor, and other expenses accruing on any such merchandise, not to exceed in any case the regular rates for such objects at the port in question, must be paid before delivery of the goods on due entry thereof by the claimant or owner; or if sold as unclaimed goods, to realize the import duties, the charges shall be paid by the collector out of the proceeds of the sale thereof before paying such proceeds into the Treasury as required by existing laws.

Importations in steamers.

3 Aug., 1854, c. 196, v. 10, p. 344.

SEC. 2966. When merchandise shall be imported into any port of the United States from any foreign country in vessels propelled in whole or in part by steam, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, the collector of such port may take possession of such merchandise and deposit the same in bonded warehouse; and when it does not appear by the bills of lading that the merchandise so imported is to be immediately delivered, the collector of the customs may take posses-

sion of the same, and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel.

Merchandise destined for Jeffersonville.

28 Sept., 1850, c. 79, s. 10, v. 9, p. 510.

SEC. 2967. Merchandise imported into the port of Louisville, and destined for Jeffersonville, may be landed and warehoused at Jeffersonville, under the custody and control of the surveyor of the port of Louisville. [See § 2853.]

For Albany.

2 Mar., 1867, c. 178, s. 3, v. 14, p. 542.

SEC. 2968. The Secretary of the Treasury may extend the privileges of the provisions relating to warehouses, and the regulations of the Treasury Department relating thereto, to the port of Albany.

Custody of goods not unladen in time.

2 Mar., 1799, c. 22, s. 56, v. 1, p. 669.

SEC. 2969. All merchandise of which the collector shall take possession under the provisions relating to the time for the discharge of a vessel's cargo shall be kept with due and reasonable care at the charge and risk of the owner.

Withdrawal for consumption.

14 Mar., 1866, c. 17, s. 1, v. 14, p. 8.

SEC. 2970. Any merchandise deposited in bond in any public or private bonded warehouse may be withdrawn for consumption within one year from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal; and after the expiration of one year from the date of original importation, and until the expiration of three years from such date, any merchandise in bond may be withdrawn for consumption on payment of the duties assessed on the original entry and charges, and an additional duty of ten per centum of the amount of such duties and charges.

Withdrawal for exportation.

14 July, 1862, c. 163, s. 21, v. 12, p. 559.

SEC. 2971. All merchandise which may be deposited in public store or bonded warehouse may be withdrawn by the owner for exportation to foreign countries; or may be transshipped to any port of the Pacific or western coast of the United States at any time before the expiration of three years from the date of original importation; such goods on arrival at a Pacific or western port to be subject to the same rules and regulations as if originally imported there. Any goods remaining in public store or bonded warehouse beyond three years shall be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury. In computing this period of three years, if such exportation or transshipment of any merchandise shall, either for the whole or any part of the term of three years, have been prevented by reason of any order of the President, the time during which such exportation or transshipment of such merchandise shall have been so prevented shall be excluded from the computation. Merchandise withdrawn for exportation shall be subject only to the payment of such storage and charges as may be due thereon.

Sale of abandoned goods after custody for three years.

28 Mar., 1854, c. 30, s. 4, v. 10, p. 271.
22 Dec., 1864, c. 9, v. 13, p. 420.
24 Mar., 1874, c. 65, v. 18, p. 24.

Distribution of proceeds of sale.

25 July, 1866, c. 298, s. 10, v. 14, p. 330.

SEC. 2972. The Secretary of the Treasury, in case of any sale of any merchandise remaining in public store or bonded warehouse beyond three years, may pay to the owner, consignee, or agent of such merchandise, the proceeds thereof, after deducting duties, charges, and expenses, in conformity with the provision relating to the sale of merchandise remaining in a warehouse for more than one year.

Sale after one year.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

SEC. 2973. If any merchandise shall remain in public store beyond one year, without payment of the duties and charges thereon, except as hereinbefore provided, then such merchandise shall be appraised by the appraisers, if there be any at such port, and if none, then by two merchants to be designated and sworn by the collector for that purpose, and sold by the collector at public auction, on due public notice thereof being first given, in the manner and for the time to be prescribed by a general regulation of the Treasury Department. At such public sale, distinct printed catalogues descriptive of such merchandise, with the appraised value affixed thereto, shall be distributed among the persons present at such sale. A reasonable opportunity shall be given before such sale, to persons desirous of purchasing, to inspect the quality of such merchandise. The proceeds of such sales, after deducting the usual rate of storage at the port in question, with all other charges and expenses, including duties, shall be paid over to the owner, importer, consignee, or agent, and proper receipts taken for the same.

Distribution of proceeds.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

SEC. 2974. The overplus, if any there be, of the proceeds of such sales, after the payment of storage, charges, expenses, and duties, remaining unclaimed for the space of ten days after such sales, shall be paid by the collector into the Treasury of the United States; and the collector shall transmit to the Treasury Department, with the overplus, a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages sold, their contents, and appraised value, the name of the vessel and master in which, and of the port whence, it was imported, and the time when, and the name of the person to whom such merchandise was consigned in the manifest, and the duties and charges to which the several consignments were respectively subject; and the receipt or certificate of the collector shall exonerate the master of any vessel in which such merchandise was imported, from all claim of the owner thereof, who shall, nevertheless, on due proof of his interest, be entitled to receive from the Treasury the amount of any overplus paid into the same under the provisions of this Title.

Sale of perishable articles.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

SEC. 2975. All merchandise of a perishable nature, and all gunpowder and explosive substances, except fire-crackers, deposited in any public or private bonded warehouse, shall be sold forthwith.

30 June, 1864, c. 171, s. 19, v. 13, p. 216.—Gould *v.* Hammond, McAllis., 235.

Sale upon depreciation.

28 Mar., 1854, c. 30, s. 2, v. 10, p. 271.

SEC. 2976. Any collector of the customs is authorized, under such directions and regulations as may be prescribed by the Secretary of the Treasury, to sell, upon due notice, at public auction, any unclaimed merchandise deposited in public warehouse whenever the same may from depreciation in value, damage, leakage, or other cause, in the opinion of such collector, be likely to prove insufficient, on a sale thereof, to pay the duties, storage, and other charges if suffered to remain in public store for the period allowed by law in the case of unclaimed merchandise.

Return of duties upon exportation from warehouse.

14 July, 1862, c. 163, s. 21, v. 12, p. 560.

SEC. 2977. Merchandise upon which duties have been paid may remain in warehouse in custody of the officers of the customs at the expense and risk of the owners of such merchandise, and if exported directly from such custody to a foreign country within three years, shall be entitled to return duties. But proper evidence of such merchandise having been landed abroad shall be furnished to the collector by the importer, and one per centum of the duties shall be retained by the Government.

Restriction upon exportation for drawback.

3 Mar., 1849, c. 110, s. 5, v. 9, p. 399. 28 Sept., 1850, c. 79, s. 17, v. 9, p. 512. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

SEC. 2978. No merchandise subject to duty shall be entered for drawback, or exported for drawback, after it is withdrawn from the custody of the officers of the customs [except as provided in section three thousand and twenty-five.] [See §§ 3025, 3036.]

Permit for exportation.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

SEC. 2979. If the owner, importer, consignee, or agent of any merchandise on which the duties have not been paid, shall give to the collector satisfactory security that the merchandise shall be landed out of the jurisdiction of the United States, in the manner required by the laws relating to exportations for the benefit of drawback, the collector and naval officer, if any, on an entry to re-export the same, shall, upon payment of the appropriate expenses, permit the merchandise, under the inspection of the proper officers, to be shipped without the payment of any duties thereon.

Manner of withdrawal.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

SEC. 2980. No merchandise shall be withdrawn from any warehouse in which it may be deposited, in a less quantity than in an entire package, bale, cask, or box, unless in bulk; nor shall merchandise so imported in bulk be delivered, except in the whole quantity of each parcel, or in a quantity not less than one ton weight, unless by special authority of the Secretary of the Treasury.

Lien for freight.

2 Mar., 1867, c. 188, s. 3, v. 14, p. 547.

SEC. 2981. Whenever the collector or other chief officer of the customs of any port shall be notified in writing by the owner or consignee of any vessel or vehicle, arriving from any foreign port, of a lien for freight on any merchandise imported in such vessel or vehicle, and remaining in his custody, such officer may refuse the delivery of such merchandise from any public or bonded warehouse, or other place in which the same

shall be deposited, until proof to his satisfaction shall be produced that the freight due thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver. If merchandise so subject to a lien, regarding which notice has been filed, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom, are paid.

Supplies to vessels of war.

14 July, 1862, c. 163, s. 22, v. 12, p. 560.

SEC. 2982. The privilege of purchasing supplies from the public warehouses duty free, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privilege toward the vessels of war of the United States in its ports.

No allowance for leakage, &c.

28 Mar., 1854, c. 30, s. 4, v. 10, p. 272.

SEC. 2983. In no case shall there be any abatement of the duties or allowance made for any injury, damage, deterioration, loss, or leakage sustained by any merchandise, while deposited in any public or private bonded warehouse.

Abatement and refund in case of injury by casualties.

28 Mar., 1854, c. 30, s. 8, v. 10, p. 273.

3 Mar., 1855, c. 80, s. 13, v. 13, p. 495.

3 *Mar.*, 1875, *c.* 136, *v.* 18, *p.* 469.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

SEC. 2984. The Secretary of the Treasury is hereby authorized, upon production of satisfactory proof to him of the actual [*industry*] [injury] or destruction, in whole or in part, of any merchandise, by accidental fire, or other casualty, while the same remained in the custody of the officers of the customs in any public or private warehouse under bond, or in the appraisers' stores undergoing appraisal, in pursuance of law or regulations of the Treasury Department, or while in transportation under bond from the port of entry to any other port in the United States, or while in the custody of the officers of the customs and not in bond, or while within the limits of any port of entry, and before the same have been landed under the supervision of the officers of the customs, to abate or refund, as the case may be, out of any moneys in the Treasury not otherwise appropriated, the amount of impost duties paid or accruing thereupon; and likewise to cancel any warehouse bond or bonds, or enter satisfaction thereon in whole or in part as the case may be.

Penalty for obliterating marks.

6 Aug., 1846, c. 84, s. 3, v. 9, p. 54.

SEC. 2985. Any person convicted of altering, defacing, or obliterating any mark which has been placed by any officer of the revenue on any package of warehoused merchandise shall be liable to a penalty of five hundred dollars for every such offense.

Penalty for unlawfully opening warehouse.

Ibid, p. 55.

U. S. *v.* George, 6 Blatch., 406.

SEC. 2986. If any importer or proprietor of any warehoused merchandise, or any person in his employ, shall, by any contrivance, fraudulently open the warehouse, or shall gain access to the merchandise, except in the presence of the proper officer of the customs, acting in the execution of his duty, such importer or proprietor shall be liable to a penalty of one thousand dollars for every such offense. [See § 2998.]

Penalty for fraudulent removals, &c.

Ibid.

SEC. 2987. If any warehoused merchandise shall be fraudulently concealed in or removed from any public or private warehouse, the same shall be forfeited to the United States; and all persons convicted of fraudulently concealing or removing such merchandise, or of aiding or abetting such concealment or removal, shall be liable to the same penalties as are imposed for the fraudulent introduction of merchandise into the United States.

Report of merchandise in warehouse.

6 Aug., 1846, c. 84, s. 4, v. 9, p. 55.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

SEC. 2988. The collectors of the several ports of the United States shall make quarterly reports to the Secretary of the Treasury, according to such general instructions as the Secretary may give, of all merchandise remaining in the warehouses of their respective ports, specifying the quantity and description of the same. [*which returns, or tables formed thereon, the Secretary of the Treasury shall forthwith cause to be published in the principal papers of the city of Washington.*] [See § 266.]

Warehouse regulations.

28 Mar., 1854, c. 30, s. 9, v. 10, p. 273.

6 Aug., 1846, c. 84, s. 5, v. 9, p. 55.

SEC. 2989. The Secretary of the Treasury may from time to time establish such rules and regulations, not inconsistent with law, for the due execution of the provisions [*relating to warehouses,*] [of this chapter,] and to secure a just accountability under the same, as he may deem to be expedient and necessary.

22 *June*, 1874, *c.* 391, *s.* 24, *v.* 18, *p.* 191. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

Ports at which entry may be made for transportation in bond.

14 July, 1870, c. 255, s. 29, v. 16, p. 270.
20 April, 1871, c. 21, s. 15, v. 17, p. 10.
5 Mar., 1872, c. 34, v. 17, p. 36.
14 *Mar.*, 1876, *c.* 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, *c.* 270, *v.* 19, *p.* 139.

SEC. 2990. When any merchandise, except wine, distilled spirits, and perishable or explosive articles, or articles in bulk, imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland in Maine, Port Huron, Detroit, New Orleans, Toledo, and San Francisco, shall appear by the invoice or bill of lading and by the manifest to be consigned to and destined for either of the ports specified in section two thousand nine hundred and ninety-seven, the collector at the port of arrival shall permit the owner, agent, or consignee to make entry thereof for warehouse or immediate transportation, in triplicate, setting forth the particulars in such entry and the route by which such merchandise is to be forwarded, whether by land or water. The entry having been compared with the invoice and duly sworn to, and such an examination of the merchandise having been made as will satisfy the customs officers that the same corresponds with the manifest and invoice, and the duties estimated on the value and quantity of the invoice, and on the execution of a bond as hereinafter provided, the collector shall deliver the same to be immediately transported to such port of destination, at the sole cost and risk of such owner, agent, or consignee.

By statute of March 14, 1876, c. 23, v. 19, p. 7, the privileges of sections two thousand nine hundred and ninety to two thousand nine hundred and ninety-seven, inclusive, were extended to the port of Genesee, in the State of New York, and by statute of August 14, 1876, c. 270, v. 19, p. 139, the same privileges were extended to Saint Paul in the collection-district of Minnesota.

Examination of merchandise for transportation.

14 July, 1870, c. 255, s. 29, v. 16, p. 270.
14 *Mar.*, 1876, *c.* 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, *c.* 270, *v.* 19, *p.* 139.

SEC. 2991. The collector of the port shall give priority in time to the examination of merchandise imported to any of the ports of entry named in the preceding section, and designed for any port designated by section two thousand nine hundred and ninety-seven, for the purpose of forwarding the same to its port of destination, and the examination shall not necessitate the transportation of merchandise to the warehouse or appraiser's office. Such merchandise so entered for immediate transportation shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the invoice and entry, and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of original importation if such merchandise had been entered for consumption or warehouse at such port.

Transportation bond.

14 July, 1870, c. 255, s. 30, v. 16, p. 270.
14 *Mar.*, 1876, *c.* 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, *c.* 270, *v.* 19, *p.* 139.

SEC. 2992. The bond for transportation shall be in a penal sum of at least double the invoice value of the merchandise with the duties added, and in such form, and with such number of sureties, not less than two, as shall be prescribed by the Secretary of the Treasury; and the sureties shall justify, by affidavit taken before the collector of customs and attached to the bond, in an amount at least double the penalty of the bond, and the collector shall certify to their sufficiency; and the bond may be executed at the port of final destination, and transmitted to the collector at the port of first arrival, by the surveyor.

Carriers.

14 July, 1870, c. 255, s. 31, v. 16, p. 270.
14 *Mar.*, 1876, *c.* 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, *c.* 270, *v.* 19, *p.* 139.

SEC. 2993. Merchandise so entered for transportation shall be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to or by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination; and before any such carriers shall be permitted to receive and transport any such merchandise they shall become bound to the United States in bonds of such form and amount, and with such conditions not inconsistent with law, and such security as the Secretary of the Treasury shall require.

Locks and seals.

5 April, 1872, c. 86, v. 17, p. 50.
14 *Mar.*, 1876, *c.* 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, *c.* 270, *v.* 19, *p.* 139.

SEC. 2994. Merchandise transported under the provisions of this Title shall be conveyed in cars, vessels, or vehicles, securely fastened with locks or seals, under the exclusive control of the officers of the customs; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary, and at the expense of the companies respectively. Such merchandise shall not be unladen or transshipped between the ports of first

arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury, in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

Transfer to vessel or vehicle.

14 July, 1870, c. 255, s. 33, v. 16, p. 271.
14 *Mar.*, 1876, c. 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, c. 270, *v.* 19, *p.* 139.

SEC. 2995. Merchandise so destined for immediate transportation, except the packages designated for examination, shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle in which the same is to be transported to its final destination; and if transferred from the importing vessel to any bonded or other warehouse, or to any other place than such car, vessel, or vehicle, it shall be taken possession of by the collector as unclaimed, and deposited in public store, and shall not be removed from such store without entry and appraisement, as in ordinary cases.

Bonded warehouses for goods intended for transportation.

14 July, 1870, c. 255, s. 33, v. 16, p. 271.
14 *Mar.*, 1876, c. 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, c. 270, *v.* 19, *p.* 139.

SEC. 2996. The Secretary of the Treasury may, in his discretion, and with such precaution as he shall deem proper, authorize the establishment of bonded warehouses especially and exclusively appropriated to the reception of such merchandise in cases where its immediate transfer to the transporting car, vessel, or vehicle shall be impracticable. But merchandise remaining in such warehouse more than ten days shall be deprived of the privileges of transportation in bond conferred by this Title, and shall be taken possession of by the collector as unclaimed, and held until regularly entered and appraised.

Ports to which goods may be transported in bond.

14 July, 1870, c. 255, s. 35, v. 16, p. 271.
5 Mar., 1872, c. 34, v. 17, p. 36.
18 Mar., 1872, c. 57, v. 17, p. 41.
18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 319.
14 *Mar.*, 1876, c. 23, *v.* 19, *p.* 7.
14 *Aug.*, 1876, *c.* 270, *v.* 19, *p.* 139.

SEC. 2997. The privilege of transportation in bond shall extend to the ports of New York and Buffalo, in New York; Boston, in Massachusetts; Providence, in Rhode Island; Philadelphia and Pittsburgh, in Pennsylvania; Baltimore, in Maryland; Norfolk, in Virginia; Charleston, in South Carolina; Savannah, in Georgia; New Orleans, in Louisiana; Portland, in Maine; Chicago, in Illinois; Cincinnati and Toledo, in Ohio; Saint Louis, in Missouri; Evansville, in Indiana; Milwaukee, in Wisconsin; Louisville, in Kentucky; Cleveland, in Ohio; San Francisco, in California; Portland, in Oregon; Memphis, in Tennessee; and Mobile, in Alabama; [Detroit, in Michigan;] and to importations from or to Europe, and from or to Asia, or the islands adjacent thereto, via the United States.

Penalty for breaking, entering, &c.

14 July, 1870, c. 255, s. 37, v. 16, p. 271.

SEC. 2998. Any person maliciously opening, breaking, or entering, by any means whatever, any car, vessel, vehicle, warehouse, or package containing any such merchandise so delivered for transportation, or removing, injuring, breaking, or defacing any lock or seal placed upon such car, vessel, vehicle, warehouse, or package, or aiding, abetting, or encouraging any other person or persons so to remove, break, injure, or deface such locks or seals, or to open, break, or enter such car, vessel, or vehicle, with intent to remove or cause to be removed unlawfully any merchandise therein, or in any manner to injure or defraud the United States; and any person receiving any merchandise unlawfully removed from any such car, vessel, or vehicle, knowing it to have been so unlawfully removed, shall be guilty of felony, and in addition to any penalties heretofore prescribed shall be punishable by imprisonment for not less than six months nor more than two years.

Special agents in foreign territory.

28 Mar., 1854, c. 30, s. 5, v. 10, p. 272.

SEC. 2999. For the purpose of better guarding against frauds upon the revenue on foreign merchandise transported between the ports of the Atlantic and those of the Pacific overland through any foreign territory, the Secretary of the Treasury may appoint special sworn agents as inspectors of the customs, to reside in such foreign territory where such merchandise may be landed or embarked, with power to superintend the landing or shipping of all merchandise, passing coastwise between the ports of the United States on the Pacific and the Atlantic. It shall be their duty, under such regulations and instructions as the Secretary of the Treasury may prescribe, to guard against the perpetration of frauds upon the revenue. The compensation paid to such inspectors shall not in the aggregate exceed five thousand dollars per annum.

Withdrawal for rewarehousing in another district.

28 Mar., 1854, c. 30, s. 5, v. 10, p. 272.

Spring *v.* Russell, 1 Low., 258.

SEC. 3000. Any merchandise, duly entered for warehousing, may be withdrawn under bond, without payment of the duties, from a bonded warehouse in any collection-district, and be transported to a bonded warehouse in any other collection-district, and rewarehoused thereat; and any such merchandise may be so transported to its destination wholly by land, or wholly by water, or partially by land and partially by water, over such routes as the Secretary of the Treasury may prescribe, and may likewise be conveyed over any foreign territory, the government of which may have, or shall by treaty stipulations grant, a free right of way over such territory.

Penalty for failure to transport.

28 Mar., 1854, c. 30, s. 6, v. 10, p. 272.

14 July, 1862, c. 163, s. 20, v. 12, p. 559.

27 *Feb.*, 1877, *c.* 69, *c.* 19, *p.* 247.

U. S. *v.* Pingree, 1 Sprague, 339.

SEC. 3001. The Secretary of the Treasury shall prescribe the form of the bond to be given for the transportation of merchandise from a port in one collection district to a port in another collection district as provided in the preceding section; also the time for such delivery; and for a failure to transport and deliver within the time limited any such bonded merchandise to the collector at the designated port, a duty of double the amount to which such merchandise would be liable shall be collected, which duty shall be secured by such bond, or the merchandise may be seized and forfeited for such failure, and any steam or other vessel, or vehicle, transporting such bonded merchandise, the master, owner, or conductor of which shall fail to deliver the same to the collector at the designated port, shall be liable to seizure and forfeiture. [And the Secretary of the Treasury is hereby authorized to remit, in whole or in part, on such conditions, and under such regulations, not inconsistent with law, as he may prescribe, the additional duty secured by the bond given for the transportation of merchandise from a port in one collection district to a port in another collection district prescribed by the preceding section: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the failure to transport and deliver the merchandise aforesaid according to the conditions of the bonds occurred without wilful negligence or fraudulent intent on the part of the obligors.]

Withdrawal for exportation to Mexico.

30 Aug., 1852, c. 96, s. 1, v. 10, p. 37.

3 Mar., 1845, c. 70, s. 1, v. 5, p. 750.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

SEC. 3002. Any imported merchandise in the original packages which shall have been duly entered and bonded, in pursuance of the provisions relating to warehouses, may be withdrawn from warehouse for immediate exportation, without payment of duties, to Chihuahua, in Mexico, by the route of the Arkansas River, through Van Buren, or by the route of the Red River, through Fulton, or by the route of the Missouri River, through Independence, or by such other routes as may be designated by the Secretary of the Treasury. Any imported merchandise duly entered and bonded at [*Point Isabel*,] [Brownsville,] in the district of Brazos de Santiago, or imported and bonded at any other port of the United States, and transported thence in bond, and duly rewarehoused at [*Point Isabel*,] [Brownsville,] may be withdrawn from warehouse for immediate exportation, without payment of duties, to ports and places in Mexico, by land or water, or partly by land and partly by water, or by such routes as may be designated by the Secretary of the Treasury. [See § 2578, ¶ 4.]

Through port of Lavaca.

30 Aug., 1852, c. 96, s. 2, v. 10, p. 37.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

SEC. 3003. Any imported merchandise duly entered and bonded in any port of the United States may be withdrawn from warehouse without payment of duties, for immediate exportation for San Fernando, Paso del Norte, and Chihuahua, in Mexico, through the port of Lavaca, in the collection-district of Saluria, in the State of Texas, and be transshipped inland, thence to San Antonio, in that State, and from the latter place to the destinations in Mexico, either by way of Eagle Pass, the Presidio del Norte, [*and*] [or] San Elizario, all on the Rio Grande; and the Secretary of the Treasury is hereby authorized to prescribe such regulations, not inconsistent with law, as he may deem proper and necessary, respecting the packing, marking, inspection, proof of due delivery at their foreign destinations of the imports authorized by this and the foregoing section to be exported from warehouse to ports and places in Mexico, and for the due protection in other respects of the public revenue.

By Indianola.

30 April, 1872, c. 129, v. 17, p. 58.

SEC. 3004. Imported merchandise duly entered and bonded at a port of the United States, and withdrawn from warehouse in accordance with existing law, for exportation for San Fernando, Paso del Norte, and

Chihuahua, in Mexico, may pass through Indianola, the port of entry for the district of Saluria, in Texas, under such regulations as the Secretary of the Treasury shall prescribe, as well as through the port of Lavaca.

Transportation in bond to British provinces or Mexico.

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of [*Point Isabel*] [Brownsville] in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

28 July, 1866, c. 298, s. 5, v. 14, p. 328.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 247.

Transportation over foreign territory.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British provinces or republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or republic, be treated in regard to the liability to or exemption from duty, or tax, as if the transportation had taken place entirely within the limits of the United States.

28 July, 1866, c. 298, s. 6, v. 14, p. 329.

Exemption from fees.

SEC. 3007. Railroad-cars or other vehicles laden with merchandise, sealed by a customs officer, passing, under the provisions of the preceding section and the regulations of the Secretary of the Treasury, from one port in the United States to another therein, through foreign contiguous territory, shall be exempt from the payment of any fees for receiving or certifying manifests thereof.

4 June, 1872, c. 280, s. 2, v. 17, p. 215.

Forfeiture for relanding exported merchandise.

SEC. 3008. No merchandise exported to Mexico or the British North American Provinces shall be voluntarily landed or brought into the United States; and any so landed or brought into the United States shall be forfeited; and the same proceeding shall be had for its condemnation, and the distribution of the proceeds of the sales, as in other cases of forfeiture of merchandise illegally imported. Every person concerned in the voluntary landing or bringing such merchandise into the United States shall be liable to a penalty of four hundred dollars.

3 Mar., 1845, c. 70, s. 9, v. 5, p. 752.
30 Aug., 1852, c. 96, s. 4, v. 10, p. 38.

CHAPTER EIGHT.

PAYMENT.

Sec.
3009. Duties, how payable.
3010. Disposal of moneys paid under protests.
3011. Suits for recovery.
3012. Limitation; bill of particulars.
3012½. Refunding duties improperly collected.
3013. Refunding upon failure to appeal, when.
3014. Judgments, how payable.

Duties, how payable.

SEC. 3009. All duties upon imports shall be collected in ready money, and shall be paid in coin [or coin certificates] or in United States notes, payable on demand, authorized to be issued prior to the twenty-fifth day of February, one thousand eight hundred and sixty-two, and by law receivable in payment of public dues. [See §§ 254, 3473.]

2 Mar., 1833, c. 55, s. 3, v. 4, p. 630.
6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.
25 Feb., 1862, c. 33, s. 5, v. 12, p. 346. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 247.

Disposal of moneys paid under protest.

SEC. 3010. All money paid to any collector of the customs, or to any person acting as such, for unascertained duties or for duties paid under protest against the rate or amount of duties charged, shall be placed to the credit of the Treasurer of the United States, and shall not be held by the collector, or person acting as such, to await any ascertainment of

3 Mar., 1839, c. 82, s. 2, v. 5, p. 348.
Dev., 222.

duties, or the result of any litigation in relation to the rate or amount of duty legally chargeable and collectible in any case where money is so paid.

Suits to recover.

26 Feb., 1845, c. 22, v. 5, p. 727.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 247.

SEC. 3011. Any person who shall have made payment under protest and in order to obtain possession of merchandise imported for him, to any collector, or person acting as collector, of any money as duties, when such amount of duties was not, or was not wholly, authorized by law, may maintain an action in the nature of an action at law, which shall be triable by jury, to ascertain the validity of such demand and payment of duties, and to recover back any excess so paid. But no recovery shall be allowed in such action unless a protest [*in writing and signed by the claimant or his agent, was made and delivered at or before the payment, setting forth distinctly and specifically the grounds of objection to the amount claimed*] [and appeal shall have been taken as prescribed in section twenty-nine hundred and thirty-one.] [See §§ 2931, 2932.]

Greely's Admr. *v.* Burgess, 18 How., 413; Iasigi *v.* The Collector, 1 Wall., 375; Nichols *v.* U. S., 7 Wall., 122; Norcross *v.* Greely, 1 Curt., 114; Warren *v.* Peaslee, 2 Curt., 231; Kriesler *v.* Morton, 2 Curt., 239; Florio *v.* Peaslee, 2 Curt., 452; Thomson *v.* Maxwell, 2 Blatch., 385; Durand *v.* Lawrence, 2 ibid., 396; Loewenstein *v.* Maxwell, 2 ibid., 401; Pierson *v.* Lawrence, 2 ibid., 495; Pierson *v.* Maxwell, 2 ibid., 507; Focke *v.* Lawrence, 2 ibid., 508; Cornett *v.* Lawrence, 2 ibid., 512; Wilson *v.* Lawrence 2 ibid., 514; Tucker *v.* Maxwell, 2 ibid., 517; Dutilh *v.* Maxwell, 2 ibid., 548; Gray *v.* Lawrence, 3 ibid., 117; Fielden *v.* Lawrence, 3 ibid., 120; Christ *v.* Maxwell, 3 ibid., 129; Goddard *v.* Maxwell, 3 ibid., 131; Saddler *v.* Maxwell, 3 ibid., 134; Bangs *v.* Maxwell, 3 ibid., 135; Hertz *v.* Maxwell, 3 ibid., 137; Roller *v.* Maxwell, 3 ibid., 142; McCall *v.* Lawrence, 3 ibid., 360; Steegman *v.* Maxwell, 3 ibid., 365; Vaccari *v.* Maxwell, 3 ibid., 368; Maillard *v.* Lawrence, 3 ibid., 378; Warburg *v.* Maxwell, 3 ibid., 382; Schuchardt *v.* Lawrence, 3 ibid., 397; Crowley *v.* Maxwell, 3 Blatch., 401; Schmaire *v.* Maxwell, 3 ibid., 408; Baxter *v.* Maxwell, 4 ibid., 32; Lillie *v.* Redfield, 4 ibid., 41; Ponsot *v.* Maxwell, 4 ibid., 43; Drake *v.* Redfield, 4 ibid., 116; Marshall *v.* Redfield, 4 ibid., 221; Boker *v.* Bronson, 4 ibid., 472; Knoedler *v.* Schell, 4 ibid., 484; Falleck *v.* Barney, 5 ibid., 38; Irvin *v.* Schell, 5 ibid., 157; Moke *v.* Barney, 5 ibid., 274; Greenleaf *v.* Schell, 6 ibid., 225; Mason *v.* Kane, Taney, 173; Barney, Collector, *v.* Watson et al., U. S., 449; Wetter *v.* Schell, 11 Blatch., 193.

Limitation; bill of particulars.

18 July, 1866, c. 201, s. 36, v. 14, p. 187.
22 *June*, 1874, c. 391, *s.* 16, *v.* 18, *p.* 189.

SEC. 3012. No suit shall be maintained in any court for the recovery of duties alleged to have been erroneously or illegally exacted by collectors of customs, unless the plaintiff, within thirty days after due notice of the appearance of the defendant, either in person or by attorney, serves on the defendant or his attorney a bill of particulars of the plaintiff's demand, giving the name of the importer or importers, the description of the merchandise, and place from which imported, the name of the vessel, or means of importation, the date of the invoice, the date of the entry at the custom-house, the precise amount of duty claimed to have been exacted in excess, the date of payment of said duties, the day and year on which protest was filed against the exaction thereof, the date of appeal thereon to the Secretary of the Treasury, and date of decision, if any, on such appeal. And if a bill of particulars, containing all the above-mentioned items, be not served as aforesaid, a judgment of non pros. shall be rendered against the plaintiff or plaintiffs in said action.

Schmeider *v.* Barney, 13 Blatch., 37.

Refunding duties improperly collected.

30 June, 1864, c. 171, s. 16, v. 13, p. 215.
3 *Mar.*, 1875, c. 136, *v.* 18, *p.* 469.

SEC. 3012½. Whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained duties, or duties or other moneys paid under protest and appeal, as hereinbefore provided, more money has been paid to the collector, or person acting as such, than the law requires should have been paid, the Secretary of the Treasury shall draw his warrant upon the Treasurer in favor of the person entitled to the overpayment, directing the Treasurer to refund the same out of any money in the Treasury not otherwise appropriated.

Refunding upon failure to appeal, when.

28 July, 1866, c. 298, s. 7, v. 14, p. 329.
3 *Mar.*, 1875, c. 136, *v.* 18, *p.* 469.

SEC. 3013. Whenever it shall be shown to the satisfaction of the Secretary of the Treasury that more moneys have been paid to the collector of customs, or others acting as such, than the law requires, and the party has failed to comply with the requirements relating to appeals to the Secretary of the Treasury, and the Secretary of the Treasury shall be satisfied that such non-compliance with the requirements as above stated was owing to circumstances beyond the control of the importer, consignee, or agent making such payments, he may draw his warrant upon the Treasurer in favor of the person entitled to the overpayment, direct-

ing the Treasurer to refund the same out of any money in the Treasury not otherwise appropriated.

Judgments, how payable.

3 Mar., 1865, c. 80, s. 12, v. 13, p. 944.

SEC. 3014. In all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the non-payment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. [See § 962.]

CHAPTER NINE.

DRAWBACK.

Sec.
3015. Allowance of drawback.
3016. Restrictions upon allowance.
3017. Limitation of time for exportation.
3018. Exportation of drugs.
3019. Manufactures.
3020. Manufactures using wood.
3021. Railroad-iron.
3022. Salt for curing fish.
3023. Duty on gaugeable merchandise.
3024. Duty upon weighable articles.
3025. No drawback after removal from custody.
3026. Gunpowder.
3027. No drawback allowed on discriminating duties.
3028. Exportation in same package.
3029. Change from casks.
3030. Change of package.
3031. Notice of change.
3032. Deposit of invoice.
3033. Comparison of invoice.
3034. Appraisement when duty ad valorem.
3035. Inspection and lading.
3036. Transportation to another district for exportation.
3037. Extension of time for entry.
3038. Debentures, to whom payable.
3039. Suit on refusal of payment.
3040. Debentures assignable.
3041. Exportation from another district.
3042. Refusal of debenture.
3043. Bond for delivery of merchandise at a foreign port.
3044. Discharge of bond.
3045. Consul's certificate.
3046. Consul's fee.
3047. Other proof.
3048. Permanent appropriation for payment of debentures.
3049. Penalty for relanding goods entered for drawback.
3050. Penalty for false entry.
3051. No forfeiture for accident or mistake.
3052. Exportation and transportation of bonded goods not prevented.
3053. Importations from British North America.
3054. Transportation to ports in British North America.
3055. Exportation from Lake Pontchartrain.
3056. Exportation to British North America.
3057. Drawback regulations.

Allowance of drawback.

2 Mar., 1799, c. 22, s. 75, v. 1, p. 680.

Campbell's Case, 13 C. Cls., 470.

SEC. 3015. A drawback of duties, as prescribed by law, shall be allowed and paid on all merchandise imported into the United States, in respect to all such merchandise as shall be exported to any foreign port other than the dominions of any foreign state immediately adjoining to the United States, either from the district of original importation, or from certain other districts; and all duties, drawbacks, and allowances which shall be payable, or allowable, on any specific quantity of merchandise, shall be deemed to apply in proportion to any greater or less quantity, except as herein otherwise provided. [See §§ 3036, 2977, 2978.]

Restrictions upon allowance.

2 Mar., 1799, c. 22, s. 75, v. 1, p. 681.

SEC. 3016. No merchandise imported shall be entitled to a drawback of the duties paid, unless the duties so paid shall amount to fifty dollars at least; nor unless they shall be exported in the original casks, cases, chests, boxes, trunks, or other packages, in which they were imported, without diminution or change of the articles which were therein contained, at the time of importation, in quantity, quality, or value, necessary or unavoidable wastage or damage only excepted.

Limitation of time for exportation.

SEC. 3017. No drawback of the duties shall be allowed on merchandise entitled to debenture under existing laws, unless such merchandise shall be exported from the United States within three years from the

30 Aug., 1842, c. 270, s. 15, v. 5, p. 563.
3 Mar., 1845, c. 70, s. 10, v. 5, p. 752.

date of the importation of the same. One per centum on the amount of all drawbacks allowed shall be retained for the use of the United States by the collectors paying such drawbacks, respectively.

14 July, 1862, c. 163, s. 21, v. 12, p. 560.

Exportation of drugs.

SEC. 3018. All drugs, medicines, and chemical preparations entered for exportation and deposited in warehouse or public store, may be exported by the owner thereof in the original package, or otherwise, subject to such regulations as shall be prescribed by the Secretary of the Treasury.

14 July, 1862, c. 163, s. 21, v. 12, p. 559.

Manufacturers.

SEC. 3019. There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury. Ten per centum on the amount of all drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

5 Aug., 1861, c. 45, s. 4, v. 12, p. 293.
8 *Feb.*, 1875, *c.* 36, *s.* 10, *v.* 18, *p.* 309.
3 *Mar.*, 1875, *c.* 127, *s.* 3, *v.* 18, *p.* 340.

Manufactures using wood.

SEC. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stocks or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases when the imported material exceeds one-half of the value of the material used.

6 June, 1872, c. 315, s. 9, *v.* 17, p. 238.

Railroad-iron.

SEC. 3021. Railroad-iron, partially or wholly worn, may be imported into the United States without payment of duty, under bond to be withdrawn and exported after such railroad-iron shall have been repaired or remanufactured. The Secretary of the Treasury is hereby authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity, character, and weight of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

2 Mar., 1861, c. 68, s. 27, v. 12, p. 197.

Salt for curing fish.

SEC. 3022. Imported salt in bond may be used in curing fish, taken by vessels licensed to engage in the fisheries, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used in curing fish, the duties on the same shall be remitted.

6 June, 1872, c. 315, s. 11, v. 17, p. 238.

Duty on gaugeable merchandise.

SEC. 3023. Upon all merchandise gaugeable by law, hereafter exported, upon which drawback or return duty is allowed, and upon all merchandise gaugeable by law, withdrawn from bonded warehouses for export, there shall be collected by the collectors of the several ports ten cents per cask.

2 Mar., 1867, c. 168, s. 3, v. 14, p. 470.

Duty upon weighable articles.

SEC. 3024. Upon all weighable articles hereafter exported, upon which a drawback or return duty is allowed, and upon all weighable merchandise withdrawn from bonded warehouses for export, there shall be collected by the collectors of the several ports three cents per hundred pounds, to be determined by the returns of the weighers.

26 July, 1866, c. 269, s. 1, v. 14, p. 289.

No drawback after removal from custody.

SEC. 3025. No return of the duties shall be allowed on the export of any merchandise after it has been removed from the custody and control of the Government, except in the cases provided in sections three thousand and nineteen, three thousand and twenty, three thousand and twenty-two, and three thousand and twenty-six. [See § 3036.]

14 July, 1862, c. 163, s. 21, v. 12, p. 560.

Gunpowder.

SEC. 3026. There shall be a drawback on foreign saltpeter, manufactured into gunpowder in the United States and exported therefrom, equal in amount to the duty paid on the foreign saltpeter from which it shall be manufactured, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury, and no more. The word "saltpeter" as used in this section shall be construed to mean the element of niter, so used, whether it be the nitrate of potash or the nitrate of soda. Ten per centum on the amount of drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

3 Mar., 1863, c. 77, s. 7, v. 12, p. 742.
14 July, 1870, c. 255, s. 24, v. 16, p. 269.

No drawback allowed on discriminating duties.

SEC. 3027. No part of the additional or discriminating duty imposed by law on merchandise on account of its importation in foreign vessels shall be allowed to be drawback, but the whole shall be retained.

13 May, 1800, c. 64, s. 2, v. 2, p. 83. 30 Aug., 1842, c. 270. s. 15, v. 5, p. 563.

Exportation in same package.

SEC. 3028. Where articles are imported in bulk they shall be exported in the packages, if any, in which they were landed; for which purpose the officer delivering the same shall return the packages they may be put into, if any, with their marks and numbers, and they shall not be entitled to drawback, unless exported in such packages, which shall be deemed the packages of original importation, nor unless they fully agree with the return made by the officer.

2 Mar., 1799, c. 22, s. 75, v. 1, p. 681.

Change from casks.

SEC. 3029. It shall be lawful for the exporter of any liquors in casks, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the same original importation, or into new casks or packages corresponding therewith, to be marked and numbered as the original casks or packages, in case the original casks or packages shall, in the opinion of the officer appointed to examine the same, be so injured as to be rendered unfit for exportation, and in no other case. The filling up or change of package must, however, be done under the inspection of a proper officer, appointed for that purpose by the collector and naval officer, where any, of the port from which such liquors or unrefined sugars are intended to be exported; and the drawback on articles so filled up, or of which the packages have been changed, shall not be allowed without such inspection.

2 Mar., 1799, c. 22, s. 75, v. 1, p. 681.

Change of package.

SEC. 3030. When the owner, importer, consignee, or agent, of any merchandise entitled to debenture, may wish to transfer the same into packages, other than those in which the merchandise was originally imported, the collector of the port where the same may be shall permit the transfer to be made, if necessary for the safety or preservation thereof.

1 Mar., 1823, c. 21, s. 32, v. 3, p. 738.

Notice of change.

SEC. 3031. Due notice of the wish to make such transfer, in writing, setting forth sufficient cause for the transfer, shall be given to the collector, who shall appoint an inspector of the revenue to ascertain if the allegation be true, and, if found correct, to superintend the transfer, and to cause the marks and numbers upon the original packages to be inscribed upon the packages into which the merchandise shall be transferred.

1 Mar., 1823, c. 21, s. 32, v. 3, p. 738.

Deposit of invoice.

SEC. 3032. Every importer, owner, consignee, agent, or exporter, who shall enter merchandise for importation, or for exportation, or transportation from one port to another, with the right of drawback, shall deposit with the collector the original invoice of such merchandise, if not before deposited with the collector, and in that case an authenticated copy thereof, to be filed and preserved by him in the archives of the custom-house, which shall be signed by such importer, owner, consignee, agent, or exporter, and the oath to be made on the entry of such merchandise shall be annexed thereto.

28 May, 1830, c. 147, s. 5, v. 4, p. 410.

Comparison with invoice.

SEC. 3033. It shall be the duty of the collector to cause all merchandise entered for re-exportation, with the right of drawback, to be inspected, and the articles thereof compared with their respective invoices, before a permit shall be given for lading the same; and where the merchandise so entered shall be found not to agree with the entry it shall be forfeited.

28 May, 1830, c. 147, s. 5, v. 4, p. 410.

Appraisement when duty ad valorem.

SEC. 3034. All merchandise, subject to ad-valorem duty, and intended for exportation, with benefit of drawback, which shall be transported from one district to another, shall be accompanied by a copy from the invoice, of the cost thereof, certified by the collector of the district from which it may have been last reshipped, which certified copy shall be produced to the collector of the district from which such merchandise is intended to be exported; and such merchandise, as well as all such merchandise subject to ad-valorem duty, as shall be exported from the district into which it may have been originally imported, shall be inspected by the appraisers at the time of exportation, in the same manner as on the importation of such merchandise; and if the same is found not to correspond with the original invoice, the merchandise shall be subject to forfeiture.

1 Mar., 1823, c. 21, s. 29, v. 3, p. 738.

Inspection and lading.

2 Mar., 1799, c. 22, s. 76, v. 1, p. 682.

SEC. 3035. The collector shall direct the surveyor, where any, to inspect, or cause to be inspected, the merchandise notified for exportation, and if it is found to correspond fully with the notice and proof concerning the same, the collector, together with the naval officer, if any, shall grant a permit for lading the same on board of the vessel named in such notice and entry. Such lading shall be performed under the superintendence of the officer by whom the same has been so inspected; and the exporter shall make oath that the merchandise, so noticed for exportation, and laden on board such vessel, previous to the clearance thereof, or within ten days after such clearance, is truly intended to be exported to the place whereof notice has been given, and is not intended to be relanded within the United States; otherwise the merchandise shall not be entitled to the benefit of drawback.

Transportation to another district for exportation.

1 Mar., 1823, c. 21, s. 28, v. 3, p. 737.

2 Feb., 1831, c. 24, v. 4, p. 442.

SEC. 3036. All merchandise imported into the United States, the duties on which have been paid, or secured to be paid, may be transported by land, or partly by land and partly by water, or coastwise, from the district into which it was imported to any port of entry and exported from such port of entry with the benefit of drawback.

Extension of time for entry.

3 Mar., 1825, c. 45, v. 4, p. 95.

SEC. 3037. Whenever the exporter entering any merchandise, for the benefit of drawback, shall not have completed such entry, by taking the oath or giving the bond required by the existing laws, within the period prescribed by law, but shall offer to complete the entry after the expiration of the period, the Secretary of the Treasury may, upon application to him made, by the exporter, setting forth the cause of his omission, under oath, and accompanied by a statement of the collector of all the circumstances attending the transaction within the knowledge of such collector, if he shall be satisfied that the failure to complete the entry was accidental, without any intention to evade the law or defraud the revenue, direct the entry to be completed, and the certificates or debentures, as the case may be, to issue in the same manner, as if such entry had been completed within the period prescribed by the existing laws of the United States.

Debentures, to whom payable.

2 Mar., 1799, c. 22, s. 80, v. 1, p. 687.

SEC. 3038. All debentures shall be issued and made payable to the original importer of the merchandise, entered for exportation, whenever the same shall be requested, in writing, by the exporter, and not otherwise. In respect to any merchandise, on which the duties shall have been paid prior to an entry for exportation, the debenture for the amount of the drawback of such duties shall be made payable in fifteen days, to be computed from the time of signing the bond, to be given as hereinafter directed.

Suit on refusal of payment.

2 Mar., 1799, c. 22, s. 80, v. 1, p. 689.

SEC. 3039. Whenever payment of any debenture is refused by the collector of the district where it was granted, for a longer time than three days, after the same shall have become payable, such refusal to be proved in the same manner as the non-payment of a bill of exchange, the possessor or assignee of such debenture may bring suit thereupon against the person to whom it was originally granted or against any indorser thereof. [See §§ 562, 629.]

Debentures assignable.

SEC. 3040. Debentures shall be assignable by delivery and indorsement of the parties who may receive the same.

2 Mar., 1799, c. 22, s. 80, v. 1, p. 688.

Exportation from another district.

2 Mar., 1799, c. 22, s. 80, v. 1, p. 687.

SEC. 3041. Where any merchandise is exported from any other district than the one into which it was originally imported, the collector of such district, together with the naval officer thereof, where there is one, shall grant to the exporter a certificate, expressing that such merchandise was exported from such district, with the marks, numbers, and descriptions of the packages and their contents, the names of the master and vessel in which and the port to which it was exported, and by whom, and the names of the vessel and master in which it was brought, and by whom shipped at the district from whence it came, and the amount of the drawback to which it is entitled. Such certificate shall entitle the possessor thereof to receive from the collector of the district with whom

the duties on the merchandise were paid, a debenture or debentures, for the amount of the drawback expressed in the certificate, payable at the same time, and in like manner as is herein directed for debentures on merchandise exported from the port of original importation.

Refusal of debenture.

2 Mar., 1799, c. 22, s. 80, v. 1, p. 687.

SEC. 3042. The collector may refuse to grant such debenture, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture claimed shall exceed one hundred dollars, it shall be the duty of the collector to represent the case to the Secretary of the Treasury, who shall determine whether such debenture shall be granted or not. In no case, moreover, of an exportation of goods shall a drawback be paid, until the duties on the importation thereof shall have been first received.

Bond for delivery of merchandise at a foreign port.

2 Mar., 1799, c. 22, s. 81, v. 1, p. 689.

SEC. 3043. Before the receipt of any debenture, in case of exportation from the district of original importation, and in case of exportation from any other district before the receipt of any such certificate, as is hereinbefore required to be granted, the person applying for such debenture or certificate shall, previous to such receipt, and before the clearance of the vessel in which the merchandise was laden for exportation, give bond, with one or more sureties, to the satisfaction of the collector, who is to grant such debenture or certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned that such merchandise, or any part thereof, shall not be relanded in any port within the limits of the United States, and that the exporter shall produce, within the time herein limited, the proofs and certificates required of such merchandise having been delivered without such limits.

Discharge of bond.

2 Mar., 1799, c. 22, s. 81, v. 1, p. 690.

SEC. 3044. All bonds which may be given for any merchandise exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall and may be discharged, and not otherwise, by producing within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port to whom the merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by them from on board the vessel, specifying the names of the master and vessel from which they were so received; and where such merchandise is not consigned or addressed to any particular person at the foreign port to which the vessel is destined, or may arrive, but where the master, or other person on board such vessel may be the consignee of such merchandise, a certificate from the person to whom such merchandise may be sold or delivered, by such master or other person, shall be produced to the same effect as that required if the person receiving the same were originally intended to be the consignee thereof.

Consul's certificate.

2 Mar., 1799, c. 22, s. 81, v. 1, p. 690.

SEC. 3045. In addition to such certificate, it shall be necessary to produce a certificate under the hand and seal of the consul or agent of the United States, residing at the place, declaring either that the facts stated in the certificate of such consignee, or other person, are to his knowledge true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and consul or agent, shall, in all cases, as respects the landing or delivery of the merchandise, be confirmed by the oath of the master and mate, if living, or, in case of their death, by the oath of the two principal surviving officers of the vessel in which the exportation shall be made. Where there is no consul or agent of the United States residing at the place of delivery, the certificate of the consignee, or other person hereinbefore required, shall be confirmed by the certificate of two reputable American merchants residing at the place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in

their opinion, worthy of full faith and credit; and such certificate shall also be supported by the oath of the master and mate, or other principal officers of the vessel, in manner as before prescribed. The oath of the master and mate, or other principal officers, shall, in all cases, when taken at a foreign port, be taken and subscribed before the consul or agent of the United States residing at such foreign port, if any such consul or agent reside thereat.

Consul's fee.

2 Mar., 1799, c. 22, s. 81, v. 1, p. 692.

SEC. 3046. It shall be lawful for the consuls or agents of the United States, residing at the foreign ports, to demand twenty-five cents for administering each oath and one dollar for granting each certificate required by the preceding section, and if any consul or agent shall demand other or greater fees than are thus allowed, his bond shall be forfeited.

Other proof.

2 Mar., 1799, c. 22, s. 81, v. 1, p. 690.

SEC. 3047. In cases of loss by sea, or by capture or other unavoidable accident, or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be, procured, the exporter shall be allowed to adduce to the collector of the port of exportation such other proofs as they may have, and as the nature of the case will admit; which proofs shall, with a statement of all the circumstances attending the transaction within the knowledge of such collector, be transmitted to the Secretary of the Treasury, who shall have power to allow a further reasonable time for obtaining such proofs; or if he be satisfied with the truth and validity of the proofs adduced, to direct the bond of such exporter to be canceled. If the amount of such bond shall not exceed the penal sum of two hundred dollars, the collector, with the naval officer, when there is one, and alone, where there is none, may, pursuant to such rules as shall be prescribed by the Secretary of the Treasury, admit such proof as may be adduced; and if they deem the same satisfactory, cancel such bond accordingly.

Permanent appropriation for payment of debentures.

3 Mar., 1849, c. 110, s. 2, v. 9, p. 398.

SEC. 3048. So much money as may be necessary for the payment of debentures or drawbacks and allowances which may be authorized and payable, is hereby appropriated for that purpose out of any money in the Treasury, to be expended under the direction of the Secretary of that Department, according to the laws authorizing debentures or drawbacks and allowances. The collectors of the customs shall be the disbursing agents to pay such debentures, drawbacks, and allowances. All debenture certificates issued according to law shall be received in payment of duties at the custom-house where the same have been issued, the laws regulating drawbacks having been complied with.

Penalty for relanding goods entered for drawback.

2 Mar., 1799, c. 22, s. 82, v. 1, p. 692.

SEC. 3049. If any merchandise entered for exportation, with intent to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed within any port within the limits of the United States, all such merchandise shall be subject to seizure and forfeiture, together with the vessel from which such merchandise shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein shall, upon indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. For discovery of frauds and seizure of merchandise relanded contrary to law, the several officers established by this Title shall have the same powers, and, in case of seizure, the same proceedings shall be had, as in the case of merchandise imported contrary to law.

Penalty for false entry.

2 Mar., 1799, c. 22, s. 84, v. 1, p. 694.
20 Feb., 1819, c. 36, v. 3, p. 486.

Barlow v. U. S., 7 Pet., 404; U. S. v. Eighty-five Hogsheads of Sugar, 2 Paine, 54.

SEC. 3050. If any merchandise, of which entry shall have been made in the office of a collector, for the benefit of drawback or bounty upon exportation, shall be entered by a false denomination, or erroneously as to the time when and the vessel in which it was imported, or shall be found to disagree with the packages, quantities, or qualities, as they were at the time of original importation, except such disagreement as may have been occasioned by necessary or unavoidable wastage or damage only, and except also in cases where permission shall have been obtained according to law to alter or change the quantities or packages thereof, all such merchandise, or the value thereof to be recovered of the owner or person making such entry, shall be forfeited, and the person making such false entry shall also forfeit a sum equal to the value of the articles mentioned or described in such entry.

No forfeiture for accident or mistake.
2 Mar., 1799, c. 22, s. 84, v. 1, p. 694.

SEC. 3051. No forfeiture shall be incurred under the preceding section if it shall be made to appear to the satisfaction of the collector and naval officer of the district, if there be a naval officer, and if there be no naval officer, to the satisfaction of the collector, or of the court in which a prosecution for the forfeiture shall be had, that such false denomination, error, or disagreement happened by mistake or accident, and not from any intention to defraud the revenue.

Exportation and transportation of bonded goods not prevented.
14 Mar., 1866, c. 17, s. 2, v. 14, p. 8.

SEC. 3052. None of the provisions of this Title shall operate to prevent the exportation of bonded merchandise from warehouse within three years from the date of original importation, nor its transportation in bond from the port into which it was originally imported to any other port for the purpose of exportation.

Importations from British North America.
8 Aug., 1846, c. 102, v. 9, p. 77.

SEC. 3053. Any merchandise imported from the British North American provinces adjoining the United States, which shall have been duly entered and the duties thereon paid or secured according to law at either of the ports of entry in the collection-districts situated on the northern, northeastern, and northwestern frontiers of the United States, may be transported by land or by water, or partly by land and partly by water, to any port or ports from which merchandise may be exported for benefit of drawback, and be thence exported with such privilege to any foreign country. The laws relating to the transportation of merchandise entitled to drawback, and the due exportation and proof of landing thereof, and all regulations which the Secretary of the Treasury may prescribe for the security of the revenue, must, however, be complied with.

Transportation to ports in British North America.
28 Sept., 1850, c. 79, s. 18, v. 9, p. 512.

SEC. 3054. Any imported merchandise, in the original packages, which shall have been duly entered and warehoused in pursuance of the provisions relating to warehouses, may be exported therefrom in conformity with law, and be transported, in the manner indicated, to ports in the adjoining British provinces, and become entitled to the benefits of those provisions.

Exportation from Lake Pontchartrain.
2 Mar., 1831, c. 76, s. 2, v. 4, p. 476.

SEC. 3055. Merchandise imported into the United States and exported from the port of Lake Pontchartrain shall be entitled to the benefit of a drawback of the duties upon exportation to any foreign port, under the same provisions, regulations, restrictions, and limitations, as if such merchandise had been exported directly from New Orleans by way of the Mississippi River.

Exportation to British North America.
3 Mar., 1845, c. 70, s. 7, v. 5, p. 751.

SEC. 3056. Any imported merchandise which has been entered, and the duties paid or secured according to law, for drawback, may be exported to the British North American provinces adjoining the United States.

Drawback regulations.
3 Mar., 1845, c. 70, s. 11, v. 5, p. 752.
Campbell's Case, 13 C. Cls., 470.

SEC. 3057. The Secretary of the Treasury is hereby further authorized to prescribe such rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary to carry into effect the provisions of the laws relating to drawbacks, and to prevent the illegal re-importation of any merchandise which shall have been exported as herein provided.

CHAPTER TEN.

ENFORCEMENT OF DUTY-LAWS AND PUNISHMENT FOR VIOLATIONS.

Sec.
3058. Transfers.
3059. Who may make searches.
3060. Special appointments, how filed.
3061. Search of vehicles and persons.
3062. Forfeitures.
3063. Privity of owner.
3064. Search of baggage.
3065. Entering buildings.
3066. Warrant to search dwelling-house.
3067. Authority to go on board vessels.
3068. Penalty for obstructing officers in going on board of vessels.
3069. Articles separate from the cargo.
3070. Locks and fastenings.
3071. Officers to make character known.
3072. Seizures.
3073. Persons making seizures may plead general issue and give special matter in evidence.
3074. Appraisement.
3075. Notice of seizure.
3076. Claim for property seized.
3077. Sale of property seized.

Sec.
3078. Application for remission of forfeiture, &c.
3079. Distribution.
3080. Sale of perishable articles.
3081. Release on payment of appraised value.
3082. Concealing, &c., goods liable to seizure.
3083. Notice to Solicitor of the Treasury.
3084. Collectors to report to district attorneys.
3085. Duty of district attorneys.
3086. Custody of goods.
3087. Institution of suits.
3088. Lien on vessel for violations.
3089. Costs of prosecution in certain cases.
3090. Distribution of forfeitures.
3091. Warrant to seize papers.
3092. Return of warrant.
3093. Examination of papers taken under warrant.
3094. No exemption from taking other oaths.

Transfers.

2 Mar., 1799, c. 22, s. 62, v. 1, p. 675. Harris *v.* Dennie, 3 Pet., 292; Cunard *v.* Pacific Ins. Co., 6 Pet., 262; U. S. *v.* Lyman, 1 Mas., 482; Howland *v.* Harris, 4 Mas., 497.

SEC. 3058. All merchandise imported into the United States shall, for the purpose of this Title, be deemed and held to be the property of the person to whom the merchandise may be consigned, any sale, transfer, or assignment, prior to the entry and payment of the duties on such merchandise, and the payment of all bonds then due and unsatisfied by the consignee, to the contrary notwithstanding.

Who may make searches.

18 July, 1866, c. 201, s. 2, v. 14, p. 178. Gelston *v.* Hoyt, 3 Wh., 246; U. S. *v.* Schooner Mars, 1 Gallis., 237.

SEC. 3059. It shall be lawful for any officer of the customs, including inspectors and occasional inspectors, or of a revenue-cutter, or authorized agent of the Treasury Department, or other persons specially appointed for the purpose in writing by a collector, naval officer, or surveyor, to go on board of any vessel, as well without as within his district, and to inspect, search, and examine the same, and any person, trunk, or envelope on board, and to this end to hail and stop such vessel if under way, and to use all necessary force to compel compliance; and if it shall appear that any breach or violation of the laws of the United States has been committed, whereby or in consequence of which such vessel, or the merchandise, or any part thereof, on board of or imported by such vessel, is liable to forfeiture, to make seizure of the same, or either or any part thereof, and to arrest, or in case of escape, or any attempt to escape, to pursue and arrest any person engaged in such breach or violation. [See § 5447.]

Special appointments, how filed.

18 July, 1866, c. 201, s. 2, v. 14, p. 178.

SEC. 3060. The original appointment in writing of any person specially appointed under the provisions of the previous section shall be filed in the custom-house where such appointment is made.

Search of vehicles and persons.

18 July, 1866, c. 201, s. 3, v. 14, p. 178.

SEC. 3061. Any of the officers or persons authorized to board or search vessels may stop, search, and examine, as well without as within their respective districts, any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States in any manner contrary to law, whether by the person in possession or charge, or by, in, or upon such vehicle or beast, or otherwise, and to search any trunk or envelope, wherever found, in which he may have a reasonable cause to suspect there is merchandise which was imported contrary to law; and if any such officer or other person so authorized shall find any merchandise on or about any such vehicle, beast, or person, or in any such trunk or envelope, which he shall have reasonable cause to believe is subject to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial. [See § 5447.]

Forfeitures.

18 July, 1866, c. 201, s. 3, v. 14, p. 178.

SEC. 3062. Every such vehicle and beast, or either, together with teams or other motive-power used in conveying, drawing, or propelling such vehicle or merchandise, and all other appurtenances, including trunks, envelopes, covers, and all means of concealment, and all the equipage, trappings, and other appurtenances of such beast, team, or vehicle, shall be subject to seizure and forfeiture. If any person who may be driving or conducting, or in charge of any such carriage or vehicle or beast, or any person traveling, shall willfully refuse to stop and allow search and examination to be made as herein provided, when required so to do by any authorized person, he shall be punishable by a fine of not more than one thousand dollars, nor less than fifty dollars.

Privity of owner.

18 July, 1866, c. 201, s. 3, v. 14, p. 179.

SEC. 3063. No railway-car or engine or other vehicle, or team, used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to forfeiture by force

of the provisions of this Title unless it shall appear that the owner, superintendent, or agent of the owner in charge thereof at the time of such unlawful importation or transportation thereon or thereby was a consenting party, or privy to such illegal importation or transportation.

Search of baggage.

SEC. 3064. The Secretary of the Treasury may from time to time prescribe regulations for the search of persons and baggage, and for the employment of female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the Government, under such regulations.

18 July, 1866, c. 201, s. 3, v. 14, p. 178.

Entering buildings, &c.

SEC. 3065. Any person authorized by this Title to make searches and seizures, or any person assisting him or acting under his directions, may, if deemed necessary by him or them, enter into or upon or pass through the lands, inclosures, and buildings, other than the dwelling-house of any person whomsoever, in the night or in the day time, in order to the more effectual discharge of his official duties.

18 July, 1866, c. 201, s. 5, v. 14, p. 179.

Warrant to search dwelling-house.

SEC. 3066. If any collector, naval officer, surveyor, or other person specially appointed by either of them, or inspector, shall have cause to suspect a concealment of any merchandise in any particular dwelling-house, store-building, or other place, they, or either of them, upon proper application on oath to any justice of the peace, shall be entitled to a warrant to enter such house, store, or other place, in the day-time only, and there to search for such merchandise; and if any shall be found, to seize and secure the same for trial; and all such merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.

2 Mar., 1799, c. 22, s. 68, v. 1, p. 678. 28 Feb., 1865, c. 67, s. 2, v. 13, p. 442.

U. S. *v.* Three Hundred and Fifty Chests of Tea, 12 Wh., 487; Taylor *v.* U. S., 3 How., 197;

U. S. *v.* Certain Hogsheads, 1 Curt., 276; U. S. *v.* Twenty-six Diamond Rings, Sprague, 294.

Authority to go on board vessels.

SEC. 3067. It shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue-cutters, to go on board of vessels in any port of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests, and of examining and searching the vessels; and those officers repectively shall have free access to the cabin and every other part of a vessel.

2 Mar., 1799, c. 22, s. 54, v. 1, p. 668.

Penalty for obstructing officers in going on board of vessels.

SEC. 3068. If any master of a vessel coming into or having arrived at any port within the United States shall obstruct or hinder, or shall intentionally cause any obstruction or hinderance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue laws of the United States, he shall for every such offense be liable to a penalty of not more than five hundred dollars nor less than fifty dollars.

2 Mar., 1799, c. 22, s. 71, v. 1, p. 678.

Articles separate from the cargo.

SEC. 3069. If any box, trunk, chest, cask, or other package shall be found in the cabin, steerage, or forecastle of a vessel, or in any other place separate from the residue of the cargo, the officer of the customs shall take a particular account of such package, and of the marks and numbers thereof, if any, and a description thereof, and, if he judges proper, shall seal every such package; and such account and description shall be by him forwarded without delay to the collector of the district to which such vessel is bound. If upon her arrival at the port of her entry, the packages so described, or any of them, are missing, or if any seal put thereon has been broken, the master shall be liable to a penalty for every package missing, or on which any seal shall be broken, of two hundred dollars.

2 Mar., 1799, c. 22, s. 54, v. 1, p. 668.

Locks and fastenings.

SEC. 3070. The inspector who may be put on board of any vessel shall secure, after sunset in each evening, or previous to his quitting the vessel, the hatches and other communications with the hold of such vessel, or any other part thereof he may judge necessary, with locks or other proper fastening, which locks or other fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in the presence of the inspector by whom the same were affixed, except by special license from the collector of the port, and the naval officer, if any, first obtained. If the locks or other fastenings, or

2 Mar., 1799, c. 22, s. 54, v. 1, p. 668.

any of them, are broken or removed contrary to this section, or if any merchandise or packages are clandestinely landed, notice thereof shall be immediately given by the inspector to the collector and naval officer, if any, of the port where the vessel may be; and the master of such vessel shall, for each or every such offense, be liable to a penalty of five hundred dollars. [See § 2877.]

Officers to make character known.

18 July, 1866, c. 201, s. 10, v. 14, p. 180.

SEC. 3071. Every officer or other person authorized to make searches and seizures by this Title, shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this Title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars, nor less than five dollars. [See § 5448.]

Seizures.

2 Mar., 1799, c. 22, s. 70, v. 1, p. 678.

SEC. 3072. It shall be the duty of the several officers of the customs to seize and secure any vessel or merchandise which shall become liable to seizure by virtue of any law respecting the revenue, as well without as within their respective districts.

Gelston *v.* Hoyt, 3 Wh., 246; The Joseph Segunda, 10 Wh., 312; Wood *v.* U. S., 16 Pet., 342; Taylor *v.* U. S., 3 How., 197; Bolina and Cargo, 1 Gall., 75.

Persons making seizures may plead general issue and give special matter in evidence.

2 Mar., 1799, c. 22, s. 71, v. 1, p. 678.

SEC. 3073. If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such act and the special matter in evidence.

Appraisement.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.
8 Aug., 1846, c. 110, v. 9, p. 82.
28 Feb., 1865, c. 67, s. 4, v. 13, p. 442.
18 July, 1866, c. 201, s. 11, v. 14, p. 180.
28 July, 1866, c. 293, s. 6, v. 14, p. 309.

SEC. 3074. In all cases of seizure of property subject to forfeiture for any of the causes named in any provision of law relating to the customs, or for the registering, enrolling, or licensing of vessels, when, in the opinion of the collector or other principal officer of the revenue making such seizure, the value of the property seized does not exceed five hundred dollars, he shall cause a list and particular description of the property seized to be prepared in duplicate, and an appraisement of the same to be made by two sworn appraisers under the revenue laws, if there are such appraisers at or near the place of seizure; but if there are no such appraisers, then by two competent and disinterested citizens of the United States, to be selected by him for that purpose, residing at or near the place of seizure; which list and appraisement shall be properly attested by such collector or other officer and the persons making the appraisal. For such services of the appraisers they shall be allowed out of the revenue one dollar and fifty cents each, for every day necessarily employed in such service.

Notice of seizure.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.
28 Feb., 1865, c. 67, s. 4, v. 13, p. 442.
18 July, 1866, c. 201, s. 11, v. 14, p. 180.

SEC. 3075. If the amount of the appraisal of property so seized as forfeited shall not exceed the sum of five hundred dollars, the collector or other principal officer shall publish a notice once a week for three successive weeks in some newspaper of the county or place where such seizure shall have been made, if any newspaper shall be published in such county; but if no newspaper shall be published in such county, then such notice shall be published in some newspaper of the county in which the principal customs office of the district shall be situated; and if no newspaper shall be published in such county, then notices shall be posted in proper public places, which notices shall describe the articles seized, and state the time, cause, and place of seizure, and shall require any person claiming such articles to appear and file with such collector or other officer his claim to such articles within twenty days from the date of the first publication of such notice.

Claim for property seized.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.

SEC. 3076. Any person claiming the property so seized may, at any time within twenty days from the date of such publication, file with the collector or other officer a claim, stating his interest in the articles

seized, and, upon depositing with such collector or other officer a bond to the United States in the penal sum of two hundred and fifty dollars, with two sureties, to be approved by such collector or other officer, conditioned that, in case of the condemnation of the articles so claimed, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Such collector or other officer shall transmit the same, with the duplicate list and description of the articles seized and claimed, to the United States district attorney for the district, who shall proceed for a condemnation of the property in the ordinary mode prescribed by law.

18 July, 1866, c. 201, s. 12, v. 14, p. 181.

Sale of property seized.

SEC. 3077. If no such claim shall be filed or bond given within the twenty days above specified, such collector or other officer shall give not less than fifteen days' notice of the sale of the property so seized, by publication in the manner before mentioned; and, at the time and place specified in such notice, he shall sell at public auction the property so seized, and shall deposit the proceeds, after deducting the actual expenses of such seizure, publication, and sale, in the Treasury of the United States, as shall be directed by the Secretary of the Treasury. The collector; however, shall have power to adjourn such sale from time to time for a period not exceeding thirty days in all.

2 April, 1844, c. 8, s. 1, v. 5, p. 653. 18 July, 1866, c. 201, s. 12, v. 14, p. 181.

Application for remission of forfeiture, &c.

SEC. 3078. Any person claiming to be interested in the property sold under the provisions of the preceding section may, within three months after such sale, apply to the Secretary of the Treasury for a remission of the forfeiture and a restoration of the proceeds of such sale, and the same may be granted by the Secretary upon satisfactory proof, to be furnished in such manner as he shall direct, that the applicant, at the time of the seizure and sale of the property in question, did not know of the seizure, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of such property.

18 July, 1866, c. 201, s. 13, v. 14, p. 181.

Distribution.

SEC. 3079. If no application for such remission or restoration shall be made within three months after such sale, the Secretary of the Treasury shall then cause the proceeds of such sale to be distributed in the same manner as if such property had been condemned and sold in pursuance of a decree of a competent court.

2 April, 1844, c. 8, s. 3, v. 5, p. 654. 18 July, 1866, c. 201, s. 14, v. 14, p. 181.

Sale of perishable articles.

SEC. 3080. Whenever seizure shall be made of any property which, in the opinion of the appraisers, is liable to perish or waste, or to be greatly reduced in value by keeping, or which cannot be kept without great disproportionate expense, whether such property consists of live animals or merchandise, and when the property thus seized shall not exceed five hundred dollars in value, and when no claim shall have been interposed therefor as is hereinbefore provided, the appraisers, if requested by the collector or principal officer making the seizure, at the time when such appraisal is made, shall certify on oath in their appraisal their belief that the property seized is liable to speedy deterioration, or that the expenses of its keeping will largely reduce the net proceeds of the sale; and in case the appraisers thus certify, such collector or other officer may proceed to advertise and sell the same at auction, by giving notice for such time as he may think reasonable, but not less than one week, of such seizure and intended sale, by advertisement as is hereinbefore provided; and the proceeds of such sale shall be deposited to the credit of the Treasurer of the United States, subject, nevertheless, to the payment of such claims as shall be presented within three months from the day of sale, and allowed by the Secretary of the Treasury.

18 July, 1866, c. 201, s. 15, v. 14, pp. 181, 182.

Conway *v.* Stannard, 17 Wall., 398.

Release on payment of appraised value.

SEC. 3081. The collectors of the several districts of the United States, in all cases of seizure of any merchandise for violation of the revenue laws, the appraised value of which, in the district wherein such seizure shall be made, does not exceed one thousand dollars, are hereby authorized, subject to the approval of the Secretary of the Treasury, to release such merchandise on payment of the appraised value thereof.

3 Mar., 1863, c. 76, s. 5, v. 12, p. 740.

Concealing or buying goods liable to seizure.

SEC. 3082. If any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any merchandise, contrary to law, or shall receive, conceal, buy, sell, or in any manner

2 Mar., 1799, c. 22, s. 69, v. 1, p. 678. 18 July, 1866, c. 201, s. 4, v. 14, p. 179. 20 *July*, 1876, *J. R. No.* 15, *s.* 2, *v.* 19, *p.* 214.

facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

U. S. *v.* Sixty-seven Packages, 17 How., 85; Stockwell *v.* U. S., 13 Wall., 531; U. S. *v.* Farnsworth, 1 Mas., 1; Clark *v.* Protection Ins. Co., 1 Story, 109; U. S. *v.* Cook, Sprague, 213; U. S. *v.* Claflin, 13 Blatch., 178.

Notice to Solicitor of the Treasury. 29 May, 1830, c. 153, s. 4, v. 4, p. 415. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 247.

SEC. 3083. Whenever any seizure shall be made for the purpose of enforcing any forfeiture, the collector or other person causing such seizure to be made shall immediately give information thereof to the [*Solioctir*] [Solicitor] of the Treasury.

Collectors to report to district attorneys. 18 July, 1866, c. 201, s. 7, v. 14, p. 179. 3 Mar., 1873, c. 244, v. 17, p. 580.

SEC. 3084. The several collectors of customs shall report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within their knowledge, or which may come to their knowledge from time to time, stating the names of the witnesses, and the provisions of the law believed to be violated, and on which a reliance may be had for condemnation or conviction. If any collector shall in any case fail to report to the proper district attorney, as prescribed in this section, such collector's right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secretary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction. [See § 888.]

Duty of district attorneys. 18 July, 1866, c. 201, s. 7, v. 14, p. 179. 3 Mar., 1873, c. 244, v. 17, p. 581.

SEC. 3085. District attorneys, upon receiving the report of a collector, shall cause suit and prosecution to be commenced and prosecuted without delay for the fines and personal penalties by law in such case provided, unless upon inquiry and examination they shall decide that a conviction cannot probably be obtained, or that the ends of public justice do not require that a suit or prosecution should be instituted, in which case they shall report the facts to the Secretary of the Treasury for his direction. For expenses incurred and services rendered in prosecutions for such fines and personal penalties, they shall receive such allowance as the Secretary of the Treasury shall deem just and reasonable, upon the certificate of the judge before whom such prosecution was had. [See §§ 833, 834.]

Custody of goods. 18 July, 1866, c. 201, s. 31, v. 14, p. 186. *Ex parte* Hoyt, 13 Pet., 279; U. S. *v.* Five hundred Boxes Pipes, 2 Abb., U. S., 500; Schmalz *v.* U. S., 4 C. Cls., 142; Schmalz *v.* U. S., 5 C. Cls., 294.

SEC. 3086. All merchandise or property of any kind seized under the provisions of any law of the United States relating to the customs, shall, unless otherwise provided for by law, be placed and remain in the custody of the collector or other principal officer of the customs of the district in which the seizure shall be made, to abide adjudication by the proper tribunal, or other disposition according to law.

Institution of suits. 2 Mar., 1799, c. 22, s. 89, v. 1, p. 695.

SEC. 3087. The collector within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is, moreover, authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law.

Lien on vessels for violations. 18 July, 1866, c. 201, s. 8, v. 14, p. 180. The steamer Missouri, 3 Ben., 508.

SEC. 3088. Whenever a vessel, or the owner or master of a vessel, has become subject to a penalty for a violation of the revenue laws of the United States, such vessel shall be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel to recover such penalty.

Costs of prosecution in certain cases.

2 Mar., 1799, c. 22, s. 91, v. 1, p. 697.

SEC. 3089. Whenever a seizure, condemnation, and sale of merchandise takes place within the United States, and the value thereof is less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution.

One Large Water-tub, 3 Ben., 436; Fifty Thousand Cigars, 1 Low., p. 22.

Distribution of forfeitures.

2 Mar., 1799, c. 22, s. 91, v. 1, p. 697.
2 Mar., 1867, c. 188, s. 1, v. 14, p. 546.
22 *June*, 1874, c. 391, *s.* 2, *v.* 18, *p.* 186.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 248.

SEC. 3090. From the proceeds of fines, penalties, and forfeitures incurred under the provisions of the laws relating to the customs, there shall be [*dedcted*] [deducted] such charges and expenses as are by law in each case authorized to be deducted; and in addition, in case of the forfeiture of imported merchandise of a greater value than five hundred dollars on which duties have not been paid, or in case of a release thereof, upon payment of its appraised value, or of any fine or composition in money, there shall also be deducted an amount equivalent to the duties in coin upon such merchandise, including the additional duties, if any; which shall be credited in the accounts of the collector as duties received; and the residue of the proceeds shall be paid into the Treasury of the United States, and distributed, under the direction of the Secretary, in the manner following, to wit: One-half to the United States; one-fourth to the person giving the information which has led to the seizure, or to the recovery of the fine or penalty, and if there be no informer other than the collector, naval officer, or surveyor, then to the officer making the seizure; and the remaining one-fourth to be equally divided between the collector, naval officer, and surveyor, or such of them as are appointed for the district in which the seizure has been made, or the fine or penalty incurred, or if there be only a collector, then to such collector. But where any fine, penalty, or forfeiture, incurred by virtue of the laws relating to customs, shall be recovered in consequence of any information given by an officer of a revenue-cutter, the proceeds thereof shall, after the legal deductions, [*ncluding*] [including] the deductions herein authorized, have been made, be disposed of as follows: One-fourth to the United States; one-fourth to the officers of the customs, as hereinbefore provided; and the remainder to the officers of such revenue-cutter, to be divided among them in proportion to their pay.

Jones *v.* Shore's Ex., 1 Wh., 462; Van Ness *v.* Buell, 4 Wh., 74; Buell *v.* Van Ness, 8 Wh., 312; U. S. *v.* Morris, 10 Wh., 290; McLane *v.* U. S., 6 Pet., 404; Hoyt *v.* U. S., 10 How., 109; Brig Hollen, 1 Mas., 431; Schooner Bolina, 1 Gall., 75; Sawyer *v.* Steele, 3 Wash., 464; Hooper *v.* Fifty-one Casks of Brandy, Dav., 370; U. S. *v.* Collier, 3 Blatch., 325; U. S. *v.* George, 6 Blatch., 37; Fifty Thousand Cigars, Lowell, 22; U. S. *v.* Fangul, 1 Low., 117; Shelton's Case, 8 C. Cls., 487; U. S. *v.* Sixty and Five-eighths Carats Brilliants, 10 Blatch., 221; Bradley's Case, 13 C. Cls., 578.

Warrant to seize papers.

2 Mar., 1867, c. 188, s. 2, v. 14, p. 547.
22 *June*, 1874, c. 391, *s.* 1, *v.* 18, *p.* 186.

SEC. 3091. Whenever it shall be made to appear to the satisfaction of the district judge for any judicial district in the United States, by complaint and affidavit, that any fraud on the revenue has been committed by any person interested, or in any way engaged, in the importation or entry of merchandise at any port within such district, the judge shall forthwith issue his warrant directed to the marshal of the district, requiring the marshal, by himself or deputy, to enter any place or premises where any invoices, books, or papers are deposited relating to the merchandise in respect to which such fraud is alleged to have been committed, and to take possession of such books or papers and produce them before the judge.

Return of warrant.

2 Mar., 1867, c. 188, s. 2, v. 14, p. 547.
22 *June*, 1874, c. 391, *s.* 1, *v.* 18, *p.* 186.

SEC. 3092. No warrant for such seizure shall be issued, unless the complaint shall set forth the character of the fraud alleged, the nature of the same, and the importations in respect to which it was committed, and the papers to be seized. The warrant issued on such complaint, with report of service and proceedings thereon, shall be returned as other warrants to the district court of the judicial district within which such judge presides.

Examination of papers taken under warrant.

2 Mar., 1867, c. 188, s. 2, v. 14, p. 547.
22 *June*, 1874, c. 391, *s.* 1, *v.* 18, *p.* 186.

SEC. 3093. Any invoices, books, or papers seized under the provisions of the two preceding sections shall be subject to the order of the judge, who shall allow the examination of the same by the collector of customs of the port into which the alleged fraudulent importation has been made, or by any officer duly authorized by the collector. Such invoices, books, or papers may be retained by the judge as long as, in his opinion, the retention thereof may be necessary.

No exemption from taking other oaths.

2 Mar., 1799, c. 22, s. 110, v. 1, p. 703.

SEC. 3094. Nothing contained in this Title shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States.

CHAPTER ELEVEN.

PROVISIONS APPLYING TO COMMERCE WITH CONTIGUOUS COUNTRIES.

Sec.
3095. Manner of importation.
3096. Vessels and vehicles.
3097. Entry on northern, &c., frontiers.
3098. Delivery of manifest.
3099. Penalty for non-delivery of manifest.
3100. Inspection of merchandise.
3101. Penalty for obstructing inspection.
3102. Sealing cars and vessels.
3103. Regulations for sealing.
3104. Penalty for not proceeding to port of destination, &c.
3105. Penalty for opening sealed packages.
3106. Forfeiture of vessel, &c.
3107. Search of houses on boundary-line.
3108. Penalty for receiving, &c., into such buildings.
3109. Report by masters of foreign vessels.
3110. Forfeiture for transportation by foreign vessels.
3111. Report of sea-stores.
3112. Duty on excess of stores.
3113. Duty on saloon-stores.
3114. Duty on equipments for vessels.
3115. Remission for necessary repairs.
Sec.
3116. Manifests of vessels in the coasting trade.
3117. Entry for goods taken or delivered at intermediate ports.
3118. Departure for place where there is no custom-house.
3119. Report and unlading of cargoes.
3120. Time for delivery of merchandise taken from one port to another. Regulations for coasting-trade.
3121. Landing permit for vessel from foreign port.
3122. Departure from place where there is no custom-house.
3123. Steam-tugs.
3124. Forms.
3125. Penalty for neglect.
3126. Registered vessels may touch at foreign ports.
3127. No duty by reason of touching at foreign port.
3128. Lake Champlain.
3129. Entry of foreign vessels from British North American provinces.

Manner of importation.

2 Mar., 1799, c. 22, s. 92, v. 1, p. 697.

SEC. 3095. Except into the districts hereinbefore described on the northern, northwestern, and western boundaries of the United States, adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than thirty tons burden, agreeably to the admeasurement directed for ascertaining the tonnage of vessels; or landed or unladen at any other port than is directed by this Title, under the penalty of seizure and forfeiture of all such vessels, and of the merchandise imported therein, landed or unladen in any other manner.

Vessels and vehicles.

2 Mar., 1799, c. 22, s. 105, v. 1, p. 702.

SEC. 3096. All persons may import any merchandise of which the importation shall not be entirely prohibited, into the districts which are or may be established on the northern and northwestern boundaries of the United States, in vessels or boats of any burden, and in rafts or carriages of any kind or nature whatsoever.

Entry on the northern and northwestern frontiers.

2 Mar., 1799, c. 22, s. 106, v. 1, p. 702.

SEC. 3097. All vessels, boats, rafts, and carriages, of what kind soever, arriving in such districts, on the northern and northwestern frontiers, containing merchandise subject to duties, on being imported into any port of the United States, shall be reported to the collector, or other chief officer of the customs at the port of entry in the district into which it shall be so imported; and such merchandise shall be accompanied with like manifests, and like entries shall be made, by the persons having charge of any such vessels, boats, rafts, and carriages, and by the owners or consignees of the merchandise laden on board the same; and the powers and duties of the officers of the customs shall be exercised and discharged in the districts last mentioned, in like manner as is prescribed in respect to merchandise imported in vessels from the sea; and generally, all such importations shall be subject to like regulations,

penalties, and forfeitures as in other districts, except as is hereinafter specially provided.

Delivery of manifests.

2 Mar., 1821, c. 14, s. 1, v. 3, p. 616.
18 July, 1866, c. 201, s. 9, v. 14, p. 180.

SEC. 3098. The master of any vessel, except registered vessels, and every person having charge of any boat, canoe, or raft, and the conductor or driver of any carriage or sleigh, and every other person, coming from any foreign territory adjacent to the United States into the United States, with merchandise subject to duty, shall deliver, immediately on his arrival within the United States, a manifest of the cargo or loading of such vessel, boat, canoe, raft, carriage, or sleigh, or of the merchandise so brought from such foreign territory, at the office of any collector or deputy collector which shall be nearest to the boundary-line, or nearest to the road or waters by which such merchandise is brought; and every such manifest shall be verified by the oath of such person delivering the same; which oath shall be taken before such collector or deputy collector; and such oath shall state that such manifest contains a full, just, and true account of the kinds, quantities, and values of all the merchandise so brought from such foreign territory.

Steinham *v.* U. S., 2 Paine, 168; U. S. *v.* Smith, 2 Blatch., 127; Certain Quantity of Pine Lumber, 4 ibid., 182; U. S. *v.* Nolton, 5 ibid., 427.

Penalty for non-delivery of manifest.

2 Mar., 1821, c. 14, s. 1, v. 3, p. 616.
3 Mar., 1823, c. 58, s. 1, v. 3, p. 781.
18 July, 1866, c. 201, s. 9, v. 14, p. 180.

SEC. 3099. If the master, or other person having charge of any vessel, boat, canoe, or raft, or the conductor or driver of any carriage or sleigh, or other person bringing such merchandise, shall neglect or refuse to deliver the manifest required by the preceding section, or pass by or avoid such office, the merchandise subject to duty, and so imported, shall be forfeited to the United States, together with the vessel, boat, canoe, or raft, the tackle, apparel, and furniture of the same, or the carriage or sleigh, and harness and cattle drawing the same, or the horses with their saddles and bridles, as the case may be; and such master, conductor, or other importer shall be subject to a penalty of four times the value of the merchandise so imported.

Inspection of merchandise.

27 June, 1864, c. 164, s. 1, v. 13, p. 197.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.
27 *Feb.*, 1875, *c.* 69, *v.* 19, *p.* 248.

SEC. 3100. All merchandise, and all baggage and effects of passengers, and all other articles imported into the United States from any contiguous foreign country, except as hereafter provided, as well as the vessels, cars, and other vehicles and envelopes in which the same shall be imported, shall be unladen in the presence of, and be inspected by, an inspector or other officer of the customs, at the first port of entry or custom-house in the United States where the same shall arrive; and to [enable the proper officer thoroughly to discharge this duty, he may require the owner or his agent, or other person, having charge or possession of] any trunk, traveling-bag, or sack, valise, or other envelope, or of any closed vessel, car, or other vehicle, to open the same, or to deliver to him the proper key.

Penalty for obstructing inspection.

27 June, 1864, c. 164, s. 1, v. 13, p. 197.

SEC. 3101. If any owner, agent, or other person shall refuse or neglect to comply with his demands, allowed by the preceding section, the officer shall retain such trunk, traveling-bag, or sack, valise, or whatsoever it may be, and open the same, and, as soon thereafter as may be practicable, examine the contents; and if any article subject to the payment of duty shall be found therein, the whole contents, together with the envelope, shall be forfeited to the United States, and disposed of as the law provides in other similar cases. If any such dutiable merchandise or article shall be found in any such vessel, car, or other vehicle, the owner, agent, or other person in charge of which shall have refused to open the same or deliver the key as herein provided, the same, together with the vessel, car, or other vehicle, shall be forfeited to the United States, and shall be held by such officer, to be disposed of as the law provides in other similar cases of forfeiture.

Sealing cars and vessels.

27 June, 1864, c. 164, s. 2, v. 13, p. 197.

SEC. 3102. To avoid the inspection at the first port of arrival, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection. Every such vessel,

car, or other vehicle, shall proceed, without unnecessary delay, to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this Title.

Regulations for sealing.

27 June, 1864, c. 164, s. 3, v. 13, p. 197.

SEC. 3103. The Secretary of the Treasury is hereby authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such merchandise, baggage, effects, trunks, traveling-bags, or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

Penalty for not proceeding to port of destination, &c.

27 June, 1864, c. 164, s. 4, v. 13, p. 197.

SEC. 3104. If the owner, master, or person in charge of any vessel, car, or other vehicle so sealed, shall not proceed to the port or place of destination thereof named in the manifest of its cargo, freight, or contents, and deliver such vessel, car, or vehicle to the proper officer of the customs, or shall dispose of the same by sale or otherwise, or shall unload the same, or any part thereof, at any other than such port, or place, or shall sell or dispose of the contents of such vessel, car, or other vehicle, or any part thereof, before such delivery, he shall be deemed guilty of felony, and on conviction thereof, before any court of competent jurisdiction, pay a fine not exceeding one thousand dollars, or shall be imprisoned for a term not exceeding five years, or both, at the discretion of the court; and such vessel, car, or other vehicle, with its contents, shall be forfeited to the United States, and may be seized wherever found within the United States, and disposed of and sold as in other cases of forfeiture. Nothing in this section, however, shall be construed to prevent sales of cargo, in whole or in part, prior to arrival, to be delivered as per manifest, and after due inspection.

Penalty for opening sealed packages.

27 June, 1864, c. 164, s. 5, v. 13, p. 198.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

U. S. *v.* Three R. R. Cars, 1 Abb., U. S., 196.

SEC. 3105. If any unauthorized person or persons shall willfully break, cut, pick, open, or remove any wire, seal, lead, lock, or other fastening or mark attached to any vessel, car, or other vehicle, crate, box, bag, bale, basket, barrel, bundle, cask, trunk, package, or parcel, or anything whatsoever, under and by virtue of this Title and regulations authorized by it, or any other law, or shall affix or attach, or any way willfully aid, assist, or encourage the affixing [*in*] or attaching, by wire or otherwise, to any vessel, car, or other vehicle, or to any crate, box, bale, barrel, bag, basket, bundle, cask, package, parcel, article, or thing of any kind, any seal, lead, metal, or anything purporting to be a seal authorized by law, such person or persons shall be deemed guilty of felony, and shall be imprisoned for a term not exceeding five years, or shall pay a fine of not exceeding one thousand dollars, or both, at the discretion of the court.

Forfeiture of vessel, &c.

27 June, 1864, c. 164, s. 5, v. 13, p. 198.

SEC. 3106. Each vessel, car, or other vehicle, crate, box, bag, basket, barrel, bundle, cask, trunk, package, parcel, or other thing, with the cargo, or contents thereof, from which the wire, seal, lead, lock, or other fastening or mark shall have been broken, cut, picked, opened, or removed by any such unauthorized person or persons, or to which such seal, or other thing purporting to be a seal, has been wrongfully attached, shall be forfeited.

Search, &c., of buildings on boundary-line.

28 Feb., 1865, c. 67, s. 3, v. 13, p. 442.

SEC. 3107. If any store, warehouse, or other building shall be upon or near the boundary-line between the United States and any foreign country, and there is reason to believe that dutiable merchandise is deposited or has been placed therein or carried through or into the same without payment of duties, and in violation of law, and the collector, deputy collector, naval officer, or surveyor of customs, shall make oath before any magistrate competent to administer the same, that he has reason to believe, and does believe, that such offense has been therein committed, such officer shall have the right to search such building and the premises belonging thereto; and if any such merchandise shall be found therein, the same, together with such building, shall be seized, forfeited, and dis-

posed of according to law, and the building shall be forthwith taken down or removed.

Penalty for receiving, &c., into such building.

28 Feb., 1865, c. 67, s. 3, v. 13, p. 442.

SEC. 3108. Any person who shall have received or deposited in such building upon the boundary line between the United States and any foreign country, or carried through the same, any merchandise, or shall have aided therein, in violation of law, shall be punishable by a fine of not more than ten thousand dollars, or by imprisonment for not more than two years, or by both.

Report by masters of foreign vessels.

18 July, 1866, c. 201, s. 41, v. 14, p. 188.

SEC. 3109. The master of any foreign vessel, laden or in ballast, arriving in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers of the United States, shall report at the office of any collector or deputy collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not proceed farther inland, either to unlade or take in cargo, without a special permit from such collector or deputy collector, issued under and in accordance with such general or special regulations as the Secretary of the Treasury may in his discretion, from time to time, prescribe. For any violation of this section such vessel shall be seized and forfeited.

Forfeiture for transportation by foreign vessels.

18 July, 1866, c. 201, s. 20, v. 14, p. 182.

SEC. 3110. If any merchandise shall, at any port in the United States on the northern, northeastern, or northwestern frontiers thereof, be laden upon any vessel belonging wholly or in part to a subject of a foreign country, and shall be taken thence to a foreign port to be reladen and reshipped to any other port in the United States on such frontiers, either by the same or any other vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port, be seized and forfeited to the United States, and the vessel shall pay a tonnage-duty of fifty cents per ton on her admeasurement.

Report of sea-stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 408.

SEC. 3111. If any vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States shall touch at any port in the adjacent British provinces, and the master of such vessel shall purchase any merchandise for the use of the vessel, the master of the vessel shall report the same, with cost and quantity thereof, to the collector or other officer of the customs at the first port in the United States at which he shall next arrive, designating them as "sea-stores;" and in the oath to be taken by such master of such vessel, on making such report, he shall declare that the articles so specified or designated "sea-stores" are truly intended for the use exclusively of the vessel, and are not intended for sale, transfer, or private use. If any other or greater quantity of dutiable articles shall be found on board such vessel than are specified in such report or entry of such articles, or any part thereof shall be landed without a permit from a collector or other officer of the customs, such articles, together with the vessel, her apparel, tackle, and furniture, shall be forfeited.

Duty on excess of stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 408.

SEC. 3112. If, upon examination and inspection by the collector or other officer of the customs, such articles are not deemed excessive in quantity for the use of the vessel, until an American port may be reached by such vessel, where such sea-stores can be obtained, such articles shall be declared free of duty; but if it shall be found that the quantity or quantities of such articles, or any part thereof so reported, are excessive, it shall be lawful for the collector or other officer of the customs to estimate the amount of duty on such excess, which shall be forthwith paid by the master of the vessel, on penalty of paying a sum of not less than one hundred dollars, nor more than four times the value of such excess, or such master shall be punishable by imprisonment for not less than three months, and not more than two years.

Duty on saloon stores.

SEC. 3113. Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the

18 July, 1866, c. 201, s. 22, v. 14, p. 183.
10 Feb., 1871, c. 45, s. 1, v. 16, p. 409.

payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon-keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel belonging to and owned by such saloon-keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon-keeper or other person so purchasing and owning shall be liable to a penalty of not less than one hundred dollars and not more than five hundred, and shall be punishable by imprisonment for not less than three months, and not more than two years.

Duty on equipments for vessels.

18 July, 1866, c. 201, s. 23, v. 14, p. 183.

SEC. 3114. The equipments, or any part thereof, including boats, purchased for, or the expenses of repairs made in a foreign country upon a vessel enrolled and licensed under the laws of the United States to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad-valorem duty of fifty per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited.

Remission for necessary repairs.

18 July, 1866, c. 201, s. 23, v. 14, p. 184.

SEC. 3115. If the owner or master of such vessel shall, however, furnish good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety of the vessel to enable her to reach her port of destination, then it shall be competent for the Secretary of the Treasury to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceding sections, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

Manifests of vessels in the coasting trade.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

SEC. 3116. The master of every vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, except canal-boats employed in navigating the canals within the United States, shall, before the departure of his vessel from a port in one collection-district to a port in another collection-district, present to the collector at the port of departure duplicate manifests of his cargo, or, if he have no cargo, duplicate manifests setting forth that fact; such manifests shall be subscribed and sworn to by the master before the collector, who shall indorse thereon his certificate of clearance, retaining one for the files of his office; the other he shall deliver for the use of the master.

Entry for goods taken or delivered at intermediate ports.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

SEC. 3117. If any vessel so enrolled or licensed shall touch at any intermediate port in the United States, and there discharge cargo taken on board at an American port, or at such intermediate ports shall take on board cargo destined for an American port, the master of such vessel shall not be required to report such lading or unlading at such intermediate ports, but shall enter the same on his manifest obtained at the original port of departure, which he shall deliver to the collector of the port at which the unlading of the cargo is completed, within twenty-four hours after arrival, and shall subscribe and make oath as to the truth and correctness of the same.

Departure for places where there is no custom-house

SEC. 3118. The master of any vessel so enrolled or licensed shall, before departing from a port in one collection-district to a place in another collection-district, where there is no custom-house, file his manifest, and

obtain a clearance in the same manner, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs at the port at which the vessel next arrives after leaving the place of destination specified in the clearance.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

Report and unlading of cargoes.

SEC. 3119. Nothing contained in the three preceding sections shall exempt masters of vessels from reporting, as now required by law, any merchandise destined for any foreign port. No permit shall be required for the unlading of cargo brought from an American port.

1 July, 1870, c. 185, s. 1, v. 16, p. 177.

Time for delivery of merchandise taken from one port to another.

SEC. 3120. No merchandise taken from any port in the United States on the northern, northeastern, or northwestern frontiers thereof, to a port in another collection-district of the United States on such frontiers, in any vessel, shall be unladen or delivered from such vessel within the United States, but in open day, that is to say, between the rising and setting of the sun, except by special license from the collector or other principal officer of the port for the purpose. The owner of every vessel whose master or manager shall neglect to comply with the provisions of this section shall be liable to a penalty of not less than one hundred dollars nor more than five hundred. The Secretary of the Treasury may, from time to time, make such regulations as to him shall seem necessary and expedient for unloading at and clearance from any port or place on such frontiers of ships or vessels at night. [And that the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to make such regulations as shall enable vessels engaged in the coasting-trade between ports and places upon Lake Michigan exclusively, and laden with American productions and free merchandise only, to unlade their cargoes without previously obtaining a permit to unlade.]

18 July, 1866, c. 201, s. 26, v. 14, p. 184.

27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 248.

Regulations for coasting-trade.

Landing permit for vessel from foreign port.

SEC. 3121. The master of any vessel with cargo, passengers, or baggage from any foreign port, shall obtain a permit and comply with existing laws, before discharging or landing the same.

1 July, 1870, c. 185, s. 1, v. 16, p. 177.

Departure from place where there is no custom-house.

SEC. 3122. The master of any vessel so enrolled or licensed, destined with a cargo from a place in the United States, at which there may be no custom-house, to a port where there may be a custom-house, shall, within twenty-four hours after arrival at the port of destination, deliver to the proper officer of the customs a manifest, subscribed by him, setting forth the cargo laden at the place of departure, or laden or unladen at any intermediate port, or place, to the truth of which manifest he shall make oath before such officer. If the vessel, however, have no cargo, the master shall not be required to deliver such manifest.

1 July, 1870, c. 185, s. 2, v. 16, p. 177.

Steam-tugs.

SEC. 3123. Steam-tugs duly enrolled and licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, when exclusively employed in towing vessels, shall not be required to report and clear at the custom-house. When such steam-tugs, however, are employed in towing rafts or other vessels without sail or steam motive-power, not required to be enrolled or licensed under existing laws, they shall be required to report and clear in the same manner as is hereinbefore provided in similar cases for other vessels.

1 July, 1870, c. 185, s. 3, v. 16, p. 177.

Forms.

SEC. 3124. The manifests, certificates of clearance, and oaths, provided for by the eight preceding sections, shall be in such form, and prepared, filled up, and executed in such manner as the Secretary of the Treasury may from time to time prescribe.

1 July, 1870, c. 185, s. 4, v. 16, p. 177.

Penalty for neglect.

SEC. 3125. If the master of any enrolled or licensed vessel shall neglect or fail to comply with any of the provisions or requirements of the nine preceding sections, such master shall forfeit and pay to the United States the sum of twenty dollars for each and every failure or neglect, and for which sum the vessel shall be liable, and may be summarily proceeded against, by way of libel, in any district court of the United States.

1 July, 1870, c. 185, s. 5, v. 16, p. 177.

Registered vessels may touch at foreign ports.

SEC. 3126. Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land

27 May, 1848, c. 48, s. 1, v. 9, p. 232.

and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed.

No duty by reason of touching at foreign port.

27 May, 1848, c. 48, s. 2, v. 9, p. 232.

SEC. 3127. Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage.

Lake Champlain.

3 Mar., 1817, c. 109, s. 4, v. 3, p. 397.

SEC. 3128. When any merchandise shall be imported from Canada into the United States, in any steamboat on Lake Champlain, and the merchandise shall have been duly entered, the duties thereon paid at the office of the collector of any district adjoining Lake Champlain, it shall be lawful to land such merchandise in the same or any other district adjoining Lake Champlain.

Entry of foreign vessels from British North American Provinces.

26 Sept., 1850, c. 69, v. 9, p. 469.

SEC. 3129. The Secretary of the Treasury, with the approbation of the President, provided the latter shall be satisfied that similar privileges are extended to vessels of the United States in the colonies hereinafter mentioned, is hereby authorized, under such regulations as he may prescribe, to protect the revenue from fraud, to permit vessels laden with the products of Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, or either of them, to lade or unlade at any port within any collection-district of the United States which he may designate; and if any such vessel entering a port so designated, to lade or unlade, shall neglect or refuse to comply with the regulations so prescribed by the Secretary of the Treasury, such vessel, and the owner and master thereof, shall be subject to the same penalties as if no authority under this section had been granted to lade or unlade in such port.

TITLE XXXV.

INTERNAL REVENUE.

CHAPTER ONE.

OFFICERS OF INTERNAL REVENUE.

Sec.
3140. Definition of word "State."
3141. Collection districts.
3142. Collectors.
3143. Collectors' bonds.
3144. Collectors to be disbursing agents.
3145. Collectors' salary and allowances.
3146. Accounts of collectors adjusted according to fiscal year.
3147. Apportionment of compensation of collectors.
3148. Deputy collectors.
3149. Disability or vacancy in office of collector.
3150. Deputy collector, when entitled to collector's salary.
3151. Inspectors of tobacco and cigars.
3152. Agents.
3153. Store-keepers and their salaries.
3154. Assignment and transfer of store-keepers.
3155. Temporary store-keeper.
3156. Gaugers.
3157. Gaugers' fees.
3158. Statement under oath of fees, &c.; penalty.
3159. Supervisors.
3160. Supervisor's salary.
3161. Officers in charge of exportation and drawbacks.
3162. Superintendents of exports and drawbacks may administer oaths.
3163. Supervisor's duties and powers.
3164. Duty of collectors to report violations of law to district attorney.
3165. Revenue officer who may administer oaths and take evidence.
3166. Revenue officers authorized to make seizures.
3167. Revenue officers disclosing operations of manufacturers, &c.; penalty.
3168. Officers not to be interested in certain manufactures; penalty.
3169. Officers of internal revenue guilty of extortion, receiving unlawful fees, and other unlawful acts.
3170. District attorney or marshal accepting or demanding anything for compromise of violation of internal-revenue laws.
3171. Officers suffering injuries may maintain suit for damages.

Definition of the word "State."

30 June, 1864, c. 173, s. 182, v. 13. p. 306.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

SEC. 3140. The word "State," when used in this Title, shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out its provisions. [And where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the word "person," as used in this title, shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person.]

Collection districts.

1 July, 1862, c. 119, s. 2, v. 12, p. 433.
30 June, 1864, c. 173, s. 7, v. 13, p. 224.
12 July, 1870, c. 251, s. 1, v. 16, p. 239.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

SEC. 3141. For the purpose of assessing, levying, and collecting the taxes provided by the internal-revenue laws, the President may establish convenient collection-districts, and for that purpose he may subdivide any State, Territory, or the District of Columbia, or may unite two or more States or Territories into one district, and may from time to time alter said districts: *Provided*, That the number of districts in any State shall not exceed the number of Representatives in Congress to which such State was entitled in the Thirty-seventh Congress, except in such States as were entitled to an increased representation in the Thirty-eighth Congress, in which States the number of districts shall not exceed the number of Representatives to which any such State was so entitled: *And provided further*, That in the State of California the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State [*is*] [was] entitled, in the Thirty-seventh Congress.

The legislative appropriation act for 1877, passed August 15, 1876, c. 287, v. 19, p. 152, reduced the number of internal-revenue districts to one hundred and thirty-one, the reduction to take effect September 1, 1876, or as soon thereafter as might be practicable.

Collectors.

1 July, 1862, c. 119, s. 2, v. 12, p. 433.
30 June, 1864, c. 173, s. 7, v. 13, p. 224.
14 July, 1870, c. 255, s. 18, v. 16, p. 261.

SEC. 3142. The President, by and with the advice and consent of the Senate, shall appoint for each collection-district a collector, who shall be a resident of the same. When two or more collection-districts are united by him, he may designate from among the existing officers of such districts one collector for the new district, or, at his discretion, he may make a new appointment of such officer for said district.

Collectors' bond.

30 June, 1864, c. 137, s. 9, v. 13, p. 225.

SEC. 3143. Every collector, before entering upon the duties of his office, shall execute a bond for such amount as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, with not less than five sureties, to be approved by the Solicitor of the Treasury, conditioned that said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession; and he shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct, with such further conditions as the said commissioner shall prescribe. Said bonds shall be filed in the office of the First Comptroller of the Treasury.

Collectors to be disbursing agents.

3 Mar., 1865, c. 78, s. 4, v. 13, p. 483.

SEC. 3144. It shall be the duty of such collectors of internal revenue as may be designated by the Secretary of the Treasury to act as disbursing agents of the Treasury for the payment of all expenses of collection of taxes and other expenditures for the internal revenue service within their respective districts, under regulations and instructions from the Secretary of the Treasury, on giving good and sufficient bond, with such sureties, in such form, and in such penal sum as shall be prescribed by the First Comptroller of the Treasury, and approved by the Secretary of the Treasury, for the faithful performance of their duties as such disbursing agents; but no additional compensation shall be paid to collectors for such services. [See §§ 1788–1790.]

Collectors' salary and allowances.

30 June, 1864, c. 173, s. 25, v. 13, p. 231.
3 Mar., 1865, c. 78, s. 1, v. 13, p. 469.
13 July, 1866, c. 184, s. 9, v. 14, p. 106.
2 Mar., 1867, c. 169, s. 9, v. 14, p. 473.
2 Mar., 1867, c. 166, s. 1, v. 14, p. 445.
3 Mar., 1873, c. 226, s. 1, v. 17, p. 494.
8 *Feb.*, 1875, c. 36, s. 13, v. 18, p. 309.

Hall et al. *v.* U. S., 91 U. S., 559.
Hall et al. *v.* U. S., 91 U. S., 566.
U. S. *v.* Hall, 2 Dill., 426.

SEC. 3145. There shall be allowed to collectors, in full compensation for their services, and for those of their deputies, a salary of fifteen hundred dollars per annum, to be paid quarterly, and, in addition thereto, a commission of three per centum upon the first hundred thousand dollars, of one per centum upon all sums above one hundred thousand dollars and not exceeding four hundred thousand dollars, and of one-half of one per centum on all sums above four hundred thousand dollars and not exceeding one million dollars, and of one-eighth of one per centum on all sums above one million of dollars; such commissions to be computed upon the amounts by them respectively collected and paid over and accounted for under the instructions of the Treasury Department; except that in determining the compensation to be allowed to any collector the commission shall be computed on only one half of the tax received on any articles which shall have been transported from his district in bond, and on only one-half of the tax received on any articles received in his district in bond, where such transportation has been by shipment from one district to another. And there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector his necessary and reasonable charges for advertising, stationery, and blank-books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent, and exclusively relating to official business; but no such account shall be allowed unless it states the date and the particular items of every such expenditure, and is verified by the oath of the collector. The Secretary of the Treasury may make such further allowances, from time to time, as may be reasonable, in cases where, by reason of the territorial extent of the district, or the amount of internal taxes collected, or other circumstances, it may seem just to make such allowances. But the total net compensation of a collector shall not in any case exceed four thousand five hundred dollars a year; and no collector shall be [*entiled*] [entitled] to any portion of the salary

pertaining to his office unless he shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which happen by death or resignation during the recess of the Senate.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

Accounts of collectors adjusted according to fiscal year.

SEC. 3146. In adjusting the accounts of collectors, accruing after June thirtieth, eighteen hundred and sixty-four, and in the payment of their compensation for services, the fiscal year of the Treasury shall be observed.

13 July, 1866, c. 184, s. 9, v. 14, p. 106.

Apportionment of compensation of collectors.

SEC. 3147. When any part of the compensation of the collector of any district is by commission upon assessments of collections, and, in consequence of a new appointment, is due to more than one collector within the same year, such commissions shall be apportioned between such collectors; but in no case shall a greater amount of the commissions be allowed to two or more collectors in the same district than shall have been authorized by law to be allowed to one collector, and the same rules shall apply to the salaries and commissions of assessors and collectors heretofore earned and accrued. But no payment shall be made to collectors, on account of salaries or commissions, without the certificate of the Commissioner of Internal Revenue that all reports required by law or regulation have been received, or that a satisfactory explanation has been rendered to him of the cause of delay.

30 June, 1864, c. 173, s. 26, v. 13, p. 232.
13 July, 1866, c. 184, s. 9, v. 14, p. 106.

Deputy collectors.

SEC. 3148. Each collector shall be authorized to appoint, by an instrument in writing, under his hand, as many deputies as he may think proper, to be by him compensated for their services; to revoke any such appointment, giving such notice thereof as the Commissioner of Internal Revenue may prescribe; and to require and accept bonds or other securities from such deputies. Each such deputy shall have the like authority, in every respect, to collect the taxes, levied or assessed within the portion of the district assigned to him, which is by law vested in the collector himself; but each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done or neglected to be done by any of his deputies while acting as such.

30 June, 1864, c. 173, s. 10, v. 13, p. 225.
8 *Feb.*, 1875, *c.* 36, *s.* 12, *v.* 18, *p.* 309.
Orner *v.* Saunders, 3 Dill., 284.

Disability or vacancy in office of collector.

SEC. 3149. In case of the sickness of a collector or of his temporary disability to discharge his duties, they may be devolved by him upon one of his deputies; and for the official acts or defaults of such deputy the collector and his sureties shall be held responsible to the United States. In case of a vacancy occurring in the office of collector, the deputies of such collector shall continue to act until his successor is appointed; and until a successor is appointed the deputy of such collector senior in service shall discharge all the duties of collector; and of two or more deputies appointed on the same day, the one residing nearest the residence of the collector when the vacancy occurred shall discharge the said duties until another collector is appointed: *Provided*, That when it appears to the Secretary of the Treasury that the interest of the Government so requires, he may, by his order, direct the said duties to be performed by such other one of the said deputies as he may designate. For the official acts and defaults of such senior deputy, remedy shall be had on the official bond of the collector, as in other cases. And any bond or security taken from a deputy by a collector, pursuant to the preceding section, shall be available to his legal representatives and sureties to indemnify them for loss or damage accruing from any act or omission of duty by the deputy so continuing or succeeding to the duties of such collector.

30 June, 1864, c. 173, ss. 39, 40, v. 13, p. 238.
3 Mar., 1865, c. 78, s. 1, v. 13, p. 471.
2 Mar., 1867, c. 169, s. 9, v. 14, p. 473.

Deputy collector, when entitled to collector's salary.

SEC. 3150. Any deputy collector who has performed or may perform, under authority of law, the duties of any collector in consequence of a vacancy in the office of said collector, shall be entitled to receive the salary and commissions allowed by law to such collector, or the allowance in lieu of said salary and commissions allowed by the Secretary of the Treasury to such collector, and the Secretary of the Treasury may make to such deputy collector such allowance in lieu of salary and commissions as he might lawfully make to such collector. And such deputy

1 Mar., 1869, c. 57, s. 1, v. 15, p. 282.
1 July, 1870, c. 187, v. 16, p. 179.

shall not be debarred from receiving such salary and commissions, or allowances in lieu thereof, by reason of the holding of another Federal office by said collector during the time for which such deputy acts as collector. But all payments to such deputy collector shall be upon duly audited vouchers.

Inspectors of tobacco and cigars.

30 June, 1864, c. 173, s. 58, v. 13, p. 244.
13 July, 1866, c. 184, s. 29, v. 14, p. 155.
2 Mar., 1867, c. 169, s. 17, v. 14, p. 481.
20 July, 1868, c. 186, s. 50, v. 15, p. 145.

SEC. 3151. There shall be appointed by the Secretary of the Treasury, in every collection-district where they may be necessary, one or more inspectors of tobacco and cigars, who shall take an oath faithfully to perform their duties, in such form as the Commissioner of Internal Revenue may prescribe, and shall be entitled to receive such fees as he may prescribe, to be paid by the owner or manufacturer of the articles inspected. Such inspectors shall be required to give bonds, with security approved by the Secretary of the Treasury, or collector of the district, in a sum not less than five thousand dollars, conditioned for the faithful discharge of the duties of such inspector.

Agents.

2 Mar., 1867, c. 169, s. 7, v. 14, p. 473.
20 July, 1868, c. 186, s. 50, v. 15, p. 145.
6 June, 1872, c. 315, s. 12, v. 17, p. 241.
8 *Feb.*, 1875, *c.* 36, *s.* 23, *v.* 18, *p.* 312.
Williams's Case, 13 C. Cls., 192.

SEC. 3152. The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, not exceeding at any time twenty-five in number, to be paid such compensation as he may deem proper, not exceeding, in aggregate, any appropriation made for that purpose, and he may, at his discretion, assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary; and no general or special agent or inspector, by whatever designation he may be known, of the Treasury Department in connection with the internal revenue, except inspectors of tobacco, snuff, and cigars, and except as provided for in this Title, shall be appointed, commissioned, employed, or continued in office. [See § 5448.]

Store-keepers and their salaries.

20 July, 1868, c. 186, s. 52, v. 15, p. 145.
29 Mar., 1869, Res. 5, v. 16, p. 52.
12 July, 1870, c. 251, s. 1, v. 16, p. 239.
6 June, 1872, c. 315, s. 14, v. 17, p. 244.
15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

SEC. 3153. There shall be appointed by the Secretary of the Treasury such number of internal-revenue store-keepers as may be necessary, who shall each receive such compensation, not exceeding five dollars a day, to be paid monthly by the United States, as may be determined by the Commissioner of Internal Revenue. No store-keeper shall be engaged in any other business while in the service of the United States, without the written permission of the Commissioner of Internal Revenue. Every store-keeper shall take an oath faithfully to perform the duties of his office, and shall give a bond, to be approved by the Commissioner of Internal Revenue, for the faithful discharge of his duties, in such form and for such amount as the Commissioner may prescribe.

Assignment and transfer of store-keepers.

20 July, 1868, c. 186, s. 52, v. 15, p. 146.

SEC. 3154. One or more store-keepers shall be assigned by the Commissioner of Internal Revenue to every bonded or distillery warehouse established by law; and any store-keeper may be transferred by the supervisor on duty in the district, or by the Commissioner of Internal Revenue, from one warehouse to another.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.

Temporary store-keeper.

20 July, 1868, c. 186, s. 52, v. 15, p. 146.

SEC. 3155. In case of the absence of any internal-revenue store-keeper by reason of sickness or other cause, the collector having control of the warehouse may designate a person to have temporary charge thereof, who shall, during such absence, perform the duties and receive the pay of the store-keeper for the time he may be so employed, and shall for any violation of the law be subject to the same punishment as store-keepers.

Gaugers.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.
15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

SEC. 3156. The Secretary of the Treasury shall appoint in every collection-district where they may be necessary, one or more internal-revenue gaugers, who shall each take an oath faithfully to perform his duties, and shall give bond, with one or more sureties, satisfactory to the Commissioner of Internal Revenue, for the faithful discharge of the duties assigned to him by law or regulations; and the penal sum of said bond shall not be less than five thousand dollars, and said bond shall be renewed or strengthened as the Commissioner of Internal Revenue may require. The duties of every such gauger shall be performed under the supervision and direction of the collector of the district to which he may be assigned,

or of the collector in charge of exports at any port of entry to which he may be assigned.

Gaugers' fees.

SEC. 3157. Gaugers shall be entitled to receive such fees, to be determined by the quantity gauged, as may be prescribed by the Commissioner of Internal Revenue; and said fees, together with their actual and necessary traveling expenses, shall be verified by their oaths, and shall be paid by the United States monthly.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.
6 June, 1872, c. 315, s. 14, v. 17, p. 244. 16 *June*, 1874, *c.* 285, *v.* 18, *p.* 72.

Statement under oath of fees, &c.; penalty.

SEC. 3158. Every internal-revenue officer, whose payment, charges, salary, or compensation are composed, wholly or in part, of fees, commissions, allowances, or rewards, from whatever source derived, shall be required to render to the Commissioner of Internal Revenue, under regulations to be approved by the Secretary of the Treasury, a statement under oath setting forth the entire amount of such fees, commissions, emoluments, or rewards of whatever nature, or from whatever source received, during the time for which said statement is rendered; and any false statement knowingly and willfully rendered under the requirements of this section, or regulations established in accordance therewith, shall be deemed willful perjury, and punished in the manner provided by law for the crime of perjury. And any neglect or omission to render such statement when required shall be punished by a fine of not less than [two] hundred dollars, nor more than five hundred dollars, in the discretion of the court.

30 June, 1864, c. 173, s. 42, v. 13, p. 239.
13 July, 1866, c. 184, s. 60, v. 14, p. 168.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.

Supervisors.

SEC. 3159. [*The President, by and with the advice and consent of the Senate, may appoint not exceeding ten officers, to be called supervisors of internal revenue, each of whom shall be assigned by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, to duty in any part of the United States, and may be transferred from place to place, according to the exigency of the public service.*]

20 July, 1869, c. 186, s. 49, v. 15, p. 144.
6 June, 1872, c. 315, s. 12, v. 17, p. 241.
Repealed by 15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

Supervisor's salary.

SEC. 3160. [*Every supervisor shall be entitled to receive, in addition to expenses necessarily incurred by him and allowed and certified by the Commissioner, such salary, not exceeding three thousand dollars a year, as the Commissioner may deem reasonable.*]

20 July, 1868, c. 186, s. 49, v. 15, p. 145.
6 June, 1872, c. 315, s. 12, v. 17, p. 241. *Repealed by* 15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

Officers in charge of exportations and drawbacks.

SEC. 3161. In any port of the United States where there is more than one collector of internal revenue, the Secretary of the Treasury may designate one of them to have charge of all matters relating to the exportation of articles subject to tax under the internal-revenue laws; and at any port where he may deem it necessary, there shall be appointed by him an officer to superintend all matters of exportation and drawback, under the direction of the collector. The compensation of the officers last named shall be prescribed by the Secretary of the Treasury, but shall not exceed, in any case, an annual rate of two thousand dollars, excepting at New York, where such compensation shall be at the annual rate of three thousand dollars. At any port where there is no superintendent of exports, all the duties and services required of such officers shall be performed by the collector of internal revenue designated to have charge of exportation. All the books, papers, and documents in the bureau of drawbacks in the respective ports, relating to the drawback of taxes paid under the internal-revenue law, shall be delivered to the collector of internal revenue in charge of exportation. [See §§ 3015–3057.]

3 Mar., 1865, c. 78, s. 15, v. 13, p. 486.
13 July, 1866, c. 184, ss. 20, 41, v. 14, pp. 153, 161.

Superintendents of exports and drawbacks may administer oaths.

SEC. 3162. Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal-revenue laws.

3 Mar., 1865, c. 78, s. 15, v. 13, p. 486. 13 July, 1866, c. 184, s. 20, v. 14, p. 153.

Supervisor's duties and powers.

SEC. 3163. Every supervisor, under the direction of the Commissioner, shall see that all laws and regulations relating to the collection of internal-taxes are faithfully executed and complied with; and shall aid in the prevention, detection, and punishment of any frauds in relation thereto,

20 July, 1868, c. 186, ss. 49, 51, v. 15, pp. 144, 145.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.
15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

and examine into the efficiency and conduct of all officers of internal revenue; and for such purposes he shall have power to examine all persons, books, papers, accounts, and premises, to administer oaths, and to summon any person to produce books and papers, or to appear and testify under oath before him, and to compel a compliance with such summons in the same manner as collectors may do. He shall report in writing to the Commissioner of Internal Revenue any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer of which he may obtain knowledge, with a statement of all the facts in each case, and any evidence sustaining the same. He may, by notice in writing, suspend from duty any inspector, gauger, or store-keeper, and he may suspend any collector for fraud, or gross neglect of duty, or abuse of power. In case of the suspension of any inspector, gauger, or store-keeper, he shall immediately notify the collector of the proper district and the Commissioner of Internal Revenue, and within three days thereafter report his action and his reasons therefor, in writing, to the Commissioner. In case of the suspension of any collector, he shall immediately report his action to the Commissioner, with his reasons therefor, in writing, and the Commissioner, in all cases of suspension, shall thereupon take such action as he may deem proper. Every supervisor may also transfer any inspector, gauger, or store-keeper from one distillery, or other place of duty, or from one collection-district, to another.

Matter of Meador, 1 Abb. U. S., 317; Stanwood *v.* Green, 2 Abb. U. S., 184.

By c. 287 of the statutes of 1876, v. 19, p. 152, the powers of transfer and suspension conferred upon supervisors by this section were vested in the Commissioner of Internal Revenue, and all other powers conferred and duties imposed upon supervisors by this section were, by the statute of 1876, conferred and imposed upon collectors of internal revenue within their respective districts.

Duty of collectors to report violations of law to district attorney.

3 Mar., 1873, c. 244, v. 17, p. 580.

SEC. 3164. It shall be the duty of every collector of internal revenue to report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within his knowledge, together with the names of the witnesses, and which may come to his knowledge from time to time, stating the provisions of the law believed to be violated, and on which a reliance may be had for condemnation or conviction; and if any collector shall in any case fail to report to the proper district attorney as prescribed in this section, his right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secretary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction. [See § 838.]

Revenue officers who may administer oaths and take evidence.

30 June, 1864, c. 173, s. 52, v. 13, p. 242. 3 Mar., 1865, c. 78, s. 1, v. 13, p. 471.

SEC. 3165. Every collector, deputy collector, and inspector is authorized to administer oaths and to take evidence touching any part of the administration of the internal-revenue laws with which he is charged, or where such oaths and evidence are authorized by law to be taken.

Revenue officers authorized to make seizures.

2 Mar., 1867, c. 169, s. 19, v. 14, p. 482.
20 July, 1868, c. 186, s. 51, v. 15, p. 145.

SEC. 3166. Any officer of internal revenue may be specially authorized by the Commissioner of Internal Revenue to seize any property which may by law be subject to seizure, and for that purpose such officer shall have all the power conferred by law upon collectors; and such special authority shall be limited in respect of time, place, and kind and class of property, as the Commissioner may specify: *Provided*, That no collector shall be detailed or authorized to discharge any duty imposed by law upon any other collector.

Revenue officers disclosing operations of manufacturers, &c.; penalty.

30 June, 1864, c. 173, ss. 36, 38, v. 13, p. 238.

SEC. 3167. If any collector or deputy collector, or any inspector, or other officer acting under the authority of any revenue law of the United States, divulges to any party, or makes known in any other manner than may be provided by law, the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, he shall be subject to a fine of not exceeding one thousand dollars, or to be imprisoned for not exceeding one year, or to both, at the

discretion of the court, and shall be dismissed from office, and be forever thereafter incapable of holding any office under the Government.

3 Mar., 1865, c. 78, s. 1, v. 13, pp. 469, 471.

Officers not to be interested in certain manufactures; penalty.

SEC. 3168. Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled [*spriits*,] [spirits,] shall be dismissed from office; and every officer who becomes so interested in any such manufacture or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than five hundred dollars nor more than five thousand dollars.

13 July, 1866, c. 184, s. 59, v. 14, p. 167.

20 July, 1868, c. 186, s. 97, v. 15, p. 164. 27 *Feb.*, 1877, *c.* 169, *v.* 19, *p.* 248.

Officers of internal revenue guilty of extortion, receiving unlawful fees, and other unlawful acts.

SEC. 3169. Every officer or agent appointed and acting under the authority of any revenue law of the United States—

First. Who is guilty of any extortion or willful oppression under color of law; or,

Second. Who knowingly demands other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; or,

20 July, 1868, c. 186, s. 98, v. 15, p. 165.

Third. Who willfully neglects to perform any of the duties enjoined on him by law; or,

U. S. *v.* McDonald, 3 Dill., 543.

Fourth. Who conspires or colludes with any other person to defraud the United States; or,

U. S. *v.* McKee, 3 Dill., 546–551.

Fifth. Who makes opportunity for any person to defraud the United States; or,

U. S. *v.* Babcock, 3 Dill., 566, 571, 577, 581.

Sixth. Who does or omits to do any act with intent to enable any other person to defraud the United States; or,

Seventh. Who negligently or designedly permits any violation of the law by any other person; or,

Eighth. Who makes or signs any false entry in any book, or makes or signs any false certificate or return, in any case where he is by law or regulation required to make any entry, certificate, or return; or,

Ninth. Who, having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the United States under any revenue law, fails to report, in writing, such knowledge or information to his next superior officer and to the Commissioner of Internal Revenue; or,

Tenth. Who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do, shall be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years. The court shall also render judgment against the said officer or agent for the amount of damages sustained in favor of the party injured, to be collected by execution. One-half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court. [See § 5484.]

District attorney or marshal, accepting or demanding anything for compromise of violation of internal-revenue laws.

SEC. 3170. Every district attorney or marshal who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money or other property of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of any provision of the internal-revenue laws, except as expressly authorized by law to do so, shall be held to be guilty of a misdemeanor, and shall be fined in double the sum or value of the money or property received or demanded, and be imprisoned for not less than one nor more than ten years.

2 Mar., 1867, c. 169, s. 26, v. 14, p. 483.

Officers suffering injuries may maintain suit for damages.

SEC. 3171. If any officer appointed under and by virtue of any act to provide internal revenue, or any person acting under or by authority of any such officer, shall receive any injury to his person or property, for or on account of any act by him done, under any law of the United

13 July, 1866, c. 184, s. 67, v. 14, p. 172.

States for the collection of taxes, he shall be entitled to maintain suit for damage therefor, in the circuit-court of the United States, in the district wherein the party doing the injury may reside or shall be found.

CHAPTER TWO.

OF ASSESSMENTS AND COLLECTIONS.

Sec.
3172. Canvass of districts for objects of taxation.
3173. Annual returns of persons liable to tax.
3174. Summons, form and manner of service on.
3175. Failure to obey summons, proceedings on.
3176. When collector may enter premises and make returns.
3177. Officers may enter premises where taxable articles are kept.
3178. Returns to show whether amounts are valued in coin or currency.
3179. Making false returns, or refusing to produce books; penalty.
3180. Taxable property owned by non-residents.
3181. Lists, when taken and how denominated.
3182. Commissioner of Internal Revenue to make assessments; correction of incomplete or imperfect lists.
3183. Duty and authority of collectors and deputies to collect all taxes.
3184. Notice and demand of taxes.
3185. Monthly returns and special returns, when to be made; when tax payable.
3186. Lien for taxes.
3187. Taxes collectible by distraint.
3188. Mode of levying distraint.
3189. Delinquents must exhibit evidences relating to property distrained.
3190. Proceedings on distraint.
3191. When property sold under distraint is subject to tax, and tax not paid.
3192. When property sold under distraint may be purchased for United States, &c.
3193. Property distrained to be restored on payment before sale.
3194. Effect of certificate of sale on distraint.
3195. When property distrained is not divisible.
3196. When real estate may be sold to satisfy taxes.
3197. Proceedings for seizure and sale of real estate for taxes.
3198. Certificate of purchase; deed.
3199. Collector's deed to be *prima facie* evidence, &c.
3200. Collector may seize lands of delinquent in any district of same State.

Sec.
3201. Redemption of land prior to sale.
3202. Redemption of lands after sale.
3203. Record of sales.
3204. Redemptions to be entered on record.
3205. Successive seizures may be made, when.
3206. Fees and charges in seizure cases.
3207. Proceedings in chancery to subject real estate to payment of tax.
3208. Commissioner to have charge of real estate acquired under internal-revenue laws.
3209. List to be sent to district where the party taxed resides or has property, when.
3210. Collections to be paid into Treasury daily.
3211. Depositories.
3212. Collectors' monthly statement, final account.
3213. Suits, &c., for fines, penalties, and forfeitures, and for taxes.
3214. Suits for taxes, &c., not to be brought without sanction of Commissioner.
3215. Regulations as to suits, for government of officers.
3216. Moneys recovered by suit to be paid to collectors.
3217. Dues from delinquent collector to be collected by distraint and sale.
3218. Collectors charged with what.
3219. Death, &c., of collector, uncollected balances.
3220. Refundment of taxes, penalties, &c.
3221. Taxes on spirits accidentally destroyed.
3222. Retrospective effect of preceding section.
3223. When tax on lost spirits is indemnified by insurance.
3224. Suits to restrain assessments or collection of taxes.
3225. Suits to recover taxes collected under second assessment, burden of proof as to fraud.
3226. Suits for recovery of taxes wrongfully collected.
3227. Limitation of suits for recovery of taxes wrongfully collected.
3228. Claims for refundment, limitation.
3229. Compromises.
3230. Discontinuances in criminal prosecutions.
3231. Continuances of internal-revenue cases.

Canvass of districts for objects of taxation.

SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay a special tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

30 June, 1864, c. 173, s. 12, v. 13, p. 225.
2 Mar., 1867, c. 169, s. 1, v. 14, p. 471. Dec. 24, 1872, c. 13, s. 1, v. 17, p. 401.

Annual returns of persons liable to tax.

SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, stamp, or tax imposed by law, when not otherwise provided for, on or before the first Monday of March in each year, and in other cases before the day of levy, to make a list or return, verified by oath or affirmation, to the deputy collector of the district where located, of the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a specific or ad valorem duty or tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any special tax as aforesaid, then, and in that case, it shall be the duty of the deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case any person shall be absent from his or her residence or place of business at the time a deputy collector shall call for the annual list or return, and no annual list or return has been rendered by such person to the deputy collector as required by law, it shall be the duty of such deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office, a note or memorandum, addressed to such person, requiring him or her to render to such deputy collector the list or return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent or contains any undervaluation or under-statement, it shall be lawful for the collector to summon such person or any other person, having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and cannot be found within such State, he may enter any collection-district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

30 June, 1864, c. 172, ss. 11, 13, v. 13, pp. 225, 226.
13 July, 1866, c. 184, s. 9, v. 14, p. 101.
2 Mar., 1867, c. 169, s. 1, v. 14, p. 471.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Summons, form and manner of service of.

SEC. 3174. Such summons shall in all cases be served by a deputy collector of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand, or left at his last and usual place of abode, allowing such person one day for each twenty-five miles he may be required to travel, computed from the place of service to the place of examination; and the certificate of service signed by such deputy shall be evidence of the facts it states on the hearing of an application for an attachment. When the summons requires the production of books, it shall be sufficient if such books are described with reasonable certainty.

30 June, 1864, c. 173, s. 14, v. 13, p. 226.
13 July, 1866, c. 184, s. 9, v. 14, p. 101.
24 Dec., 1872, c. 13, v. 17, p. 401.

In re Phillips, 2 Am. L., T. U. S. Cts., 154. *In re* Chadwick, 1 Low., 489.

Failure to obey summons, proceedings on.

30 June, 1864, c. 173, s. 14, v. 13, p. 226.
13 July, 1866, c. 184, s. 9, v. 14, p. 101.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3175. Whenever any person summoned under the two preceding sections neglects or refuses to obey such summons, or to give testimony, or to answer interrogatories as required, the collectors may apply to the judge of the district court or to a commissioner of the circuit court of the United States for the district within which the person so summoned resides for an attachment against him as for a contempt. It shall be the duty of the judge or commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper not inconsistent with existing laws for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

When collector may enter premises and make returns.

30 June, 1864, c. 173, s. 14, v. 13, p. 226.
13 July, 1866, c. 184, s. 9, v. 14, p. 101.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

In re Chadwick, 1 Low., 489.

SEC. 3176. The collector or any deputy collector in every district shall enter into and upon the premises, if it be necessary, of every person therein who has taxable property and who refuses or neglects to render any return or list required by law, or who renders a false or fraudulent return or list, and make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the objects liable to tax, owned or possessed or under the care or management of such person, and the Commissioner of Internal Revenue shall assess the tax thereon, including the amount, if any, due for special tax, and in case of any return of a false or fraudulent list or valuation, he shall add one hundred per centum to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add fifty per centum to such tax. In case of neglect occasioned by sickness or absence as aforesaid, the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall, in all cases, be collected at the same time and in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held good and sufficient for all legal purposes.

Officers may enter premises where taxable articles are kept.

30 June, 1864, c. 173, ss. 37, 38, v. 13, p. 238.

SEC. 3177. Any collector, deputy collector, or inspector may enter, in the day-time, any building or place where any articles or objects subject to tax are made, produced, or kept, within his district, so far as it may be necessary, for the purpose of examining said articles or objects. And any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall, for every such refusal, forfeit five hundred dollars. And when such premises are open at night, such officers may enter them while so open, in the performance of their official duties. And if any person shall forcibly obstruct or hinder any collector, deputy collector, or inspector, in the execution of any power and authority vested in him by law, or shall forcibly rescue or cause to be rescued any property, articles, or objects after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, excepting in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of five hundred dollars, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court.

Returns to show whether amounts are valued in coin or currency.

10 Mar., 1866, c. 15, ss. 3, 4, v. 14, p. 5.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3178. All persons required to make returns or lists of objects charged with an internal tax shall declare therein whether the several rates and amounts are stated according to their values in legal-tender currency or according to their values in coined money; and in case of neglect or refusal so to declare to the satisfaction of the collector receiving such returns or lists, such officer shall make returns or lists for such persons so neglecting or refusing, as in cases of persons neglecting or refusing to make the returns or lists required by law, and the Commissioner shall assess the tax thereon, and add thereto the amount of pen-

alties imposed by law in cases of such neglect or refusal. And whenever the rates and amounts contained in the returns or lists are stated in coined money, the collector receiving the same shall reduce them to their equivalent in legal-tender currency, according to the value of such coined money in said currency for the time covered by such returns.

Making false return, or refusing to produce books; penalty.

SEC. 3179. Whenever any person delivers or discloses to the collector or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or, being duly summoned to appear to testify, or to appear and produce such books as aforesaid, neglects to appear or to produce said books, he shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

30 June, 1864, c. 173, s. 15, v. 13, p. 226.

Taxable property owned by non-residents.

SEC. 3180. Whenever there are in any district any articles not owned or possessed by or under the care or control of any person within such district, and liable to be taxed, and of which no list has been transmitted to the collector, as required by law, the collector or one of his deputies shall enter the premises where such articles are situated and shall take such view thereof as may be necessary, and make lists of the same, according to the form prescribed. Said lists, being subscribed by such collector or deputy, shall be taken as sufficient lists of such articles for all purposes.

30 June, 1864, c. 173, s. 16, v. 13, p. 227.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Lists when taken and how denominated.

SEC. 3181. The lists or returns aforesaid shall, where not otherwise specially provided for, be taken with reference to the day fixed for that purpose by this Title as aforesaid; and where duties accrue at other and different times, the [*last*] [list] shall be taken with reference to the time when said taxes become due, and shall be denominated annual, monthly, and special lists or returns.

30 June, 1864, c. 173, s. 18, v. 13, p. 228.
18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 319.

Commissioner of Internal Revenue to make assessments; correction of incomplete or imperfect lists.

SEC. 3182. The Commissioner of Internal Revenue is hereby authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this Title, or accruing under any former internal-revenue act, where such taxes have not been duly paid by stamp at the time and in the manner provided by law, and shall certify a list of such assessments when made to the proper collectors respectively, who shall proceed to collect and account for the taxes and penalties so certified. Whenever it is ascertained that any list which has been or shall be delivered to any collector, is imperfect or incomplete in consequence of the omission of the name of any person liable to tax, or in consequence of any omission, or understatement, or undervaluation, or false or fraudulent statement contained in any return made by any person liable to tax, the Commissioner of Internal Revenue may, at any time within fifteen months from the time of the delivery of the list to the collector as aforesaid, enter on any monthly or special list the name of such person so omitted, together with the amount of tax for which he may have been or shall become liable, and also the name of any such person in respect to whose return, as aforesaid, there has been or shall be any omission, undervaluation, understatement, or false or fraudulent statement, together with the amount for which such person may be liable, above the amount for which he may have been or shall be assessed upon any return made as aforesaid; and he shall certify and return such list to the collector as required by law. And all provisions of law for the ascertainment of liability to any tax, or the assessment or collection thereof, shall be held to apply, so far as may be necessary, to the proceedings herein authorized and directed.

30 June, 1864, c. 173, s. 20, v. 13, p. 229.
13 July, 1866, c. 184, s. 9, v. 14, p. 103.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Smith *v.* Dandelet, 18 Wall., 642.
U. S. *v.* Glen et al., 1 Woods, 400.

Duty and authority of collectors and deputies to collect all taxes.

SEC. 3183. It shall be the duty of the collectors, or their deputies, in their respective districts, and they are authorized, to collect all the taxes imposed by law, however the same may be designated. And every collector and deputy collector shall give receipts for all sums collected by him.

30 June, 1864, c. 173, ss. 36, 41, v. 13, pp. 238, 239. 13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Notice and demand of taxes.

SEC. 3184. Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes

13 July, 1866, c. 184, s. 9, v. 14, p. 106.
2 Mar., 1867, c. 169, s. 8, v. 14, p. 473.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

from the Commissioner of Internal Revenue, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of five per centum additional upon the amount of taxes, and interest at the rate of one per centum a month.

Monthly returns and special returns, when to be made, and when tax payable.

13 July, 1866, c. 184, s. 11, v. 14, p. 150.
2 Mar., 1867, c. 169, s. 8, v. 14, p. 473.
24 Dec., 1872, c. 13, ss. 1, 2, v. 17, pp. 401, 402.

SEC. 3185. All returns required to be made monthly by any person liable to tax shall be made on or before the tenth day of each month, and the tax assessed or due thereon shall be returned by the Commissioner of Internal Revenue to the collector on or before the last day of each month. All returns for which no provision is otherwise made shall be made on or before the tenth day of the month succeeding the time when the tax is due and liable to be assessed, and the tax thereon shall be returned as herein provided for monthly returns, and shall be due and payable on or before the last day of the month in which the assessment is so made. When the said tax is not paid on or before the last day of the month, as aforesaid, the collector shall add a penalty of five per centum, together with interest at the rate of one per centum per month, upon such tax from the time the same became due; but no interest for a fraction of a month shall be demanded: *Provided*, That notice of the time when such tax becomes due and payable is given in such manner as may be prescribed by the Commissioner of Internal Revenue. It shall then be the duty of the collector, in case of the non-payment of said tax on or before the last day of the month, as aforesaid, to demand payment thereof, with five per centum added thereto, and interest at the rate of one per centum per month, as aforesaid, in the manner prescribed by law; and if said tax, penalty, and interest, are not paid within ten days after such demand, it shall be lawful for the collector or his deputy to make distraint therefor, as provided by law.

Lien for taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

SEC. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person.

Taxes collectible by distraint.

13 July, 1866, c. 184, s. 9, v. 14, pp. 106, 107, 108.
2 Mar., 1867, c. 169, s. 8, v. 14, p. 473.

SEC. 3187. If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with five per centum additional thereto, and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, and evidences of debt, of the person delinquent as aforesaid: *Provided*, That there shall be exempt from distraint and sale, if belonging to the head of a family, the school-books and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep and the wool thereof, provided the aggregate market-value of said sheep shall not exceed fifty dollars; the necessary food for such cow, hogs, and sheep, for a period not exceeding thirty days; fuel to an amount not greater in value than twenty-five dollars; provisions to an amount not greater than fifty dollars; household furniture kept for use to an amount not greater than three hundred dollars; and the books, tools, or implements, of a trade or profession, to an amount not greater than one hundred dollars shall also be exempt; and the officer making the distraint shall summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt.

Mode of levying distraint.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

SEC. 3188. In such case of neglect or refusal, the collector may levy, or by warrant may authorize a deputy collector to levy, upon all property and rights to property, except such as are exempt by the preceding section, belonging to such person, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for non-payment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy.

Delinquents must exhibit evidences relating to property distrained.

SEC. 3189. All persons, and officers of companies or corporations, are required, on demand of a collector or deputy collector about to distrain or having distrained on any property, or rights of property, to exhibit all books containing evidence or statements relating to the subject of distraint, or the property or rights of property liable to distraint for the tax due as aforesaid.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

Proceedings on distraint.

SEC. 3190. When distraint is made, as aforesaid, the officer charged with the collection shall make or cause to be made an account of the goods or effects distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods or effects, or at his dwelling or usual place of business, with some person of suitable age and discretion, if any such can be found, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be published in some newspaper within the county wherein said distraint is made, if a newspaper is published in said county, or to be publicly posted at the post-office, if there be one within five miles nearest to the residence of the person whose property shall be distrained, and in not less than two other public places. Such notice shall specify the articles distrained, and the time and place for the sale thereof. Such time shall not be less than ten nor more than twenty days from the date of such notification to the owner or possessor of the property and the publication or posting of such notice as herein provided, and the place proposed for the sale shall not be more than five miles distant from the place of making such distraint. Said sale may be adjourned from time to time by said officer, if he deems it advisable, but not for a time to exceed in all thirty days.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

When property sold under distraint is subject to tax, and tax not paid.

SEC. 3191. When property subject to tax, but upon which the tax has not been paid, is seized upon distraint and sold, the amount of such tax shall, after deducting the expenses of such sale, be first appropriated out of the proceeds thereof to the payment of the tax. And if no assessment of such tax has been made upon such property, the collector shall make a return thereof in the form required by law, and the Commissioner of Internal Revenue shall assess the tax thereon.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

When property sold under distraint may be purchased for United States, &c.

SEC. 3192. When any property advertised for sale under distraint, as aforesaid, is of a kind subject to tax, and the tax has not been paid, and the amount bid for such property is not equal to the amount of the tax, the collector may purchase the same in behalf of the United States for an amount not exceeding the said tax. All property so purchased may be sold by the collector, under such regulations as may be prescribed by the Commissioner of Internal Revenue. The collector shall render to the Commissioner a distinct account of all charges incurred in such sales, and, in case of sale, shall pay into the Treasury the surplus, if any there be, after defraying all lawful charges and fees.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

Property distrained to be restored on payment before sale.

SEC. 3193. In any case of distraint for the payment of the taxes aforesaid, the goods, chattels, or effects so distrained shall be restored to the owner or possessor, if, prior to the sale, payment of the amount due is made to the proper officer charged with the collection, together with the fees and other charges; but in case of non-payment as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall retain from the proceeds of such sale the amount demandable for the use of the United States, and a commission of five per centum thereon for his own use, with the fees and charges for distraint and sale, rendering the overplus, if any there be, to the person who may be entitled to receive the same.

13 July, 1866, c. 184, s. 9, v. 14, p. 106.

Effect of certificate of sale on distraint.

SEC. 3194. In all cases of sale, as aforesaid, the certificate of such sale shall be prima-facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale, and shall transfer to the purchaser all right, title, and interest of such delinquent in and to the property sold; and where such property consists of stocks, said certificate shall be notice, when received, to any corporation, company, or association of said transfer, and shall

13 July, 1866, c. 184, s. 9, v. 14, p. 107.
30 June, 1864, c. 173, s. 45, v. 13, p. 240.

be authority to such corporation, company, or association to record the same on their books and records in the same manner as if transferred or assigned by the party holding the same, in lieu of any original or prior certificates, which shall be void, whether canceled or not. And said certificates, where the subject of sale is securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of debt.

When property distrained is not divisible.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

SEC. 3195. When any property liable to distraint for taxes is not divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, and charges, shall be paid to the person legally entitled to receive the same; or, if he cannot be found, or refuses to receive the same, shall be deposited in the Treasury of the United States, to be there held for his use until he makes application therefor to the Secretary of the Treasury, who, upon such application and satisfactory proofs in support thereof, shall, by warrant on the Treasury, cause the same to be paid to the applicant.

When real estate may be sold to satisfy taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

SEC. 3196. When goods, chattels, or effects sufficient to satisfy the taxes imposed upon any person are not found by the collector or deputy collector, he is authorized to collect the same by seizure and sale of real estate.

Proceedings for seizure and sale of real estate for taxes.

13 July, 1866, c. 184, s. 9, v. 14, pp. 108, 109.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

U. S. *v.* Mackoy, 2 Dill., 299.

SEC. 3197. The officer making the seizure mentioned in the preceding section shall give notice to the person whose estate it is proposed to sell, by giving him in hand, or leaving at his last or usual place of abode, if he has any such within the collection-district where said estate is situated, a notice, in writing, stating what particular estate is to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty nor more than forty days from the time of giving said notice. The said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted at the post-office nearest to the estate [*to be*] seized, and in two other public places within the county; and the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the Commissioner of Internal Revenue. At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the expense of making such levy, and all charges for advertising and an officer's fee of ten dollars. When the real estate so seized consists of several distinct tracts or parcels, the officer making sale thereof shall offer each tract or parcel for sale separately, and shall, if he deem it advisable, apportion the expenses, charges, and fees, aforesaid, to such several tracts or parcels, or to any of them, in estimating the minimum price aforesaid. If no person offers for said estate the amount of said minimum price, the officer shall declare the same to be purchased by him for the United States, and shall deposit with the district attorney of the United States a deed thereof, as hereafter provided; otherwise, the same shall be declared to be sold to the highest bidder. And said sale may be adjourned from time to time by said officer for not exceeding thirty days in all, if he shall think it advisable so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner.

Certificate of purchase. Deed.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

SEC. 3198. Upon any sale of real estate, as provided in the preceding section, and the payment of the purchase-money, the officer making the seizure and sale shall give to the purchaser a certificate of purchase, which shall set forth the real estate purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor; and if the said real estate be not redeemed in the manner and within the time hereafter provided, the said collector or deputy collector shall exe-

cute to the said purchaser, upon his surrender of said certificate, a deed of the real estate purchased by him as aforesaid, reciting the facts set forth in said certificate, and in accordance with the laws of the State in which such real estate is situate upon the subject of sales of real estate under execution.

Collector's deed to be *prima-facie* evidence, &c.

SEC. 3199. The deed of sale given in pursuance of the preceding section shall be prima-facie evidence of the facts therein stated; and if the proceedings of the officer as set forth have been substantially in accordance with the provisions of law, shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real estate thus sold at the time the lien of the United States attached thereto.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

Collector may seize lands of delinquent in any district of same State.

SEC. 3200. Any collector or deputy collector may, for the collection of taxes imposed upon any person, and committed to him for collection, seize and sell the lands of such person situated in any other collection-district within the State in which such officer resides; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection-district.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Redemption of land prior to sale.

SEC. 3201. Any person whose estate may be proceeded against as aforesaid shall have the right to pay the amount due, together with the costs and charges thereon, to the collector or deputy collector at any time prior to the sale thereof, and all further proceedings shall cease from the time of such payment.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

Redemption of lands after sale.

SEC. 3202. The owners of any real estate sold as aforesaid, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the land sold, or any particular tract thereof, at any time within one year after the sale thereof, upon payment to the purchaser, or, in case he cannot be found in the county in which the land to be redeemed is situate, then to the collector of the district in which the land is situate, for the use of the purchaser, his heirs or assigns, the amount paid by the said purchaser and interest thereon at the rate of twenty per centum per annum.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

Record of sales.

SEC. 3203. It shall be the duty of every collector to keep a record of all sales of land made in his collection-district, whether by himself or his deputies, or by another collector, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed, and all proceedings in making said sale, the amount of fees and expenses, the name of the purchaser and the date of the deed; and said record shall be certified by the officer making the sale. And it shall be the duty of every deputy making sale, as aforesaid, to return a statement of all his proceedings to the collector, and to certify the record thereof. In case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record shall be delivered to his successor in office; and a copy of every such record, certified by the collector, shall be evidence in any court of the truth of the facts therein stated.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Redemptions to be entered on record.

SEC. 3204. When any lands sold, as aforesaid, are redeemed as heretofore provided, the collector shall make entry of the fact upon the record mentioned in the preceding section, and the said entry shall be evidence of such redemption.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

Successive seizures may be made, when.

SEC. 3205. Whenever any property, personal or real, which is seized and sold by virtue of the foregoing provisions, is not sufficient to satisfy the claim of the United States for which distraint or seizure is made, the collector may, thereafter, and as often as the same may be necessary, proceed to seize and sell, in like manner, any other property liable to seizure of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Fees and charges in seizure cases.

SEC. 3206. The Commissioner of Internal Revenue shall by regulation determine the fees and charges to be allowed in all cases of distraint and other seizures; and shall have power to determine whether any expense incurred in making any distraint or seizure was necessary.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

Proceedings in chancery to subject real estate to payment of tax.

20 July, 1868, c. 186, s. 106, v. 15, p. 167.

SEC. 3207. In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in chancery to be filed, in a district or circuit court of the United States, to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax. All persons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid, shall be made parties to such proceedings, and be brought into court as provided in other suits in chancery therein. And the said court shall, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein, and finally determine the merits of all claims to and liens upon the real estate in question, and, in all cases where a claim or interest of the United States therein is established, shall decree a sale of such real estate, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States. [See § 568.]

Commissioner to have charge of real estate acquired under internal-revenue laws.

2 Mar., 1867, c. 169, s. 4, v. 14, p. 472.

SEC. 3208. The Commissioner of Internal Revenue shall have charge of all real estate which has been or shall be assigned, set off, or conveyed, by purchase or otherwise, to the United States, in payment of debts arising under the laws relating to internal revenue, and of all trusts created for the use of the United States in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may, at public vendue, and upon not less than twenty days' notice, sell and dispose of lands assigned or set off to the United States in payment of such debts, or vested in them by mortgage or other security, for the payment of such debts. And in cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of one per centum per month, to the United States, within two years from the date of the acquisition of such real estate, it shall be lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to release by deed, or otherwise convey such real estate to the debtor, from whom it was taken, or to his heirs or other legal representatives. [See § 3750.]

List to be sent to district where the party taxed resides or has property, when.

30 June, 1864, c. 173, s. 32, v. 13, p. 236.

SEC. 3209. Whenever a collector has on any list duly returned to him the name of any person not within his collection-district who is liable to tax, or of any person so liable who has, in the collection-district in which he resides, no sufficient property subject to seizure or distraint, from which the money due for tax can be collected, such collector shall transmit a statement containing the name of the person liable to such tax, with the amount and nature thereof, duly certified under his hand, to the collector of any district to which said person shall have removed, or in which he shall have property, real or personal, liable to be seized and sold for tax. And the collector to whom the said certified statement is transmitted shall proceed to collect the said tax in the same way as if the name of the person and objects of tax contained in the said certified statement were on any list of his own collection-district; and he shall, upon receiving said certified statement as aforesaid, transmit his receipt for it to the collector sending the same to him.

Collections to be paid into Treasury daily.

3 Mar., 1865, c. 78, s. 3, v. 13, p. 483.

SEC. 3210. The gross amount of all taxes and revenues received or collected by virtue of this Title, or of any law hereafter enacted providing internal revenue, shall be paid, by the officers receiving or collecting the same, daily into the Treasury of the United States, under the instructions of the Secretary of the Treasury, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description; and a certificate of such payment, stating the name of the depositor and the specific account on which the deposit was made, signed by the Treasurer, assistant treasurer, designated depositary, or proper officer of a deposit bank, shall be transmitted to the Commis-

sioner of Internal Revenue: *Provided*, That in districts where, from the distance of the officer, collector, or agent receiving or collecting such taxes and revenues from a proper Government depository, the Secretary of the Treasury may deem it proper, he may extend the time for making such payment, not exceeding, however, in any case a period of one month.

Depositories.

SEC. 3211. The Secretary of the Treasury is authorized to designate one or more depositories in each State, for the deposit and safe-keeping of the money collected by virtue of the internal-revenue laws; and the receipt of the proper officer of such depository to a collector for the money deposited by him shall be a sufficient voucher for such collector in the settlement of his accounts at the Treasury Department. [See § 5490.]

30 June, 1864, c. 173, s. 33, v. 13, p. 236.

Collector's monthly statement; final accounts.

SEC. 3212. Every collector shall, at the expiration of each month after he commences his collections, transmit to the Commissioner of Internal Revenue a statement of the collections made by him within the month. And every collector shall complete the collection of all sums assigned to him for collection, and shall pay over the same into the Treasury, and shall render his accounts to the Treasury Department as often as he may be required.

30 June, 1864, c. 173, s. 33, v. 13, p. 236.

Suits, &c., for fines, penalties, and forfeitures, and for taxes.

SEC. 3213. It shall be the duty of the collectors, in their respective districts, subject to the provisions of this Title, to prosecute for the recovery of any sums which may be forfeited by law. All suits for fines, penalties, and forfeitures, where not otherwise provided for, shall be brought in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, qui tam or otherwise, before any circuit or district court of the United States, for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction; and taxes may be sued for and recovered in the name of the United States, in any proper form of action, before any circuit or district court of the United States for the district within which the liability to such tax is incurred, or where the party from whom such tax is due resides at the time of the commencement of the said action.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

22 *June*, 1874, *c.* 391, *ss.* 21, 22, *c.* 18, *p.* 190.

Suits for taxes, &c., not to be brought without sanction of Commissioner.

SEC. 3214. No suit for the recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner of Internal Revenue authorizes or sanctions the proceedings: *Provided*, That in case of any suit for penalties or forfeitures brought upon information received from any person, other than a collector or deputy collector, the United States shall not be subject to any costs of suit.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Regulations as to suits for Government of officers.

SEC. 3215. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to establish such regulations, not inconsistent with law, for the observance of revenue officers, district attorneys, and marshals, respecting suits arising under the internal-revenue laws in which the United States is a party, as may be deemed necessary for the just responsibility of those officers and the prompt collection of all revenues and debts due and accruing to the United States under such laws. [See § 877.]

2 Mar., 1867, c. 169, s. 3, v. 14, p. 472.

Moneys recovered by suits to be paid to collectors.

SEC. 3216. All judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties, shall be paid to collectors as internal taxes are required to be paid.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Dues from delinquent collector to be collected by distraint and sale.

SEC. 3217. When any collector fails either to collect or to render his account, or to pay over in the manner or within the times provided by law, the First Comptroller of the Treasury shall, immediately after evidence of such delinquency, report the same to the Solicitor of the Treasury, who shall issue a warrant of distress against such delinquent collector, directed to the marshal of the district, expressing therein the amount with which the said collector is chargeable, and the sums, if any, which have been paid over by him, so far as the same are ascertainable. And the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, with five per centum thereon, and all the expenses and charges of collection, by dis-

30 June, 1864, c. 173, s. 35, v. 13, p. 237.

tress and sale of the goods and chattels, or any personal effects of the delinquent collector, giving at least five days' notice of the time and place of sale, in the manner provided by law for advertising sales of personal property on execution in the State wherein such collector resides. And the bill of sale of the officer of any goods, chattels, or other personal property, distrained and sold as aforesaid, shall be conclusive evidence of title to the purchaser, and prima-facie evidence of the right of the officer to make such sale, and of the correctness of his proceedings in selling the same. And for want of goods and chattels, or other personal effects of such collector, sufficient to satisfy any warrant of distress, issued as aforesaid, the real estate of such collector, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks next before the time of sale, in not less than three public places in the collection-district, and in one newspaper printed in the county or district, if any there be, shall be sold at public auction by the marshal or his deputy. Upon such sale, the marshal shall make and deliver to the purchaser of the premises sold a deed of conveyance thereof, to be executed and acknowledged in the manner and form prescribed by the laws of the State in which said lands are situated, and said deed so made shall invest the purchaser with all the title and interest of the defendant named in said warrant, existing at the time of the seizure thereof. And all moneys that may remain of the proceeds of such sale of personal or real property, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the property sold as aforesaid.

Collectors charged with, what.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

SEC. 3218. Every collector shall be charged with the whole amount of taxes, whether contained in lists transmitted to him by the Commissioner of Internal Revenue, or by other collectors, or delivered to him by his predecessor in office, and with the additions thereto, with the par value of all stamps deposited with him, and with all moneys collected for penalties, forfeitures, fees, or costs; and he shall be credited with all payments into the Treasury made as provided by law, with all stamps returned by him uncanceled to the Treasury, and with the amount of taxes contained in the lists transmitted in the manner heretofore provided to other collectors, and by them receipted as aforesaid; also with the amount of the taxes of such persons as may have absconded, or become insolvent, prior to the day when the tax ought, according to the provisions of law, to have been collected, and with all uncollected taxes transferred by him or by his deputy acting as collector to his successor in office: *Provided*, That it shall be proved to the satisfaction of the Commissioner of Internal Revenue, who shall certify the facts to the First Comptroller of the Treasury, that due diligence was used by the collector. And each collector shall also be credited with the amount of all property purchased by him for the use of the United States, provided he faithfully account for and pay over the proceeds thereof upon a resale of the same as required by law.

Death, &c., of collector, uncollected balances.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

SEC. 3219. In case of the death, resignation, or removal of any collector, all lists and accounts of taxes uncollected shall be transferred to his successor in office as soon as such successor is appointed and qualified, and it shall be the duty of such successor to collect the same.

Refundment of taxes, penalties, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.
Dorsheimer *v.* U. S., 2 C. Cls., 103.
Kaufman's Case, 11 C. of Cls., 659.

SEC. 3220. The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal to him made, to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal taxes collected by him, with the cost and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, or inspector, in any suit brought against him by reason of any-

thing done in the due performance of his official duty: *Provided*, That where a second assessment is made in case of a list, statement, or return which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, such assessment shall not be remitted, nor shall taxes collected under such assessment be refunded, or paid back, unless it is proved that said list, statement, or return was not false or fraudulent, and did not contain any understatement or undervaluation.

Taxes on spirits accidentally destroyed.

SEC. 3221. The Secretary of the Treasury, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any distillery warehouse, or bonded warehouse of the United States and before the tax thereon has been paid, may abate the amount of internal taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits, the said Secretary shall refund the same to the owners thereof out of any moneys in the Treasury not otherwise appropriated.

27 May, 1872, c. 218, s. 1, v. 17, p. 162.

Retrospective effect of preceding section.

SEC. 3222. The preceding section shall take effect in all cases of loss or destruction of distilled spirits as aforesaid which have occurred since January one, eighteen hundred and sixty-eight.

27 May, 1872, c. 218, s. 2, v. 17, p. 162.

When tax on lost spirits is indemnified by insurance.

SEC. 3223. When the owners of distilled spirits in the cases provided for by the two preceding sections may be indemnified against such tax by a valid claim of insurance, the tax shall not be remitted to the extent of such insurance.

27 May, 1872, c. 218, s. 2, v. 17, p. 162.

Suits to restrain assessments or collection of taxes.

SEC. 3224. No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

2 Mar., 1867, c. 169, s. 10, v. 14, p. 475.—Pullan *v.* Kinsinger, 2 Abb. U. S., 94.

Suits to recover taxes collected under second assessment, burden of proof as to fraud.

SEC. 3225. When a second assessment is made in case of any list, statement, or return, which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, no taxes collected under such assessment shall be recovered by any suit, unless it is proved that the said list, statement, or return was not false nor fraudulent, and did not contain any understatement or undervaluation.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Suits for recovery of taxes wrongfully collected.

SEC. 3226. No suit shall be maintained in any court for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until appeal shall have been duly made to the Commissioner of [*the*] Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof, and a decision of the Commissioner has been had therein: *Provided*, That if such decision is delayed more than six months from the date of such appeal, then the said suit may be brought, without first having a decision of the Commissioner at any time within the period limited in the next section.

13 July, 1866, c. 184, s. 19, v. 14, p. 152.
6 June, 1872, c. 315, s. 44, v. 17, p. 257.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

Braun *v.* Sauerwein, 10 Wall., 218; The Collector *v.* Hubbard, 12 Wall., 1; Cutting *v.* Gilbert, 5 Blatch., 259; Nelson *v.* Carman, 5 Blatch., 511; Lauer *v.* U. S., 5 C. Cls., 447. 8 *Feb.*, 1875, *c.* 36, *s.* 14, *v.* 18, *p.* 310.

Limitation of suits for recovery of taxes wrongfully collected.

SEC. 3227. No suit or proceeding for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, shall be maintained in any court, unless the same is brought within two years next after the cause of action accrued: *Provided*, That actions for such claims which accrued prior to June six, eighteen hundred and seventy-two, may be brought within one year from said date;

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

and that where any such claim was pending before the Commissioner, as provided in the preceding section, an action thereon may be brought within one year after such decision and not after. But no right of action which was already barred by any statute on the said date shall be revived by this section.

Claims for refundment, limitation.

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

SEC. 3228. All claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, must be presented to the Commissioner of Internal Revenue within two years next after the cause of action accrued: *Provided*, That claims which accrued prior to June six, eighteen hundred and seventy-two, may be presented to the Commissioner at any time within one year from said date. But nothing in this section shall be construed to revive any right of action which was already barred by any statute on that date.

Compromises.

20 July, 1868, c. 186, s. 102, v. 15, p. 166.

SEC. 3229. The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney-General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the Commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise.

Discontinuances of criminal prosecutions.

31 Mar., 1868, c. 41, s. 7, v. 15, p. 60.

SEC. 3230. No discontinuance or nolle prosequi of any prosecution under section three thousand two hundred and fifty-seven shall be allowed without the permission in writing of the Secretary of the Treasury and the Attorney-General.

Continuances in criminal proceedings.

20 July, 1868, c. 186, s. 102, v. 15, p. 166.

SEC. 3231. It shall be lawful for any court in which any suit or criminal proceeding arising under the internal-revenue laws may be pending, to continue the same at any stage thereof, for good cause shown on motion by the district attorney.

CHAPTER THREE.

SPECIAL TAXES.

Sec.
3232. Trade or business not to be carried on until tax paid.
3233. Trade or business to be registered.
3234. Persons in partnership at same place liable for only one tax.
3235. Payment of one special tax not to cover several places of business.
3236. When more than one pursuit is carried on in same place by same person at same time.
3237. When special tax to be due, how reckoned.
3238. Stamps for special taxes.
3239. Special-tax stamp to be exhibited in place of business.
3240. List of special tax-payers to be exhibited in collector's office.
3241. Death or removal after paying tax; business carried on without additional tax.
3242. Carrying on business without payment of special tax; penalties.
3243. Payment of special tax not to authorize violation of State laws, nor prohibit State taxation.
3244. Special taxes imposed on whom.
3244. Brewers.
3244. Manufacturers of stills.
3244. Rectifiers.
3244. Retail liquor-dealers.
3244. Wholesale liquor-dealers.
3244. Retail dealers in malt liquors.
3244. Wholesale dealers in malt liquors.
3244. Dealers in leaf-tobacco.
3244. Retail dealers in leaf-tobacco.
3244. Dealers in tobacco.
3244. Manufacturers of tobacco.
3244. Manufacturers of cigars.
3244. Peddlers of tobacco.
3245. Balance of distillers' special tax to be refunded.
3246. Special tax not applied to vintners or apothecaries in certain cases.

Trade or business not to be carried on until tax paid.

SEC. 3232. No person shall be engaged in or carry on any trade or business hereinafter mentioned until he has paid a special tax therefor in the manner hereinafter provided.

13 July, 1866, c. 184, s. 9, v. 14, p. 113. 8 *May*, 1876, *J. R. No.* 10, *v.* 19, *p.* 213.—The License Tax Cases, 5 Wall., 462; U. S. *v.* Pressy, 1 Low., 319.

Trade or business to be registered.

SEC. 3233. Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and their places of residence, shall be so registered.

13 July, 1866, c. 184, s. 9, v. 14, p. 113. 24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Persons in partnership at same place liable for only one tax.

SEC. 3234. Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

13 July, 1866, c. 184, s. 9, v. 14, p. 115.

Payment of one special tax not to cover several places of business.

SEC. 3235. The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as hereinafter provided, for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.

When more than one pursuit is carried on in same place by same person at same time.

SEC. 3236. Whenever more than one of the pursuits or occupations hereinafter described are carried on in the same place by the same person at the same time, except as hereinafter provided, the tax shall be paid for each according to the rates severally prescribed.

13 July, 1866, c. 184, s. 9, v. 14, p. 114.

When special tax to be due, how reckoned.

SEC. 3237. All special taxes shall become due on the first day of May, in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year; and in the latter case it shall be reckoned proportionately, from the first day of the month in which the liability to a special tax commenced to the first day of May following.

13 July, 1866, c. 184, s. 9, v. 14, p. 113. 6 June, 1872, c. 315, s. 31, v. 17, p. 252.

Stamps for special taxes.

SEC. 3238. All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is required to procure appropriate stamps for the payment of such taxes; and the provisions of sections thirty-three hundred and [*thirteen*] [twelve] and thirty-four hundred and forty-six, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner of Internal Revenue shall have authority to make all needful regulations relative thereto.

20 July, 1868, c. 186, ss. 26, 101, v. 15, pp. 137, 165. 24 Dec., 1872, c. 13, s. 3, v. 17, p. 402. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.

Special-tax stamp to be exhibited in place of business.

SEC. 3239. Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, except tobacco peddlers, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax; and any person who shall, through negligence, fail to so place and keep said [*stamp*] [stamps], shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than ten dollars. And where the failure to comply with the foregoing provision of law shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

24 Dec., 1872, c. 13, s. 3, v. 17, p. 402. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

List of special tax-payers to be exhibited in collector's office.

24 Dec., 1872, c. 13, s. 4, v. 17, p. 403.

SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

Death or removal after paying tax; business carried on without additional tax.

13 July, 1866, c. 184, s. 9, v. 14, p. 114.

SEC. 3241. When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner of Internal Revenue.

Carrying on business without payment of special tax; penalties.

2 Mar., 1867, c. 169, s. 9, v. 14, p. 473.

20 July, 1868, c. 186, s. 44, v. 15, p. 142.

6 June, 1872, c. 315, ss. 12, 32, v. 17, pp. 240, 255.

8 *Feb.*, 1875, c. 36, s. 16, v. 18, p. 310.

U. S. v. Smith, 8 Wall., 587; U. S. v. Thirty-five Barrels, 9 Int. Rev. Rec., 67; U. S. v. Page, 2 Saw., 354.

SEC. 3242. Every person who carries on the business of a rectifier, wholesale liquor-dealer, retail liquor-dealer, or manufacturer of stills, without having paid the special tax as required by law, shall, for every such offense, be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all apparatus fit or intended to be used for the distillation or rectification of spirits or the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the rectifying establishment, or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, shall be forfeited to the United States. Every person who carries on the business of a manufacturer of tobacco, snuff, or cigars, dealer in manufactured tobacco, dealer in leaf-tobacco, or retail dealer in leaf-tobacco, without having paid a special tax therefor, as provided by law, shall, besides being liable to the payment of the tax, be fined not more than five hundred dollars or be imprisoned not more than one year, or both, at the discretion of the court. And every person who carries on the business of a brewer or wholesale or retail dealer in malt liquors, without having paid a special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than ten dollars nor more than five hundred dollars.

Payment of special tax not to authorize violation of State laws, nor prohibit State taxation.

13 July, 1866, c. 184, s. 9, v. 14, p. 122.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

SEC. 3243. The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

McGuire *v.* The Commonwealth, 3 Wall., 387; The License Tax Cases, 5 Wall., 462.

Special taxes imposed on whom.

SEC. 3244. Special taxes are imposed as follows:

Brewers.

First. Brewers shall pay one hundred dollars. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer: *Provided*, That any person who manufactures less than five hundred barrels a year shall pay the sum of fifty dollars.

13 July, 1866, c. 184, s. 9, v. 14, p. 117.

14 July, 1870, c. 255, s. 1, v. 16, p. 256. 8 *Feb.*, 1875, *c.* 36, *s.* 18, *v.* 18, *p.* 311. 8 *May*, 1876, *J. R. No.* 10, *v.* 19, *p.* 213.—U. S. *v.* Boecker et al., 21 Wall., 652.

Manufacturers of stills.

Second. Manufacturers of stills shall each pay fifty dollars, and twenty dollars for each still or worm for distilling made by him. Any person who manufactures any still or worm to be used in distilling shall be deemed a manufacturer of stills.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

Rectifiers.

Third. Rectifiers of distilled spirits shall pay two hundred dollars. Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor-dealer who has in his possession any still or leach-tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: *Provided*, That nothing in this section shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation through any material which will not remain incorporated with such spirits when the manufacture thereof is complete: *And provided further*, That no officer shall collect any special tax for rectifying distilled spirits on any premises distant less than six hundred feet in a direct line from any distillery. And every officer who collects any special tax in violation of this [*section*] [proviso] shall be liable to a penalty of five thousand dollars for each offense.

20 July, 1868, c. 186, ss. 11, 59, v. 15, pp. 130, 150. 10 April, 1869, c. 18, s. 1, v. 16, pp. 41, 42. 6 June, 1872, c. 315, ss. 12, 13, v. 17, pp. 239, 244. 24 Dec., 1872, c. 13, v. 17, pp. 401–403. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.

Retail liquor-dealers.

Fourth. Retail dealers in liquors shall pay twenty-five dollars. Every person who sells, or offers for sale foreign or domestic distilled spirits or wines, in less quantities than five wine gallons at the same time, shall be regarded as a retail dealer in liquors.

20 July, 1868, c. 186, ss. 1, 2, v. 15, p. 125. 10 April, 1869, c. 18, s. 1, v. 16, p. 42.

Wholesale liquor-dealers.

Wholesale liquor-dealers shall pay one hundred dollars. Every person who sells or offers for sale foreign or domestic distilled spirits or wines, in quantities of not less than five wine gallons at the same time, shall be regarded as a wholesale liquor-dealer. But no distiller who has given the required bond, and who sells only distilled spirits of his own production at the place of manufacture, in the original packages to which the tax-stamps are affixed, shall be required to pay the special tax of a wholesale liquor-dealer on account of such sales.

20 July, 1868, c. 186, ss. 1, 2, v. 15, p. 125. 20 July, 1868, c. 186, s. 59, v. 15, p. 150. 6 June, 1872, c. 315, s. 13, v. 17, p. 239.—Pervear *v.* The Commonwealth, 5 Wall., 475.

Retail dealers in malt liquors.

Fifth. Retail dealers in malt liquors shall pay twenty dollars. Every person who sells or offers for sale malt liquors in quantities of five gallons or less at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors.

20 July, 1868, c. 186, s. 59, v. 15, p. 151. 10 April, 1869, *c.* 18, *s.* 1, v. 16, p. 42. 6 June, 1872, c. 315, s. 13, v. 17, p. 244.

Wholesale dealers in malt liquors.

Wholesale dealers in malt liquors shall pay fifty dollars. Every person who sells or offers for sale malt liquors in larger quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a wholesale dealer in malt liquors: *Provided*, That no brewer shall be required to pay a special tax as a wholesale dealer by reason of selling in the original stamped packages, whether at the place of manufacture or otherwise, malt liquors manufactured by him.

6 June, 1872, c. 315, ss. 13, 17, v. 17, pp. 244, 245.

Dealers in leaf-tobacco.

Sixth. Dealers in leaf-tobacco, except retail dealers in leaf-tobacco, as hereinafter defined, shall pay twenty-five dollars. Every person shall be regarded as a dealer in leaf-tobacco, whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf-tobacco; and payment of a special tax as dealer in tobacco, manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf-tobacco from the payment of the special tax therefor hereby required. But no farmer or planter shall be required to pay a special tax as a dealer in leaf-tobacco,

20 July, 1868, c. 186, s. 59, v. 15, p. 150. 6 June, 1872, c. 315, s. 31, v. 17, p. 250.

for selling tobacco of his own production, or tobacco received by him as rent from tenants who have produced the same on his land: *Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export.

Dealers in leaf-tobacco shall sell only to other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf-tobacco for export.

Retail dealers in leaf-tobacco.

29 July, 1868, c. 186, s. 60, v. 15, p. 152.
6 June, 1872, c. 315, s. 31, v. 17, p. 250.

Seventh. Retail dealers in leaf-tobacco shall each pay five hundred dollars, and if their annual sales exceed one thousand dollars, shall each pay, in addition thereto, fifty cents for every dollar in excess of one thousand dollars of their sales. Every person shall be regarded as a retail dealer in leaf-tobacco whose business it is to sell leaf-tobacco in quantities less than an original hogshead, case, or bale; or who sells directly to consumers, or to persons other than dealers in leaf-tobacco, who have paid a special tax as such; or to manufacturers of tobacco, snuff, or cigars who have paid a special tax; or to persons who purchase in original packages for export. Retail dealers in leaf-tobacco shall also keep a book, and enter therein daily their purchases and sales, in a form and manner to be prescribed by the Commissioner of Internal Revenue, which book shall be open at all times for the inspection of any revenue officer.

Whenever it becomes necessary to ascertain the amount of annual sales made by any retail dealer in leaf-tobacco, or to ascertain the excess of such sales over one thousand dollars, such amount and excess, shall be ascertained and returned under such regulations and in such form as may be prescribed by the Commissioner of Internal Revenue. And whenever the amount of sales or receipts is understated or underestimated by any retail dealer in leaf-tobacco, he shall be again assessed for such deficiency, and shall be required to pay the same, with any penalties that may by law have accrued or be chargeable thereon.

Dealers in tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

Eighth. Dealers in tobacco shall each pay five dollars. Every person whose business it is to sell, or offer for sale, manufactured tobacco, snuff, or cigars, shall be regarded as a dealer in tobacco, and the payment of a special tax as a wholesale or retail liquor-dealer, or the payment of any other special tax, shall not relieve any person who sells manufactured tobacco and cigars from the payment of this tax: *Provided*, That no manufacturer of tobacco, snuff, or cigars shall be required to pay a special tax as dealer in manufactured tobacco and cigars for selling his own products at the place of manufacture.

Manufacturers of tobacco.

20 July, 1868, c. 186, ss. 59, 63, v. 15, pp. 150, 153.
6 June, 1872, c. 315, s. 31, v. 17, p. 251.

Ninth. Manufacturers of tobacco shall each pay ten dollars. Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf-tobacco, or otherwise preparing raw or leaf-tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf-tobacco, tobacco-stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco.

Manufacturers of cigars.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.
6 June, 1872, c. 315, s. 31, v. 17, p. 251.

Tenth. Manufacturers of cigars shall each pay ten dollars. Every person whose business it is to make or manufacture cigars for himself, or who employs others to make or manufacture cigars, shall be regarded as a manufacturer of cigars. No special tax stamp shall be issued to any manufacturer of cigars until he has given the bond required by law. Every person whose business it is to make cigars for others, either for pay, upon commission, on shares, or otherwise, from material furnished by others, shall be regarded as a cigar-maker. Every cigar-maker shall

cause his name and residence to be registered, without previous demand, with the collector of the district in which such cigar-maker shall be employed; and every manufacturer of cigars employing any cigar-maker who shall have neglected or refused to make such registry shall be fined five dollars for each day that such cigar-maker so offending, by neglect or refusal to register, shall be employed by him.

Peddlers of tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

Eleventh. Peddlers of tobacco shall be classified and rated as follows, to wit: When traveling with more than two horses, mules, or other animals, as of the first class, and shall pay fifty dollars; when traveling with two horses, mules, or other animals, as of the second class, and shall pay twenty-five dollars; when traveling with one horse, mule, or other animal, as of the third class, and shall pay fifteen dollars; when traveling on foot or by public conveyance, as of the fourth class, and shall pay ten dollars. Any person who sells or offers to sell and deliver manufactured tobacco, snuff, or cigars, traveling from place to place, in the town or through the country, shall be regarded as a peddler of tobacco.

Balance of distillers' special tax to be refunded.

6 June, 1872, c. 315, s. 12, v. 17, p. 238.

SEC. 3245. The special tax paid by distillers prior to August one, eighteen hundred and seventy-two, which has not been exhausted by the quantity of spirits distilled as provided by law, shall be refunded, upon proper application, out of any money arising from internal taxes, not otherwise appropriated.

Special tax not applied to vintners or apothecaries in certain cases.

13 July, 1866, c. 184, s. 9, v. 14, p. 122.

SEC. 3246. Nothing in this chapter shall be construed to impose a special tax upon vintners who sell wine of their own growth at the place where the same is made; or upon apothecaries, as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines.

CHAPTER FOUR.

DISTILLED SPIRITS.

Sec.
3247. Distiller, definition of.
3248. Distilled spirits, definition of.
3249. Standard of proof-spirits; prevention of frauds.
3250. Gallon as used in sales, definition of.
3251. Tax on distilled spirits.
3252. Adding substances to create fictitious proof; penalty.
3253. Tax on spirits removed without deposit in warehouse.
3254. Products of distillation containing spirits.
3255. Brandy made from apples, peaches, or grapes.
3256. Evading tax; penalty.
3257. Distiller defrauding or attempting to defraud United States of tax on spirits.
3258. Registry of stills, &c.
3259. Notice of intention to carry on business of distiller or rectifier.
3260. Distiller to give bond.
3261. Bond not to be approved until law complied with.
3262. Distiller must be owner in fee-simple, or have written consent of owner, &c.
3263. Plan of distillery.
3264. Surveys of distilleries.
3265. Notice by manufacturer of a still. Penalty for setting up still without permit.
3266. Distilling on certain premises prohibited; penalty.
3267. Receiving-cisterns in distilleries.
3268. Breaking locks, gaining access to cistern, &c.; penalty.
3269. Furnaces, tubs, doublers, worm-tanks; penalty.
3270. Apparatus and fastenings.
3271. Distillery warehouse.
3272. When a warehouse becomes unsafe.
3273. Store-keepers have charge under direction of collector.
3274. Custody and management of warehouse.
3275. Distiller to keep distillery accessible.
3276. Power of revenue officers to enter and examine distilleries. Penalty for obstructing officer.
3277. Distillers and rectifiers to furnish facilities for examination; penalty for neglect.
3278. Officers to break up ground or walls in order to examine.
3279. Signs to be put up by distillers and rectifiers; penalty for neglect. Penalty for using false signs, &c.
3280. Distillers not to carry on business until the law is complied with.
3281. Carrying on distilling without giving bond, &c.; penalty.
3282. Mash, wort, and vinegar.
3283. No process for distilling between 11 p. m. of Saturday and 1 a. m. of Monday.
3284. Using material, or removing spirits in absence of store-keeper; penalty.
3285. Emptying fermenting-tubs.

Sec.
3286. Drawing off, water, cleansing worm-tub, &c.
3287. Drawing off gauging, &c., and removal of spirits to warehouse.
3288. Tax-paid spirits not to remain on distillery premises.
3289. Forfeiture of unstamped packages.
3290. Gauger employing distiller, &c., to use brands or perform his duties; penalty.
3291. Gauger's returns.
3292. Fraudulent inspection, gauging, &c.; penalty.
3293. Distiller's entry of deposit in warehouse.
Bond for taxes.
3294. Withdrawal from warehouse, entry for.
3295. Gauging, stamping, and branding spirits removed from warehouse.
3296. Removal, concealment, &c., of spirits contrary to law; penalty.
3297. Alcohol withdrawn for scientific purposes.
3298. Power of officers to detain packages on suspicion.
3299. Forfeiture of spirits unlawfully removed from distillery.
3300. Store-keeper unlawfully removing, or allowing to be removed, &c.
3301. Store-keepers' warehouse-book and returns.
3302. Store-keepers to have charge of distillery and keep account of materials, &c.
3303. Distillers' books; entries to be made.
3304. Books to be open to inspection and preserved two years.
3305. False entries, or omitting to keep or produce books; penalty.
3306. Using false weights in ascertaining materials; penalty.
Using unregistered materials; penalty.
3307. Distillers' returns of production to collector.
3308. Distillers' returns of the number of barrels distilled.
3309. Monthly examination of distiller's return, &c.
Sec.
3310. When distilling deemed commenced. Suspension of work; penalty.
3311. Reduction of capacity; penalty.
3312. Stamps, how prepared and issued.
3313. Stamps, form of, how used.
3314. Accountability for stamp-books.
3315. Restamping tax-paid spirits, when stamps are lost or destroyed.
3316. Officer using or issuing, or permitting use of stamps, contrary to law; penalty.
3317. Rectifiers' returns.
3318. Books to be kept by rectifiers and wholesale dealers; penalty.
3319. Purchase of quantities greater than 20 gallons from one person, &c.
3320. Gauging, inspection, and stamping of rectified spirits.
3321. Gauging, inspecting, and stamping spirits on premises of wholesale dealer.
3322. Filling blanks, and affixing and protecting stamps.
3323. Spirits drawn into new packages to be gauged and branded; forfeiture.
3324. Stamps and brands to be effaced from empty casks.
Penalty for omitting to efface, and for transporting in violation of law.
3325. Buying or selling spirit-casks having inspection-marks.
3326. Changing stamps, shifting spirits, &c., penalty.
3327. Removal within certain hours from distillery or rectifier's premises.
3328. Imitations of wines.
3329. Drawback on distilled spirits.
3330. Exportation of distilled spirits withdrawn from bonded warehouses.
3331. Release of distillery before judgment, in what cases.
3332. Distillery to be destroyed in certain cases of forfeiture.
3333. When burden of proof is on claimant of spirits seized.
3334. Spirits sold under judicial process subject to tax.

Distiller, definition of.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

SEC. 3247. Every person who produces distilled spirits, or who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits, or who, by any process of evaporization, separates alcoholic spirit from any fermented substance, or who, making or keeping mash, wort, or wash, has also in his possession or use a still, shall be regarded as a distiller.

Distilled spirits, definition of.

20 July, 1868, c. 186, s. 4, v. 15, p. 126.

SEC. 3248. Distilled spirits, spirits, alcohol, and alcoholic spirit, within the true intent and meaning of this act, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance; and the tax shall attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

Standard of proof spirits; prevention of frauds.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.

SEC. 3249. Proof-spirit shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit. And for the prevention and detection of frauds by distillers of spirits, the Commissioner of Internal Revenue may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments,

or other means for ascertaining the quantity, gravity, and producing-capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

Paphman *v.* The Collector, 20 Wall., 189; Finch's Case, 12 C. Cls., 364.

SEC. 3250. In all sales of spirits a gallon shall be held to be a gallon of proof-spirit, according to the standard prescribed in the preceding section, set forth and declared for the inspection and gauging of spirits throughout the United States.

Gallon as used in sales, definition of.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.

SEC. 3251. There shall be levied and collected on all distilled spirits on which the tax prescribed by law has not been paid, a tax of seventy cents on each proof-gallon, to be paid by the distiller, owner, or person having possession thereof before removal from the distillery warehouse: *Provided*, That distilled spirits lawfully deposited in a distillery bonded warehouse prior to the first day of August, eighteen hundred and seventy-two, may be withdrawn on payment of the taxes thereon at the rate, within the time, and in the manner provided by law at the time of such deposit. The tax on such spirits shall be collected on the whole number of gauge or wine gallons when below proof, and shall be increased in proportion for any greater strength than the strength of proof spirit, as defined in this Title; and any fractional part of a gallon amounting to one-half gallon or over in a cask or package shall be taxed as a gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax. Every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom, and the tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon the said distillery is situated, and on any building thereon from the time said spirits are in existence as such until the said tax is paid.

Tax on distilled spirits.

20 July, 1868, c. 186, ss. 1, 4, v. 15, pp. 125, 126.

6 June, 1872, c. 315, s. 12, v. 17, p. 238.

8 *Jan.*, 1874, *c.* 7, *v.* 18, *p.* 2.

Repealed in part by stat. 3 *Mar.*, 1875, *c.* 127, *v.* 18, *p.* 339.

U. S. *v.* Boecker et al., 21 Wall., 652; U. S. *v.* Mason, 6 Biss., 350; U. S. *v.* Three Tons Coal, 6 Biss., 379; U. S. *v.* Distillery, 6 Biss., 483.

SEC. 3252. Every person who adds or causes to be added any ingredient or substance to any distilled spirits before the tax is paid thereon, for the purpose of creating a fictitious proof, shall be fined not less than one hundred dollars nor more than one thousand dollars for each cask or package so adulterated, and imprisoned not less than three months nor more than two years; and every such cask or package, with its contents, shall be forfeited to the United States.

Adding substances to create fictitious proof; penalty.

20 July, 1868, c. 186, s. 38, v. 15, p. 141.

SEC. 3253. The tax upon any distilled spirits, removed from the place where they were distilled and not deposited in bonded warehouse as required by law, shall, at any time, when knowledge of such fact is obtained by the Commissioner of Internal Revenue, be assessed by him upon the distiller of the same, and returned to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by the distiller, shall proceed to collect the same by distraint. But this provision shall not exclude any other remedy or proceeding provided by law.

Tax on spirits removed without deposit in warehouse.

2 Mar., 1867, c. 169, s. 14, v. 14, p. 481.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

SEC. 3254. All products of distillation, by whatever name known, which contain distilled spirits or alcohol, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

Products of distillation containing spirits.

5 Feb., 1867, Res. 11, s. 1, v. 14, p. 565.

SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, or grapes, from any provision of this Title, relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so.

Brandy made from apples, peaches, or grapes.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.

3 *Mar.*, 1877, *c.* 114, *v.* 19, *p.* 393.—11 Int. Rev. Rec., 125.

SEC. 3256. Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he

Evading tax; penalty.

20 July, 1868, c. 186, s. 39, v. 15, p. 141.

shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

Distiller defrauding or attempting to defraud United States of tax on spirits.

31 Mar., 1868, c. 41, s. 5, v. 15, p. 59.

SEC. 3257. Whenever any person engaged in carrying on the business of a distiller defrauds or attempts to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, he shall forfeit the distillery and distilling-apparatus used by him, and all distilled spirits and all raw materials for the production of distilled spirits found in the distillery and on the distillery premises, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years.

U. S. *v.* Cushman, 1 Low., 414.

One hundred and ninety-nine Barrels of Whisky *v.* U. S., 94 U. S., 86.

Registry of stills, &c.

30 July, 1868, c. 186, s. 5, v. 15, p. 126.

24 Dec., 1872, c. 13, ss. 1, 2, v. 17, pp. 401, 402.

SEC. 3258. Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling-apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling-apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner of Internal Revenue. Stills and distilling-apparatus shall be registered immediately upon their being set up. Every still or distilling-apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited. And every person having in his possession or custody, or under his control, any still or distilling-apparatus set up which is not so registered, shall pay a penalty of five hundred dollars, and shall be fined not less than one hundred dollars, nor more than one thousand dollars, and imprisoned for not less than one month, nor more than two years.

Notice of intention to carry on business of distiller or rectifier.

20 July, 1868, c. 186, s. 6, v. 15, pp. 126, 127.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3259. Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash-tubs and fermenting-tubs, the cubic contents of each tub, the number of receiving-cisterns, the cubic contents of each cistern, the number of hours in which the distillery will ferment each tub of mash or beer, the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet, in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process. In case of a rectifier, the notice shall state the precise place where such business is to be carried on, the name and residence of every person interested or to be interested in the business, the process by which the applicant intends to rectify, purify, or refine distilled spirits, the kind and cubic contents of any still used or to be used for such purpose, the estimated quantity of spirits which can be rectified, purified, or refined every twenty-four hours in such establishment, and that said rectifying-establishment is not within six hundred feet, in a direct line, of the premises of any distillery registered for the distillation of spirits. In case of any change in the location,

form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying-establishment, or in the time of fermenting the mash or beer, notice thereof, in writing, shall be given to the said collector or proper deputy collector, of the district within twenty-four hours after such change; and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner of Internal Revenue may, from time to time, prescribe. Every person who fails or refuses to give such notice shall pay a penalty of one thousand dollars, and shall be fined not less than one hundred dollars nor more than two thousand dollars; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years.

Distiller to give bond.

SEC. 3260. Every person intending to commence or to continue the business of a distiller shall, on filing with the collector his notice of such intention, and before proceeding with such business, and on the first day of May of each succeeding year, execute a bond in the form prescribed by the Commissioner of Internal Revenue, conditioned that he shall faithfully comply with all the provisions of law relating to the duties and business of distillers, and shall pay all penalties incurred or fines imposed on him for a violation of any of the said provisions; and that he shall not suffer the lot or tract of land on which the distillery stands, or any part thereof, or any of the distilling-apparatus, to be incumbered by mortgage, judgment, or other lien, during the time in which he shall carry on said business. Said bond shall be with at least two sureties, approved by the collector of the district, and for a penal sum not less than double the amount of tax on the spirits that can be distilled in his distillery during a period of fifteen days. The collector may refuse to approve said bond when, in his judgment, the situation of the distillery is such as would enable the distiller to defraud the United States; and in case of such refusal the distiller may appeal to the Commissioner of Internal Revenue, whose decision in the matter shall be final. A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency at the discretion of the collector or Commissioner of Internal Revenue. Every person who fails or refuses to give the bond hereinbefore required, or to renew the same, or who gives any false, forged, or fraudulent bond, shall forfeit the distillery, distilling-apparatus, and all real estate and premises connected therewith, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

20 July, 1868, c. 186, s. 7, v. 15, p. 127.
6 June, 1872, c. 315, s. 12, v. 17, p. 239.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.
8 *Jan.*, 1874, *c.* 7, *v.* 18, *p.* 2.

U. S. *v.* Hodson, 10 Wall., 395; U. S. *v.* Powell, 14 Wall., 493; U. S. *v.* Thirty-five Barrels, 9 Int. Rev. Rec., 67; Osborne *v.* U. S., 19 Wall., 577.

Bond not to be approved until law complied with.

SEC. 3261. No collector shall approve the bond of any distiller until all the requirements of the law and all regulations made by the Commissioner of Internal Revenue in relation to distilleries, in pursuance thereof, have been complied with. Every collector who violates this provision shall forfeit and pay two thousand dollars, and be dismissed from office.

20 July, 1868, c. 186, s. 17, v. 15, p. 131.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.—U. S. *v.* Thirty-five Barrels, 9 Int. Rev. Rec., 67.

Distiller must be owner in fee-simple, or have written consent of owner, &c.

SEC. 3262. No bond of a distiller shall be approved, unless he is the owner in fee, unincumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, or unless he files with the collector, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment-creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other incumbrance, and that in case of the forfeiture of the distillery premises, or of any part thereof, the title of the same shall vest in the United States, discharged from such mortgage, judgment, or other incumbrance. In any case where the owner of a distillery or distilling-apparatus, erected prior to the twentieth day of July, eighteen

20 July, 1868, c. 186, s. 8, v. 15, p. 127.
10 April, 1869, c. 18, s. 1, v. 16, p. 41.
6 June, 1872, c. 315, s. 13, v. 17, p. 243.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Osborne *v.* U. S., 19 Wall., 577.

hundred and sixty-eight, has only an estate for a term of years or other estate less than fee-simple in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or in like case, where the lease or other evidence of title is held but was not required by the laws of the State to be recorded in order to be valid at the time of its execution; or in any case of such prior erection where the title was then, and has continued to be, in litigation; or in any case of such prior erection where such owner is possessed of the fee, but incumbered with a mortgage executed and duly recorded prior to said twentieth of July, eighteen hundred and sixty-eight, and not due, or in any case of such prior erection where the fee is held by a feme-covert, minor, person of unsound mind, or other person incapable of giving consent, as hereinbefore required, the value of such lot or tract of land, together with the building and distilling-apparatus, shall be appraised in the manner to be prescribed by the Commissioner of Internal Revenue; and the collector may, at the discretion of the Commissioner, be authorized to accept, in lieu of the said written consent of the owner of the fee, the bond of such distiller, in such form as the Commissioner may prescribe, with not less than two sureties, conditioned that in case the distillery, distilling-apparatus, or any part thereof, shall by final judgment be forfeited for the violation of any of the provisions of law, the obligors shall pay the amount stated in said bond. Said sureties shall be residents of the collection-district or county, or of an adjoining county in the same State in which the distillery is situated, and owners of unincumbered real estate in said district or county, or adjoining county, equal to such appraised value, and the penal sum of said bond shall be equal to the appraised value of said lot or tract of land together with the buildings and distilling-apparatus: *Provided*, That in case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner of Internal Revenue, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such a distillery during the existence of the right of redemption from such sale, on complying with all the other provisions of law.

Plan of distillery.

20 July, 1868, c. 186, s. 9, v. 15, p. 128.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3263. Every distiller and person intending to engage in the business of a distiller shall, previous to the approval of his bond, cause to be made, under the direction of the collector of the district, an accurate plan and description, in triplicate, of the distillery and distilling-apparatus, distinctly showing the location of every still, boiler, doubler, worm-tub, and receiving-cistern, the course and construction of all fixed pipes used or to be used in the distillery, and of every branch and every cock or joint thereof, and of every valve therein, together with every place, vessel, tub, or utensil from and to which any such pipe leads, or with which it communicates; also the number and location and cubic contents of every still, mash-tub, and fermenting-tub, the cubic contents of every receiving-cistern, and the color of each fixed pipe, as required in this Title. One copy of said plan and description shall be kept displayed in some conspicuous place in the distillery, and two copies shall be furnished to the collector of the district, one of which shall be kept by him, and the other transmitted to the Commissioner of Internal Revenue. The accuracy of every such plan and description shall be verified by the collector, the draughtsman, and the distiller; and no alteration shall be made in such distillery without the consent, in writing, of the collector. Any alteration so made shall be shown on the original, or by a supplemental plan and description, and a reference thereto noted on the original, as the collector may direct; and any supplemental plan and description shall be executed and preserved in the same manner as the original.

Surveys of distilleries.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

SEC. 3264. On receipt of notice that any person wishes to commence the business of distilling, the collector shall proceed, at the expense of the United States, with the aid of an assistant designated for the purpose by the Commissioner of Internal Revenue, to make a survey of such distillery, for the purpose of estimating and determining its true spirit-

producing capacity for a day of twenty-four hours. In all surveys forty-five gallons of mash or beer brewed or fermented from grain shall represent not less than one bushel of grain, and seven gallons of mash or beer brewed or fermented from molasses shall represent not less than one gallon of molasses, except in distilleries operating on the sour-mash principle, in which distilleries sixty gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain. A written report of such survey shall be made in triplicate, of which one copy shall be delivered to the distiller, one copy shall be retained by the collector, and one copy shall be transmitted to the Commissioner of Internal Revenue, and the survey shall take effect upon the delivery of such copy to the distiller. Whenever the Commissioner is satisfied that any report of the capacity of a distillery is incorrect or needs revision, he shall direct the collector to make, in like manner, another survey of said distillery, and the report thereof shall be made and deposited as hereinbefore provided.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

U. S. *v.* Ferrary et al., 93 U. S., 625.

SEC. 3265. Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of five hundred dollars, and shall forfeit the distilling-apparatus thus removed or set up in violation of law.

Notice by manufacturer of a still.

20 July, 1868, c. 186, s. 14, v. 15, p. 130.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Penalty for setting up still without permit.

SEC. 3266. No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling-house, or in any shed, yard, or inclosure connected with any dwelling-house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager-beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined one thousand dollars and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises: *Provided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling-tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

Distilling on certain premises prohibited; penalty.

13 July, 1866, c. 184, s. 25, v. 14, p. 154.

20 July, 1868, c. 186, s. 12, v. 15, p. 130.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

U. S. *v.* Wm. G. Reed, 1 Low., 232.

SEC. 3267. The owner, agent, or superintendent of any distillery established as hereinbefore provided, shall erect, in a room or building to be provided and used for that purpose, and for no other, and to be constructed in the manner to be prescribed by the Commissioner of Internal Revenue, two or more receiving-cisterns, each to be at least of sufficient capacity to hold all the spirits distilled during the day of twenty-four hours, into which shall be conveyed all the spirits produced in said distillery; and each of said cisterns shall be so constructed as to leave an open space of at least three feet between the top thereof and the floor or roof above, and of not less than eighteen inches between the bottom thereof and the floor below, and shall be so situated that the officer can pass around the same, and shall be connected with the outlet of the worm or condenser by suitable pipes or other apparatus, so constructed as

Receiving-cisterns in distilleries.

20 July, 1868, c. 186, s. 16, v. 15, p. 131.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

always to be exposed to the view of the officer, and so connected and constructed as to prevent the abstraction of spirits while passing from the outlet of the worm or condenser back to the still or doubler, or forward to the receiving-cistern. Such cisterns and the room in which they are contained shall be in charge and under the lock and seal of the internal-revenue gauger designated for that duty; and all locks and seals required by law shall be provided by the Commissioner of Internal Revenue, at the expense of the United States; and the keys shall be in charge of the collector or such gauger as he may designate. On the third day after the spirits are conveyed into such cistern they shall be drawn off into casks, under the supervision of such gauger, in the presence of the store-keeper, and be removed directly to the distillery warehouse; but on special application to the collector by the owner, agent, or superintendent of any distillery, the spirits may be drawn off from the said cisterns, under the supervision of the gauger, at any time previous to the third day.

Breaking locks, gaining access to cistern, &c.; penalty.

20 July, 1868, c. 186, s. 40, v. 15, p. 141.

SEC. 3268. Every person who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any cistern-room or building by the duly authorized officers of the revenue, or opens said lock or seal, or the door to said cistern-room or building, or in any manner gains access to the contents therein, in the absence of the proper officer, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years.

Furnaces, tubs, doublers, worm-tanks; penalty.

20 July, 1868, c. 186, s. 17, v. 15, p. 131.

SEC. 3269. The door of the furnace of every still or boiler used in any distillery shall be so constructed that it may be securely fastened and locked. The fermenting-tubs shall be so placed as to be easily accessible to any revenue officer, and each tub shall have distinctly painted thereon in oil-colors its cubic contents in gallons and the number of the tub. There shall be a clear space of not less than one foot around every wood-still, and not less than two feet around every doubler and worm-tank. The doubler and worm-tanks shall be elevated not less than one foot from the floor; and every fixed pipe to be used by the distiller, except for conveyance of water, or of spent mash or beer only, shall be so fixed and placed as to be capable of being examined by the officer for the whole of its length or course, and shall be painted, and kept painted, as follows, that is to say: Every pipe for the conveyance of mash or beer shall be painted of a red color; every pipe for the conveyance of low-wines back into the still or doubler shall be painted blue; every pipe for the conveyance of spirits shall be painted black, and every pipe for the conveyance of water shall be painted white. Whenever any fixed pipe is used by any distiller which is not painted or kept painted as herein directed, or which is painted otherwise than as herein directed, he shall forfeit the sum of one thousand dollars.

Apparatus and fastenings.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

SEC. 3270. The Commissioner of Internal Revenue is authorized to order and require such changes of or additions to distilling apparatus, connecting-pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary.

Distillery warehouse.

20 July, 1868, c. 186, s. 15, v. 15, p. 130.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

3 *Mar.*, 1877, c. 114, *v.* 19, *p.* 393.

U. S. *v.* Powell, 14 Wall., 493.

SEC. 3271. Every distiller shall provide, at his own expense, a warehouse, to be situated on and to constitute a part of his distillery premises, and to be used only for the storage of distilled spirits of his own manufacture until the tax thereon shall have been paid; but no dwelling-house shall be used for such purpose, and no door, window, or other opening shall be made or permitted in the walls of such warehouse leading into the distillery or into any other room or building; and such warehouse, when approved by the Commissioner of Internal Revenue, on report of the collector, is hereby declared to be a bonded warehouse of the United States, to be known as a distillery warehouse, and shall be under the direction and control of the collector of the district, and in charge of an internal-revenue store-keeper, assigned thereto by the Commissioner.

When a warehouse becomes unsafe.

SEC. 3272. Whenever in the opinion of the Commissioner of Internal Revenue any distillery or other warehouse is unsafe or unfit for use, or the merchandise therein is for any reason liable to loss or great wastage, he may discontinue such warehouse, and require the merchandise therein to be transferred to such other warehouse as he may designate and within such time as he may prescribe. Such transfer shall be made under the supervision of the collector, or of such other officer as may be designated by the Commissioner, and the expense thereof shall be paid by the owner of the merchandise. Whenever the owner of such merchandise fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer, as ascertained and determined by the Commissioner, such merchandise may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the costs and expenses of such sale and removal, and the balance paid over to the owner of such merchandise.

20 July, 1868, c. 186, s. 56, v. 15, p. 149.
3 *Mar.*, 1877, c. 114, *s.* 7, *v.* 19, *p.* 394.

Store-keepers have charge under direction of collector.

SEC. 3273 The store-keeper assigned to any distillery warehouse shall also have charge of the distillery connected therewith; and every store-keeper shall have charge of the warehouse to which he is assigned, and of such distillery, under the direction of the collector controlling the same.

20 July, 1868, c. 186, ss. 21, 52, v. 15, pp. 134, 146.

Custody and management of warehouse.

SEC. 3274. Every distillery warehouse shall be in the joint custody of the store-keeper and the proprietor thereof. It shall be kept securely locked, and shall at no time be unlocked, or opened, or remain open, unless in the presence of such store-keeper, or other person who may be designated to act for him, as provided by law; and no articles shall be received in or delivered from such warehouse except on an order or permit addressed to the store-keeper and signed by the collector having control of the warehouse.

20 July, 1868, c. 186, s. 52, v. 15, p. 146.

Distiller to keep distillery accessible.

SEC. 3275. No fence or wall of a height greater than five feet shall be erected or maintained around the premises of any distillery, so as to prevent easy and immediate access to such distillery. And every distiller shall furnish to the collector of the district as many keys of the gates and doors of the distillery as may be required by the collector, from time to time, for any revenue officer or other person who may be authorized to make survey or inspection of the premises, or of the contents thereof; and said distillery shall be kept always accessible to any officer or other person having any such key. Every person who violates any of the foregoing provisions of this section by negligence or refusal, or otherwise, shall pay a penalty of five hundred dollars.

20 July, 1868, c. 186, s. 18, v. 15, p. 132.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Power of revenue officers to enter and examine distilleries.

SEC. 3276. It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller. And whenever any internal-revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal-revenue laws, in any respect, the distiller shall forfeit the sum of one thousand dollars. And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break

20 July, 1868, c. 186, s. 32, v. 15, p. 139.

Penalty for obstructing officer.

open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of one thousand dollars.

Distillers and rectifiers to furnish facilities for examination; penalty for neglect.

20 July, 1868, c. 186, s. 33, v. 15, p. 139.

SEC. 3277. On the demand of any internal-revenue officer, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stocks, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of five hundred dollars for every refusal or neglect so to do.

Officers to break up ground or walls in order to examine.

20 July, 1868, c. 186, s. 34, v. 15, p. 140.

SEC. 3278. It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

Signs to be put up by distillers and rectifiers; penalty for neglect.

20 July, 1868, c. 186, s. 18, v. 15, p. 132.

SEC. 3279. Every person engaged in distilling or rectifying spirits, and every wholesale liquor-dealer, shall place and keep conspicuously on the outside of the place of such business a sign, exhibiting in plain and legible letters, not less than three inches in length, painted in oil-colors or gilded, and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer, with the words: "Registered distillery," "rectifier of spirits," or "wholesale liquor-dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal, or otherwise, shall pay a penalty of five hundred dollars. And every person, other than a rectifier or wholesale liquor-dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by this section, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor-dealer, shall forfeit and pay one thousand dollars, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor-store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and delivers any grain, molasses, or other raw material to any distillery on which such sign is not placed and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned not less than one month nor more than six months.

Penalty for using false signs, &c.

Distillers not to carry on business until the law is complied with.

20 July, 1868, c. 186, s. 11, v. 15, p. 129

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

SEC. 3280. It shall not be lawful for any distiller to commence or to continue the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration and survey of distilleries, and the arrangement and construction of distilleries and the premises connected therewith; nor shall it be lawful for any person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within the distance of six hundred feet in a direct line.

Carrying on distillery without giving bond, &c.; penalty.

SEC. 3281. Every person who carries on the business of a distiller without having given bond as required by law, or who engages in or carries on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, shall, for every such offense, be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all stills or other apparatus fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person, who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery, which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

20 July, 1868, c. 186, s. 44, v. 15, p. 142.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

U. S. *v.* A Distillery, 2 Abb. U. S., 192.

Mash, wort, and vinegar.

SEC. 3282. No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol, or any vapor of alcoholic spirits, in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided further*, That nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. But nothing herein contained shall be construed to authorize the distillation of such fermented liquids, except in an authorized distillery.

20 July, 1868. c. 186, s. 4, v. 15, p. 126.

3 Mar., 1871, Res. 53, v. 16, p. 601.

No process for distilling between 11 p. m. of Saturday and 1 a. m. of Monday.

SEC. 3283. No malt, corn, grain, or other material shall be mashed, nor any mash, wort, or beer brewed or made, nor any still used by a distiller, at any time between the hour of eleven in the afternoon of any Saturday and the hour of one in the forenoon of the next succeeding Monday; and every person who violates the provisions of this section shall be liable to a penalty of one thousand dollars.

20 July, 1868, c. 186, s. 35, v. 15, p. 140.

Using material, or removing spirits in absence of store-keeper; penalty.

SEC. 3284. Every distiller or person employed in any distillery who, in the absence of the store-keeper, or person designated to act as store-keeper, uses, or causes or permits to be used, any material for the purpose of making mash, wort, or beer, or for the production of spirits, or removes any spirits, shall forfeit and pay double the amount of taxes on the spirits so produced, distilled, or removed, and in addition thereto be liable to a penalty of one thousand dollars.

20 July, 1868, c. 186, s. 21, v. 15, p. 134.

Emptying fermenting tubs.

SEC. 3285. Every fermenting-tub shall be emptied at the end of the fermenting period, and shall remain empty for twenty-four hours.

20 July, 1868, c. 186, s. 19, v. 15, p. 133.

Drawing off water, cleansing worm-tubs, &c.

SEC. 3286. Whenever any officer requires the water contained in any worm-tub in a distillery, at any time when the still is not at work, to be drawn off, and the tub and worm cleansed, the water shall forthwith be

20 July, 1868, c. 186, s. 31, v. 15, p. 139.

drawn off, and the tub and worm cleansed by the distiller, or his workmen, accordingly; and the water shall be kept and continued out of such worm-tub for the period of two hours, or until the officer has finished his examination thereof. For any refusal or neglect to comply with any provision of this section, the distiller shall forfeit the sum of one thousand dollars; and it shall be lawful for the officer to draw off such water, or any portion of it, and to keep the same drawn off for so long a time as he shall think necessary.

Drawing off, gauging, &c., and removal of spirits to warehouse.

20 July, 1868, c. 186, s. 23, v. 15, p. 135.

SEC. 3287. All distilled spirits shall be drawn from the receiving-cisterns into casks, each of not less capacity than twenty gallons wine-measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, by cutting on the cask containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine-gallons and in proof-gallons of the contents of such casks, and shall be immediately removed into the distillery warehouse, and the gauger shall, in presence of the store-keeper of the warehouse, place upon the head of the cask an engraved stamp, which shall be signed by the collector of the district and the store-keeper and gauger, and shall have written thereon the number of proof-gallons contained therein, the name of the distiller, the date of the receipt in the warehouse, and the serial number of each cask, in progressive order, as the same are received from the distillery. Such serial number for every distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask deposited therein after July twenty, eighteen hundred and sixty-eight, and no two or more casks warehoused at the same distillery shall be marked with the same number. The said stamp shall be as follows:

Distillery-warehouse stamp No. —. Issued by ———, collector, ——— district, State of ———, distillery warehouse of ——— ———. 18—. Cask No. —; contents —— gallons proof spirits.

———— ————,
United States Store-keeper.

Attest:

———— ————,
United States Gauger.

Tax-paid spirits not to remain on distillery premises.

13 July, 1866, c. 184, s. 43, v. 14, p. 162.

SEC. 3288. No distilled spirits on which the tax has been paid shall be stored or allowed to remain on any distillery premises, under the penalty of a forfeiture of all spirits so found.

Forfeiture of unstamped packages.

20 July, 1868, c. 186, s. 57, v. 15, p. 150. 6 June, 1872, c. 315, s. 12, v. 17, p. 243.—14 Int. Rev. Rec., 6.

SEC. 3289. All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

Gauger employing distiller, &c., to use brands or perform his duties; penalty.

13 July, 1866, c. 184, s. 38, v. 14, p. 160.

SEC. 3290. Whenever any gauger employs any owner, agent, or superintendent of any distillery or distillery warehouse, or any person in the service of such owner, agent, or superintendent, or any rectifier or wholesale liquor-dealer, or any person in the service of such rectifier or wholesale liquor-dealer, to use his brands, or to discharge any of the duties imposed upon him by law, he shall, for each offense so committed, pay a fine not exceeding one thousand dollars, in the discretion of the court.

Gauger's returns.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3291. Every gauger shall, under such regulations as may be prescribed by the Commissioner of Internal Revenue, make a daily return to the collector of his district, giving a true account, in detail, of all articles gauged and proved or inspected by him, and for whom, and the number and kind of stamps used by him.

Fraudulent inspection, gauging, &c.; penalty.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.

SEC. 3292. Every gauger who makes any false or fraudulent inspection, gauging, or proof shall pay a penalty of one thousand dollars, and be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than three years.

Distiller's entry of deposit in warehouse.

20 July, 1868, c. 186, s. 23, v. 15, p. 135.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

3 *Mar.*, 1877, *c.* 114, *s.* 2, *v.* 19, *p.* 393.

SEC. 3293. The distiller or owner of all spirits removed as aforesaid to the distillery warehouse shall, on the first day of each month, or within five days thereafter, enter the same for deposit in such warehouse, under such regulations as the Commissioner of Internal Revenue may prescribe. Said entry shall be in triplicate, and shall contain the name of the person making the entry, the designation of the warehouse in which the deposit is made, and the date thereof, and shall be in the following form:

Entry for deposit in distillery warehouse.

Entry of distilled spirits deposited by ——— ———, in distillery warehouse ———, in the ——— district, State of ———, on the —— day of ———, anno Domini ——.

And the entry shall specify the kind of spirits, the whole number of casks, the marks and serial numbers thereon, the number of gauge or wine gallons and proof-gallons, and the amount of the tax on the spirits contained in them; all of which shall be verified by the oath of the distiller or owner of the same attached to the entry. The said distiller or owner shall give his bond in duplicate, with one or more sureties, satisfactory to the collector of the district, conditioned that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid, before removal from said distillery warehouse, and within one year from the date of said bond; and the penal sum of such bond shall not be less than double the amount of the tax on such distilled spirits. One of said entries shall be retained in the office of the collector of the district, one sent to the store-keeper in charge of the warehouse, to be retained and filed in the warehouse, and one sent with duplicate of the bond to the Commissioner of Internal Revenue, to be filed in his office.

Bond for taxes.

Withdrawal from warehouse, entry for.

20 July, 1868, c. 186, s. 24, v. 15, p. 136.

SEC. 3294. Any distilled spirits may, on payment of the tax thereon, be withdrawn from warehouse on application to the collector of the district in charge of such warehouse, on making a withdrawal entry in duplicate and in the following form:

ENTRY FOR WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE.

Tax paid.

Entry of distilled spirits to be withdrawn, on payment of the tax, from ——— warehouse, by ———, deposited on the ——— day of ———, anno Domini ———, by ———, in said warehouse.

And the entry shall specify the whole number of casks, with the marks and serial numbers thereon, the number of gauge or wine gallons, and of proof-gallons, and the amount of the tax on the distilled spirits contained in them, all of which shall be verified by the oath of the person making such entry; and on payment of the tax the collector shall issue his order to the store-keeper in charge of the warehouse for the delivery. One of said entries shall be filed in the office of the collector, and the other transmitted by him to the Commissioner of Internal Revenue.

Gauging, stamping, and branding spirits removed from warehouse.

20 July, 1868, c. 186, s. 25, v. 15, p. 136.

SEC. 3295. Whenever an order is received from the collector for the removal from any distillery warehouse of any cask of distilled spirits on which tax has been paid, the gauger by whom the same is gauged and inspected shall, in presence of the store-keeper and before such cask has left the warehouse, place upon the head thereof, in such manner as to cover no portion of any brand or mark prescribed by law already placed thereon, a stamp, on which shall be engraved the number of proof-gallons contained in said cask on which the tax has been paid, and which shall state the serial number of the cask, the name of the person by whom the tax was paid, and the person to whom and the place where it is to

be delivered. Said stamp shall be signed by the collector of the district, the store-keeper, and gauger, and shall be as follows:

Tax-paid stamp, No. —.

Received ——— ———, 18—, from ——— ——— tax on ——— gallons proof-spirit, cask No. ——, ——— warehouse at ———, for delivery to ———, at———.

———— ————,
Collector —— District, State of ———.

Attest:

———— ————,
United States Store-keeper.

———— ————,
United States Gauger.

And at the time of affixing the tax-paid stamp the gauger shall, in the presence of the store-keeper, cut or burn upon each cask the name of the distiller, the district, the date of the payment of the tax, the number of proof-gallons, and the number of the stamp, which cutting or burning shall be erased when such cask is emptied, by cutting or burning a canceling-line across such marks or brands.

Removal, concealment, &c., of spirits contrary to law; penalty.

20 July, 1868, c. 186, s. 36, v. 15, p. 140.

SEC. 3296. Whenever any person removes, or aids or abets in the removal of any distilled spirits on which the tax has not been paid, to a place other than the distillery warehouse provided by law, or conceals or aids in the concealment of any spirits so removed, or removes, or aids or abets in the removal of any distilled spirits from any distillery warehouse, or other warehouse for distilled spirits authorized by law, in any manner other than is provided by law, or conceals or aids in the concealment of any spirits so removed he shall be liable to a penalty of double the tax imposed on such distilled spirits so removed or concealed, and shall be fined not less than two hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than three years.

Alcohol withdrawn for scientific purposes.

21 Feb., 1873, c. 173, v. 17, p. 468.

SEC. 3297. The Secretary of the Treasury is authorized to grant permits to any incorporated or chartered scientific institution or college of learning to withdraw alcohol in specified quantities from bond without payment of the internal-revenue tax on the same, or on the spirits from which the alcohol has been distilled, for the sole purpose of preserving specimens of anatomy, physiology, or natural history belonging to such institution, or for use in its chemical laboratory: *Provided*, That application for permits shall be made by the president or curator of such institution, who shall file a bond for double the amount of the tax on the alcohol to be withdrawn, with two good and sufficient sureties, to be approved by the Commissioner of Internal Revenue, and conditioned that the whole quantity of alcohol so withdrawn from bond shall be used for the purposes above specified, and for no other, and that the said president or curator shall comply with such other requirements and regulations as the Secretary of the Treasury may prescribe. And if any alcohol so obtained is used by any officer, as aforesaid, of such institution for any purposes other than that above specified, then the said officer or sureties shall pay the tax on the whole amount of alcohol withdrawn from bond, together with a like amount as a penalty in addition thereto.

Power of officers to detain packages on suspicion.

20 July, 1868, c. 186, s. 41, v. 15, p. 141.

SEC. 3298. It shall be lawful for any internal-revenue officer to detain any cask or package containing, or supposed to contain, distilled spirits, when he has reason to believe that the tax imposed by law upon the same has not been paid, or that the same is being removed in violation of law; and every such cask or package may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than forty-eight hours without process of law or intervention of the officer to whom such detention is to be reported.

Forfeiture of spirits unlawfully removed from distillery.

SEC. 3299. All distilled spirits found elsewhere than in a distillery or [*distilling*] [distillery] warehouse, not having been removed therefrom according to law, shall be forfeited to the United States.

20 July, 1868, c. 186, s. 36, v. 15, p. 140. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.—The Distilled Spirits, 11 Wall., 356; U. S. *v.* Blaisdell, 9 Int. Rev. Rec., 82.

Store-keeper unlawfully removing or allowing to be removed, &c.

20 July, 1868, c. 186, s. 52, v. 15, p. 147.

SEC. 3300. Whenever any store-keeper or other person in the employment of the United States, having charge of a bonded warehouse, removes or allows to be removed therefrom any cask or other package, without an order or permit of the collector, or which has not been marked or stamped in the manner required by law; or removes or allows to be removed any part of the contents of any cask or package deposited therein, he shall be immediately dismissed from office or employment, and be fined not less than five hundred dollars nor more than two thousand dollars, and imprisoned not less than three months nor more than two years.

Store-keepers' warehouse-books and returns.

Ibid.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3301. Every store-keeper shall keep a warehouse-book, which shall at all times be open to the examination of any revenue officer, and shall enter therein an account of all articles deposited in the warehouse to which he is assigned, indicating in each case the date of deposit, by whom manufactured or produced, the number and description of the packages and contents, the quantities therein, the marks and serial numbers thereon, and by whom gauged, inspected, or weighed, and if distilled spirits, the number of gauge or wine gallons and of proof-gallons; and before delivering any article from the warehouse he shall enter in said book the date of the permit or order of the collector for the delivery of such articles, the number and description of the packages, the marks and serial numbers thereon, the date of delivery, to whom delivered, and for what purpose, which purpose shall be specified in the permit or order for delivery; and in case of delivery of any distilled spirits the number of gauge or wine gallons, and of proof-gallons, shall also be stated; and such further particulars shall be entered in the warehouse-books as may be prescribed or found necessary for the identification of the packages, to insure the correct delivery thereof and proper accountability therefor. And every store-keeper shall furnish daily to the collector of the district a return of all articles received in and delivered from the warehouse during the day preceding that on which the return is made, and mail at the same time a copy thereof to the Commissioner of Internal Revenue, and shall, on the first Monday of every month, make a report in duplicate of the number of packages of all articles, with the respective descriptions thereof, as above provided, which remained in the warehouse at the date of his last report, of all articles received therein and delivered therefrom during the preceding month, and of articles remaining therein at the end of said month. He shall deliver one of these reports to the collector having control of the warehouse, to be recorded and filed in his office, and transmit one to the Commissioner of Internal Revenue, to be recorded and filed in his office.

Store-keepers to have charge of distillery and keep account of materials used, &c.

Ibid., s. 21, p. 134.

SEC. 3302. The store-keeper assigned to any distillery warehouse shall, in addition to the duties required of him as store-keeper in charge of a warehouse, keep in a book to be provided for that purpose, and in the manner prescribed by the Commissioner of Internal Revenue, a daily account of all the meal and vegetable productions or other substances brought into said distillery, or on said premises, to be used for the purpose of producing spirits, from whom purchased, and when delivered at said distillery; of the kind and quantity of all fuel used, and from whom purchased; of all repairs made on said distillery, and by whom and when made; of the names and places of residence of all persons employed in or about the distillery; of the materials put into the mash-tub or otherwise used for the production of spirits; of the time when any fermenting-tub is emptied of ripe mash or beer, recording the same by the number painted on said tub; and of all spirits drawn off from the receiving-cistern, and the time when the same were drawn off.

Distillers' books, entries to be made.

SEC. 3303. Every person who makes or distills spirits, or owns any still, boiler, or other vessel used for the purpose of distilling spirits, or

Ibid.,s.19,p.132.

who has such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or who uses any such still, boiler, or other vessel, shall from day to day make, or cause to be made, in a book or books, to be kept by him in such form as the Commissioner of Internal Revenue may prescribe, a true and exact entry of the kind of materials, and the quantity in pounds, bushels, or gallons purchased by him for the production of spirits, from whom and when purchased, and by what conveyance delivered at said distillery, the amount paid therefor, the kind and quantity of fuel purchased for use in the distillery, and from whom purchased, the amount paid for ice or water for use in the distillery, the repairs placed on said distillery or distilling-apparatus, the cost thereof, and by whom and when made, and of the name and residence of each person employed in or about the distillery, and in what capacity employed. And in another book he shall make like entry of the quantity of grain or other material used for the production of spirits, the time of day when any yeast or other composition is put into any mash or beer for the purpose of exciting fermentation, the quantity of mash in each tub, designating the same by the number of the tub, the number of dry inches, that is to say, the number of inches between the top of each tub and the surface of the mash or beer therein at the time of yeasting, the gravity and temperature of the beer at the time of yeasting, and on every day thereafter its quantity, gravity, and temperature at the hour of twelve meridian; also, of the time when any fermenting-tub is emptied of ripe mash or beer, the number of gallons of spirits distilled, the number of gallons placed in the warehouse, and the proof thereof, the number of gallons sold or removed, with the proof thereof, and the name, place of business, and residence of the person to whom sold.

Books to be open to inspection and preserved two years.

Ibid.,s.19,p.133.

SEC. 3304. The books of every distiller hereinbefore required shall always be kept at the distillery and be always open to the inspection of any revenue officer, and, when filled up, shall be preserved by the distiller for a period of not less than two years thereafter, and whenever required shall be produced for the inspection of any revenue officer.

False entries, omitting to keep or produce books; penalty.

Ibid.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

SEC. 3305. Whenever any false entry is made in, or any entry required to be made is omitted from, either of the said books mentioned in the two preceding sections, with intent to defraud or to conceal from the revenue officers any fact or particular required to be stated and entered in either of said books, or to mislead in reference thereto; or any distiller as aforesaid omits or refuses to provide either of said books, or cancels, obliterates, or destroys any part of either of such books, or any entry therein, with intent to defraud, or permits the same to be done, or such books, or either of them, are not produced when required by any revenue officer, the distillery, distilling-apparatus, and the lot or tract of land on which it stands, and all personal property on said premises used in the business there carried on, shall be forfeited to the United States. And every person who makes such false entry, or omits to make any entry hereinbefore required to be made, with the intent aforesaid, or who causes or procures the same to be done, or fraudulently cancels, obliterates, or destroys any part of said books, or any entry therein, or willfully fails to produce such books, or either of them, shall be fined not less than five hundred dollars, nor more than five thousand dollars, and imprisoned not less than six months, nor more than two years.

Using false weights or measures; penalty.

20 July, 1868, c. 186, s. 40, v. 15, p. 141.

Using unregistered materials; penalty.

Ibid.

SEC. 3306. Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years. Any person who uses any molasses, beer, or other substance, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same is registered in the proper book provided for that purpose, shall forfeit and pay the sum of one thousand dollars for each offense so committed.

Distillers' returns of production to collector.

Ibid., s. 19, p. 133.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.
24 Dec., 1872, c. 13, s. 6, v. 17, p. 403.

SEC. 3307. On the first day of each month, or within five days thereafter, every distiller shall render to the collector of the district an account in duplicate, taken from his books, stating the quantity and kind of materials used for the production of spirits each day, and the number of wine-gallons and of proof-gallons of spirits produced and placed in warehouse. And the distiller or the principal manager of the distillery shall make and subscribe the following oath, to be attached to said return: "I, ——— ———, distiller (or principal manager, as the case may be) of the distillery at ———, do solemnly swear that, since the date of the last return of the business of said distillery, dated ——— day of ——— to ——— day of ———, both inclusive, there was produced in said distillery, and withdrawn and placed in warehouse, the number of wine-gallons and proof-gallons of spirits; and there were actually mashed and used in said distillery, and consumed in the production of spirits therein, the several quantities of grain, sugar, molasses, and other materials respectively hereinbefore specified, and no more." One of the said duplicate returns shall be transmitted by the collector to the Commissioner of Internal Revenue.

Distiller's returns of the number of barrels distilled.

20 July, 1868, c. 186, s. 59, v. 15, p. 150. 6 June 1872, c. 315, s. 13, v. 17, p. 244.

SEC. 3308. Every distiller shall make a return of the number of barrels of spirits distilled by him, counting forty gallons of proof-spirits to the barrel, whenever such return is demanded by the collector of the district.

Monthly examination of distiller's return, &c.

20 July, 1868, c. 186, s. 20, v. 15, p. 133.
10 April, 1869, c. 18, s. 1, v. 16, p. 42.
6 June, 1872, c. 315, s. 13, v. 17, p. 243.
3 *Mar.*, 1875, *c.* 131, *s.* 12, *v.* 18, *p.* 419.

The Collector *v.* Beggs, 17 Wall., 182; Dandelet *v.* Smith, 18 Wall., 642; U. S. *v.* Nissley, 1 Dill., 586; Clinkenbeard et al. *v.* U. S., 21 Wall., 65; Barker *v.* White, 11 Blatch., 445; U. S. *v.* Black, 11 Blatch., 538.

SEC. 3309. On the receipt of the distiller's return in each month, the Commissioner of Internal Revenue shall inquire and determine whether the distiller has accounted for all the grain or molasses used, and all the spirits produced by him in the preceding month. If he is satisfied that the distiller has reported all the spirits produced by him, and the quantity so reported is found to be less than eighty per centum of the producing-capacity of the distillery as estimated according to law, he shall make an assessment for such deficiency at the rate of [*seventy*] [ninety] cents for ever proof-gallon. In determining the quantity of grain used, fifty-six pounds shall be accounted as a bushel; and if the Commissioner finds that the distiller has used any grain or molasses in excess of the capacity of his distillery as estimated according to law, he shall make an assessment against the distiller at the rate of [*seventy*] [ninety] cents for every proof-gallon of spirits that should have been produced from the grain or molasses so used in excess, which assessment shall be made whether the quantity of spirits reported is equal to or exceeds eighty per centum of the producing-capacity of the distillery. If the Commissioner finds that the distiller has not accounted for all the spirits produced by him, he shall, from all the evidence he can obtain, determine what quantity of spirits was actually produced by such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate of [*seventy*] [ninety] cents for every proof-gallon: *Provided*, That the actual product shall be assumed to be in no case less than eighty per centum of the producing-capacity of the distillery as estimated according to law. All assessments made under this section shall be a lien on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon, from the time such assessment is made until the same shall have been paid.

When distilling deemed commenced; suspension of work; penalties.

20 July, 1868, c. 186, s. 22, v. 15. p. 134.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.

SEC. 3310. Every distiller, at the hour of twelve meridian, on the third day after that on which his bond is approved, shall be deemed to have commenced, and thereafter to be continuously engaged in, the production of distilled spirits in his distillery, except in the intervals when he shall suspend work as hereinafter provided. Any distiller desiring to suspend work in his distillery may give notice in writing to the collector of the district, stating when he will suspend work; and on the day mentioned in said notice said collector or one of his deputies shall, at the expense of the distiller, proceed to fasten securely the door of

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

Clinkenbeard et al., *v.* U. S., 21 Wall., 65.

every furnace of every still or boiler in said distillery, by locks and otherwise, and shall adopt such other means as the Commissioner of Internal Revenue may prescribe to prevent the lighting of any fire in such furnace or under such stills or boilers. The locks and seals, and other materials required for such purpose, shall be furnished to the collector by the Commissioner of Internal Revenue, to be duly accounted for by said collector. Such notice by any distiller, and the action taken by the collector in pursuance thereof, shall be immediately transmitted to the Commissioner of Internal Revenue. No distiller, after having given such notice, shall, after the time stated therein, carry on the business of a distiller on said premises until he gives another notice in writing to said collector, stating the time when he will resume work; and at the time so stated for resuming work the collector or one of his deputies shall attend at the distillery to remove said locks and other fastenings; and thereupon, and not before, work may be resumed in said distillery, which fact shall be immediately reported to the collector of the district, and by him transmitted to the Commissioner of Internal Revenue. Every distiller who, after the time fixed in said notice declaring his intention to suspend work, carries on the business of a distiller on said premises, or has mash, wort, or beer in his distillery, or on any premises connected therewith, or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on said premises, shall incur the forfeitures and be subject to the same punishment as provided for persons who carry on the business of a distiller without having given the bonds required by law. But nothing in this section shall be held to apply to suspensions caused by [*unadvoidable*] [unavoidable] accident; and the Commissioner of Internal Revenue shall prescribe regulations to govern such cases of involuntary suspension.

Reduction of capacity; penalty.

20 July, 1868, c. 186, s. 30, v. 15, p. 138. 24 Dec., 1872, c. 13, v. 17, p. 401.

SEC. 3311. Whenever any distiller desires to reduce the producing-capacity of his distillery, he shall give notice of such intention, in writing, to the collector, stating the quantity of spirits which he desires thereafter to manufacture or produce every twenty-four hours, and thereupon said collector shall proceed, at the expense of the distiller, to reduce and limit the producing-capacity of the distillery to the quantity stated in said notice, by placing upon a sufficient number of the fermenting-tubs close-fitting covers, which shall be securely fastened by nails, seals, and otherwise, and in such manner as to prevent the use of such tubs without removing said covers or breaking said seals, and shall adopt such other precautions as may be prescribed by the Commissioner of Internal Revenue to reduce the capacity of said distillery. And every person who breaks, injures, or in any manner tampers with any lock, seal, or other fastening applied to any furnace, still, or fermenting-tub, or other vessel, in pursuance of the provisions of law, or who opens or attempts to open any door, tub, or other vessel, which is locked or sealed, or otherwise closed or fastened as herein provided, or who uses any furnace, still, or fermenting-tub, or other vessel, which is so locked, sealed, or fastened, shall be deemed guilty of a felony, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than one year nor more than three years.

Stamps, how prepared and issued.

20 July, 1868, c. 186, s. 26, v. 15, p. 137. 24 Dec., 1872, c. 13, s. 3, v. 17, p. 402.

SEC. 3312. All stamps required for distilled spirits shall be engraved in their several kinds in book-form, and shall be issued by the Commissioner of Internal Revenue to any collector, upon his requisition, in such numbers as may be necessary in the several districts. Each stamp shall have an engraved stub attached thereto, with a number thereon corresponding with an engraved number on the stamp, and the stub shall not be removed from the book. And there shall be entered on each stub such memoranda of the contents of its corresponding stamp as shall be necessary to preserve a perfect record of the use of such stamp when detached.

Stamps, form of, how used.

SEC. 3313. On every stamp for the payment of tax on distilled spirits there shall be engraved words and figures representing a decimal number of gallons, and on the stub corresponding to such stamp there shall

be engraved a similar number of gallons, and between the stamp and the stub, and connecting them, shall be engraved nine coupons, which, beginning next to the stamp, shall indicate in succession the several numbers of gallons between the number named in the stamp and the decimal number next above. And whenever any collector receives the tax on the distilled spirits contained in any cask, he shall detach from the book a stamp representing the denominate quantity nearest to the quantity of proof-spirits in such cask, as shown by the gauger's return, with such number of the coupons attached thereto as shall be necessary to make up the whole number of proof-gallons in said cask; and any fractional part of a gallon amounting to one-half gallon or over in addition to the number of full gallons shall be regarded as a full gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax. All unused coupons shall remain attached to the marginal stub, and no coupon shall have any value or significance when detached from the stamp and stub. And the tax-paid stamps with the coupons may denote such number of gallons, not less than twenty, as the Commissioner of Internal Revenue may deem advisable.

20 July, 1868, c. 186, s. 27, v. 15, p. 137.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.

Accountability for stamp-books.

SEC. 3314. The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected; and when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of one-half of one per centum on the amount of such tax, in addition to any other commission by law allowed: *Provided*, That the total net compensation of collectors, as fixed by this Title, shall not be thereby increased. All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors as representing the value of ten cents for each stamp; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used, and from these reports the Commissioner of Internal Revenue shall assess the person for whom they were used; and the collector shall thereupon collect the amount due for such stamps, at the rate of ten cents for each stamp issued during the month; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein.

20 July, 1868, c. 186, s. 28, v. 16, p. 138.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.
24 Dec., 1872, c. 13, s. 6, v. 17, p. 403.

Restamping tax-paid spirits when stamps lost or destroyed.

SEC. 3315. The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue tax-paid stamps for restamping distilled spirits upon which the tax shall have been paid, but from which the stamps have been lost or destroyed by unavoidable accident.

6 June, 1872, c. 315, s. 15, v. 17, p. 245.

Officer using, or issuing, or permitting use of stamps, contrary to law; penalty.

SEC. 3316. Whenever any revenue officer affixes or cancels, or causes or permits to be affixed or canceled, any stamp relating to distilled spirits provided for by law, in any other manner or in any other place, or issues the same to any other person than as provided by law, or by regulation made in pursuance thereof, or knowingly affixes, or permits to be affixed, any such stamp to any cask or package of spirits of which the whole or any part has been distilled, rectified, compounded, removed, or sold, in violation of law, or which has in any manner escaped payment of tax due thereon, he shall, for every such offense, be fined not less than five hundred dollars nor more than three thousand dollars, and be imprisoned for not less than six months nor more than three years.

20 July, 1868, c. 186, s. 29, v. 15, p. 138.

Rectifier's returns.

SEC. 3317. Every rectifier of distilled spirits shall make a return of the quantity and proof of all the spirits purchased, and of the number of barrels of spirits, counting forty gallons of proof-spirits to the barrel, rectified, purified, or refined by him, whenever such return is demanded by the collector of his district.

30 June, 1864, c. 173, s. 17, v. 13, p. 228.
20 July, 1868, c. 186, s. 59, v. 15, p. 151.
6 June, 1872, c. 315, s. 13, v. 17, p. 244.
24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Books to be kept by rectifiers and wholesale dealers; penalty.

SEC. 3318. Every rectifier and wholesale liquor-dealer shall provide a book, to be prepared and kept in such form as may be prescribed by the Commissioner of Internal Revenue, and shall, on the same day on which he receives any foreign or domestic spirits, and before he draws off any part thereof, or adds water or anything thereto, or in any respect alters the same, enter in such book, and in the proper columns respectively prepared for the purpose, the date when, the name of the person or firm from whom, and the place whence the spirits were received, by whom distilled, rectified, or compounded, and when and by whom inspected, and, if in the original package, the serial number of each package, the number of wine-gallons and proof-gallons, the kind of spirit, and the number and kind of adhesive stamps thereon. And every such rectifier and wholesale dealer shall, at the time of sending out of his stock or possession any spirits, and before the same are removed from his premises, enter in like manner in the said book the day when and the name and place of business of the person or firm to whom such spirits are to be sent, the quantity and kind or quantity of such spirits, the number of gallons and fractions of a gallon at proof, and, if in the original packages in which they were received, the name of the distiller and the serial number of the package. Every such book shall be at all times kept in some public or open place on the premises of such rectifier or wholesale dealer for inspection, and any revenue officer may examine it and take an abstract therefrom; and when it has been filled up as aforesaid, it shall be preserved by such rectifier or wholesale liquor-dealer for a period not less than two years; and during such time it shall be produced by him to every revenue officer demanding it. And whenever any rectifier or wholesale liquor-dealer refuses or neglects to provide such book, or to make entries therein as aforesaid, or cancels, alters, obliterates, or destroys any part of such book, or any entry [*therin*] [therein,] or makes any false entry therein, or hinders or obstructs any revenue officer from examining such book, or making any entry therein, or taking any abstract therefrom; or whenever such book is not preserved or is not produced by any rectifier or wholesale liquor-dealer as hereinbefore directed, he shall pay a penalty of one hundred dollars, and shall [on conviction] be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than three years.

20 July, 1868, c. 186, s. 45, v. 15, p. 143.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 248.

A Quantity of Distilled Spirits, 3 Ben., 552; U. S. *v.* Fourteen Hundred and Twelve Gallons Spirits, 10 Blatch., 428.

Purchase of quantities greater than twenty gallons from one person, &c.

SEC. 3319. It shall not be lawful for any rectifier of distilled spirits, or wholesale or retail liquor-dealer, to purchase or receive any distilled spirits in quantities greater than twenty gallons from any person other than an authorized rectifier of distilled spirits, distiller, or wholesale liquor-dealer. Every person who violates this section shall forfeit and pay one thousand dollars: *Provided*, That this provision shall not be held to apply to judicial sales, or to sales at public auction made by an auctioneer.

20 July, 1868, c. 186, s. 46, v. 15, p. 144.
14 July, 1870, c. 255, s. 1, v. 16, p. 256.

Gauging, inspection, and stamping of rectified spirits.

SEC. 3320. Whenever any cask or package of rectified spirits containing five wine-gallons or more is filled for shipment, sale, or delivery, on the premises of any rectifier who has paid the special tax required by law, it shall be the duty of the United States gauger to gauge and inspect the same, and to place thereon an engraved stamp, signed by the collector of the district and the said gauger, which shall state the date when affixed, and the number of proof-gallons, and shall be as follows:

20 July, 1868, c. 186, ss. 25, 57, v. 15, pp. 136, 149.
6 June, 1872, c. 315, s. 12, v. 17, p. 243.

U. S. *v.* Two Hundred Barrels Whisky, 2 Woods, 54.

Stamp for rectified spirits, No. ——.

Issued by ——— ———, collector ——— district, State of ———.
——— ———, rectifier of spirits in the ——— district, State of ——,
———, 18—. —— proof-gallons.

———— ————,
United States Gauger.

SEC. 3321. [*Whenever any cask or package of distilled spirits of not less than five wine-gallons is filled for shipment, sale, or delivery, on the premises of any wholesale liquor-dealer, it shall be the duty of a United States gauger to gauge and inspect the same, and place thereon an engraved stamp signed by the collector of the district and the said gauger, stating the name of the dealer, the date when affixed, and the number of proof-gallons; which stamp shall be as follows:*

Gauging, inspecting, and stamping spirits on premises of wholesale dealer.

20 July, 1868, c. 186, ss. 25,57, v. 15, pp. 137, 149.
6 June, 1872, c. 315, s. 12, v. 17, p. 243.
Repealed by 15 *Aug.*, 1876, c. 287, *v.* 19, *p.* 152.

Wholesale liquor-dealer's stamp, No. —.

Issued by ——— ———, collector ——— district, State of ———.
——— ———, wholesale liquor-dealer, of ———, ——— district, State of ———, ———, 18—. —— proof-gallons.

———— ————.
United States Gauger, ——— District, State of ———.]

SEC. 3322. All blanks in any of the forms prescribed in the preceding section shall be duly filled in accordance with the facts in each case. And the stamps therein designated shall in every case be affixed to a smooth surface of the cask or other package, which surface shall not have been previously painted or covered with any substance, and so as to fasten the same securely to the cask or package, and shall be duly canceled, and shall then be immediately covered with a coating of transparent varnish or other substance, so as to protect them from removal or damage by exposure; and such affixing, cancellation, and covering shall be done in such manner as the Commissioner of Internal Revenue may by regulation prescribe.

Filling blanks and affixing and protecting stamps.

20 July, 1868, c. 186, s. 25, v. 15, p. 137.

SEC. 3323. All distilled spirits drawn from any cask or package and placed in any other cask or package containing not less than ten gallons, and intended for sale, shall be again inspected and gauged; and the cask or package into which it is so transferred shall be marked or branded, and such marking or branding shall distinctly indicate the name of the gauger, the time and place of inspection, the proof of the spirits, the particular name of such spirits as known to the trade, and the name and place of business of the dealer or rectifier, as the case may be; and, except where such spirits have been rectified or compounded, the name also of the distiller and the distillery where such spirits were produced, and the serial number of the original cask or package; and where such spirits have been rectified, the name of the rectifier, and the serial number of the rectifier's stamp; and the absence of such mark or brand shall be held as sufficient cause and evidence for the forfeiture of such unmarked packages of spirits.

Spirits drawn into new packages to be gauged and branded. Forfeiture.

Ibid., s. 47, p. 144.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.
15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 152.

The legislative appropriation act of August 15, 1876, c. 287, v. 19, p. 152, repeals so much of this section as relates "to wholesale liquor dealer's packages filled on the premises of wholesale liquor dealers," and provides that "packages of distilled spirits filled on the premises of any wholesale liquor dealer shall thereafter be stamped under such rules and regulations as the Commissioner of Internal Revenue may prescribe."

SEC. 3324. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp required by law, shall, at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal

Stamps and brands to be effaced from empty casks.

20 July, 1868, c. 186, s. 43, v. 15 p. 142.

U. S. *v.* Ulrici, 3 Dill., 532.

Penalties for omitting to efface and for transportation in violation of law.

A Quantity of Distilled Spirits, 3 Ben., 552.

revenue wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or pacakge containing distilled spirits, shall forfeit three hundred dollars for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad-car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than five hundred dollars nor more than ten thousand dollars, and imprisoned not less than one year nor more than five years.

Buying or selling spirit casks having inspection-marks.

13 July, 1866, c. 184, s. 38, v. 14, p. 160.

SEC. 3325. Whenever any person knowingly purchases or sells, with inspection-marks thereon, any cask or package, after the same has been used for distilled spirits, he shall forfeit and pay the sum of two hundred dollars for every such cask so purchased or sold.

Changing stamps, shifting spirits, &c.; penalty.

20 July, 1868, c. 186, s. 39, v. 15, p. 141.

8 *Feb.*, 1875, *c.* 36, *s.* 17, *v.* 18, *p.* 311.

SEC. 3326. Whenever any person changes or alters any stamp, mark, or brand on any cask or package containing distilled spirits, or puts into any cask or package spirits of greater strength than is indicated by the inspection-mark thereon, or fraudulently uses any cask or package having any inspection-mark or stamp thereon, for the purpose of selling other spirits, or spirits of quantity or quality different from the spirits previously inspected therein, he shall forfeit and pay the sum of two hundred dollars for every cask or package on which the stamp or mark is so changed or altered, or which is so fraudulently used, and shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than one month nor more than one year.

Removal within certain hours from distillery or rectifier's premises.

20 July, 1868, c. 186, s. 37, v. 15, p. 141.

SEC. 3327. No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision shall be liable to a penalty of one hundred dollars for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

Tax on imitations of wines; how paid.

20 July, 1868, c. 186, s. 48, v. 15, p. 144.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

8 *Feb.*, 1875, *c.* 36, *s.* 17, *v.* 18, *p.* 311.

SEC. 3328. On all wines, liquors, or compounds known or denominated as wine, and made in imitation of sparkling wine or champagne, but not made from grapes grown in the United States, and on all liquors, not made from grapes, currants, rhubarb, or berries grown in the United States, but produced by being rectified or mixed with distilled spirits or by the infusion of any matter in spirits, to be sold as wine, or as a substitute for wine, there shall be levied and collected a tax of ten cents per bottle or package containing not more than one pint, or of twenty cents per bottle or package containing more than one pint and not more than one quart, and at the same rate for any larger quantity of such merchandise, however the same may be put up, or whatever may be the package. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps denoting the tax herein imposed, to

be affixed to each bottle or package containing such merchandise, by the person manufacturing, compounding, or putting up the same, before removal from the place of manufacture, compounding, or putting up; and said stamps shall be affixed and canceled in such manner as the Commissioner may prescribe; and the absence of such stamp from any bottle or package containing such merchandise shall be prima-facie evidence that the tax thereon has not been paid, and such merchandise shall be forfeited to the United States. Any person counterfeiting, altering, or reusing said stamps shall be subject to the same penalties as are imposed for the same offenses in relation to proprietary stamps.

Drawback on distilled spirits.

20 July, 1868, c. 186, s. 54, v. 15, p. 147.
6 June, 1872, c. 315, s. 12, v. 17, p. 241.
9 *June*, 1874, *c.* 259, *v.* 18, *p.* 64.
3 *Mar.*, 1877, *c.* 114, *s.* 5, *v.* 19, *p.* 394.

SEC. 3329. Distilled spirits upon which all taxes have been paid may be exported, with the privilege of drawback, in quantities of not less than one thousand gallons, and in distillers' original casks, containing not less than twenty wine-gallons each, on application of the owner thereof to the collector of customs at any port of entry, and under such rules and regulations, and after making such entry as may be prescribed by law and by the Secretary of the Treasury. The entry for such exportation shall be in triplicate, and shall contain the name of the person applying to export, the name of the distiller, the name of the district in which the spirits were distilled, the name of the vessel by which, and the name of the port to which, they are to be exported; and the form of the entry shall be as follows:

Export entry of distilled spirits entitled to drawback.

Entry of spirits distilled by ——— ———, in ——— district, State of ———, to be exported by ——— ———, in the ———, whereof ——— ——— is master, bound to ———.

And the entry shall specify the whole number of casks or packages, the marks and serial numbers thereon, the quality or kind of spirits as known in commerce, the number of gauge or wine gallons and of proof-gallons; and the amount of the tax on such spirits shall be verified by the oath of the owner of the spirits, and that the tax has been paid thereon, and that they are truly intended to be exported to the port of ———, and not to be relanded within the limits of the United States. One bill of lading, duly signed by the master of the vessel, shall be deposited with said collector, to be filed at his office with the entry retained by him. One of said entries shall be, when the shipment is completed, transmitted to the Secretary of the Treasury, to be recorded and filed in his office. The lading on board said vessel shall be only after the receipt of an order or permit signed by the collector of customs and directed to a customs gauger, and after each cask or package shall have been distinctly marked or branded by said gauger as follows: "For export from U. S. A.," and the tax-paid stamps thereon obliterated. The casks or packages shall be inspected and gauged alongside of or on the vessel by the gauger designated by said collector, under such rules and regulations as the Secretary of the Treasury may prescribe; and on application of the said collector it shall be the duty of the surveyor of the port to designate and direct one of the custom-house inspectors to superintend such shipment. And the gauger aforesaid shall make a full return of such inspection and gauging in such form as may be prescribed by the Secretary of the Treasury, showing by whom each cask of such spirits was distilled, the serial number of the cask, and of the tax-paid stamp attached thereto, the proof and quantity of such spirits as per the original gauge-mark on each cask, and the quantity in proof and wine gallons as per the gauge then made by him. And said gauger shall certify on such return that the shipment has been made, in his presence, on board the vessel named in the entry for export, which return shall be indorsed by said custom-house inspector certifying that the casks or packages have been shipped under his supervision on board said vessel, and the tax-paid stamps obliterated; and the said inspector shall make a similar certificate to the surveyor of the port, indorsed on or to be attached to the entry in possession of the custom-

house. A drawback shall be allowed upon distilled spirits on which the tax has been paid and exported to foreign countries, under the provisions of this act, when exported as herein provided for. The drawback allowed shall include the taxes levied and paid upon the distilled spirits exported, at the rate of seventy cents per proof-gallon, as per last gauge of said spirits prior to exportation, and shall be due and payable only after the proper entries have been made and filed, and all other conditions complied with as hereinbefore required, and on filing with the Secretary of the Treasury the proper claim, accompanied by the certificate of the collector of customs at the port of entry where the spirits are entered for export, that such spirits have been received into his custody and the tax-paid stamps thereon obliterated; and the Secretary of the Treasury shall prescribe such rules and regulations in relation thereto as may be necessary to secure the Treasury of the United States against frauds: *Provided*, That the drawback on spirits distilled prior to August one, eighteen hundred and seventy-two, shall not exceed sixty cents per proof-gallon. [See "Drawback," Title xxxiv, Chapter 9.]

Exportation of distilled spirits withdrawn from bonded warehouses.

SEC. 3330. Distilled spirits may be withdrawn from distillery bonded warehouses, at the instance of the owner of the spirits, for exportation in the original casks, in quantities of not less than one thousand gallons, without the payment of tax, under such regulations, and after making such entries and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury: *Provided*, That bonds given under this section shall be canceled under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

20 July, 1868, c. 186, s. 55, v. 15, p. 148.
6 June, 1872, c. 315, s. 12, v. 17, p. 242.
3 Mar., 1873, c. 232, s. 5, v. 17, pp. 559, 560.
9 *June*, 1874, *c.* 259, *r.* 18, *p.* 64.
3 *Mar.*, 1877, *c.* 114, *ss.* 5, 6, *v.* 19, *p.* 394.

All distilled spirits intended for export, as aforesaid, before being removed from the distillery warehouse, shall be marked as the Commissioner of Internal Revenue may prescribe, and shall have affixed to each cask an engraved stamp indicative of such intention, to be provided and furnished by the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps twenty-five cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the owner of the spirits shall have made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal and transportation of said spirits to the collector of the port from which the same are to be exported, accurately describing the spirits to be shipped, the amount of tax thereon, the State and district from which the same is to be shipped, the name of the distiller by whom distilled, the port to which the same are to be transported, the name of the collector of the port to whom the spirits are to be consigned, and the routes over which they are to be sent to the port of shipment. Such shipment shall be made over bonded routes whenever practicable. The collector of the port shall receive such spirits, and permit the exportation thereof, under the same rules and regulations as are prescribed for the exportation of spirits upon which the tax has been paid. And every person who fraudulently claims, or seeks, or obtains an allowance of drawback on any distilled spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained, and shall be imprisoned not more than ten years; and every owner, agent, or master of any vessel or other person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback

upon, or knowingly aids or permits any fraudulent change in the spirits so shipped, shall be fined not exceeding five thousand dollars and imprisoned not more than one year, and the ship or vessel on board of which such shipment was made or pretended to be made shall be forfeited to the United States, whether a conviction of the master or owner be had or otherwise, and proceedings may be had in admiralty by libel for such forfeiture.

Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this act, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding five thousand dollars, and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such distilled spirits, shall be forfeited to the United States.

Release of distillery before judgment, in what cases.

20 July, 1868, c. 186, s. 42, v. 15, p. 142.

SEC. 3331. No distillery nor distilling-apparatus siezed for any violation of law shall be released to the claimant or to any intervening party before judgment, except in case of a distillery for which bond has been given and which has a registered producing capacity of one hundred and fifty proof-gallons or more per day, on showing, by sufficient affidavits, that there are hogs or other live stock, not less than fifty head in number, depending for their feed on the products of said distillery, which would suffer injury if the business of such distillery is stopped. Such distillery, in that case, may be released to the claimant, or to any other intervening party, at the discretion of the court, on a bond to be given and approved in open court, with two or more sureties, for the full appraised value of all the property seized, to be ascertained by three competent appraisers designated and appointed by the court.

Distillery to be destroyed in certain cases of forfeiture.

Ibid.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

SEC. 3332. When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than one hundred and fifty gallons a day, for any violation of law, of whatever nature, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be so destroyed as to prevent the use of the same or of any part thereof for the purpose of distilling; and the materials shall be sold as in case of other forfeited property.

When burden of proof is on claimant of spirits seized.

20 July, 1868, c. 186, s. 36, v. 15, p. 140.

U. S. *v.* Distilled Spirits, 5 Blatch., 407.

U. S. *v.* Distilled Spirits, 5 id., 542.

SEC. 3333. Whenever seizure is made of any distilled spirits found elsewhere than in a distillery or distillery warehouse, or other warehouse for distilled spirits authorized by law, or than in the store or place of business of a rectifier, or of a wholesale liquor-dealer, or than in transit from any one of said places; or of any distilled spirits found in any one of the places aforesaid, or in transit therefrom, which have not been received into or sent out therefrom in conformity to law, or in regard to which any of the entries required by law to be made in the books of the owner of such spirits, or of the store-keeper, wholesale dealer, or rectifier, have not been made at the time or in the manner required, or in respect to which the owner or person having possession, control, or charge of said spirits, has omitted to do any act required to be done, or has done or committed any act prohibited in regard to said spirits, the burden of proof shall be upon the claimant of said spirits to show that no fraud has been committed, and that all the requirements of the law in relation to the payment of the tax have been complied with.

Spirits sold under judicial process subject to tax.

Ibid., s. 58, p. 150.

SEC. 3334. All distilled spirits forfeited to the United States, sold by order of court, or under process of distraint, shall be sold subject to tax; and the purchaser shall immediately, and before he takes possession of said spirits, pay the tax thereon. And any distilled spirits heretofore condemned, and now in the possession of the United States, shall be sold as herein provided. If any tax-paid stamps are affixed to any cask or package so condemned, such stamps shall be obliterated and destroyed by the collector or marshal after forfeiture, and before such sale.

CHAPTER FIVE.

FERMENTED LIQUORS.

Sec.
3335. Brewer's notice of business.
3336. Brewer's bond.
3337. Brewer's books and monthly statement.
3338. Monthly verification of entries in books.
3339. Tax on fermented liquors.
Fractional parts of a barrel, how estimated.
3340. Evading tax, making or procuring false entries, &c.; penalty.
3341. Stamps, how supplied and sold.
3342. Stamps, how procured, affixed, and canceled.
Penalty for fraud or neglect.
3343. Selling, removing, or buying fermented liquor in packages without stamp, or false stamp, or with twice-used stamp; penalty.
3344. Drawing fermented liquor from package without stamp, or with false stamp, or without defacing stamp; penalty.
3345. Removal for storage without stamps.
3346. Making, selling, or using false stamps or dies; penalty.
3347. Sour malt liquors, removable in peculiar packages, without stamp.
3348. Brewers selling at retail at brewery, to affix stamps and keep account.
3349. Name of manufacturer, &c., to be marked on packages.
Penalty for removing marks, &c.
3350. Permit to carry on business at another place on account of accident.
3351. Unfermented worts sold to other brewers, how taxed.
3352. Possession of fermented liquor after removal from warehouse when tax not paid, cause of forfeiture.
Absence of stamps to be notice and evidence.
3353. Removal or defacement of stamps by others than the owner; penalty.
3354. Withdrawing liquor from unstamped packages for bottling, or bottling on brewing premises; penalty.

Brewer's notice of business.

13 July, 1866, c. 184, s. 46, v. 14, p. 163.
6 June, 1872, c. 315, s. 16, v. 17, p. 245.

SEC. 3335. Every brewer shall, before commencing or continuing business, file with the collector, or proper deputy collector, of the district in which he designs to carry it on a notice in writing, stating the name of the person, company, corporation, or firm, the names of the members of any such company or firm, the places of residence of such persons, a description of the premises on which the brewery is situated, and of his or their title thereto, and the name of the owner thereof.

Brewer's bond.

13 July, 1866, c. 184, s. 47, v. 14, p. 164.
6 June, 1872, c. 315, s. 17, v. 17, p. 245.

SEC. 3336. Every brewer, on filing notice, as aforesaid, of his intention to commence or continue business, and on the first day of May in each succeeding year thereafter, shall execute a bond to the United States, to be approved by the collector of the district, in a sum equal to twice the amount of the tax which, in the opinion of the collector, said brewer will be liable to pay during any one month, and conditioned that he shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, lager-beer, ale, porter, and other fermented liquors made by or for him before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he shall keep, or cause to be kept, a book, in the manner and for the purposes hereinafter specified, which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid.

Brewer's books and monthly statement.

13 July, 1866, c. 184, s. 49, v. 14, p. 164.
6 June, 1872, c. 315, s. 19, v. 17, p. 245.
13 *May*, 1876, *c.* 95, *v.* 19, *p.* 53.

SEC. 3337. Every person who owns or occupies any brewery, or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who has such premises under his control or superintendence, as agent for the owner or occupant, or has in his possession or custody any brewing materials, utensils, or apparatus, used or intended to be used on said premises in the manufacture of beer, lager-beer, ale, porter, or other similar fermented liquors, either as owner, agent, or superintendent, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, the kind of such malt liquors, the estimated quantity produced in barrels, and the actual quantity sold or removed for consumption or sale in barrels or fractional parts of barrels. He shall also, from day to day, enter, or cause to be entered, in a separate book to be kept by him for that purpose, an account of all materials by him purchased for the purpose of producing such fermented liquors, including grain and malt. And he shall render to the collector, or the proper deputy collector, on or before the tenth day of

each month, a true statement, in writing, in duplicate, taken from his books, of the estimated quantity in barrels of such malt liquors brewed, and the actual quantity sold or removed for consumption or sale during the preceding month; and shall verify, or cause to be verified, the said statement, and the facts therein set forth, by oath, to be taken before the collector of the district, or proper deputy collector, according to the form required by law. Said books shall be open at all times for the inspection of any collector, deputy collector, inspector, or revenue agent, who may take memorandums and transcripts therefrom.

Monthly verification of entries in books.

13 July, 1866, c. 184, s. 50, v. 14, p. 165.
6 June, 1872, c. 315, s. 20, v. 17, p. 246.

SEC. 3338. The entries made in such books shall, on or before the tenth day of each month, be verified by the oath of the person by whom they are made. The said oath shall be written in the book at the end of such entries, and be certified by the officer administering the same, and shall be in form as follows: "I do swear (or affirm) that the foregoing entries were made by me; and that they state truly, according to the best of my knowledge and belief, the estimated quantity of the whole amount of such malt liquors brewed, and the actual quantity sold, and the actual quantity removed, from the brewery owned by ———, in the county of ———; and, further, that I have no knowledge of any matter or thing required by law to be stated in said entries which has been omitted therefrom." And the owner, agent, or superintendent aforesaid shall also, in case the original entries made in his book were not made by himself, subjoin thereto the following oath, to be taken in manner as aforesaid: "I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries fully set forth all the matters therein required by law; and that the same are just and true; and that I have taken all the means in my power to make them so."

Tax on fermented liquors.

13 July, 1866, c. 184, s. 48, v. 14, p. 164.
6 June, 1872, c. 315, s. 18, v. 17, p. 245.
13 *May*, 1876, *c.* 95, *v.* 19, *p.* 53.

Fractional parts of a barrel, how estimated.

2 Mar., 1867, c. 169, s. 10, v. 14, p. 475.
3 Mar., 1873, c. 254, v. 17, p. 586.

SEC 3339. There shall be paid on all beer, lager-beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel. In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified.

Evading tax, making or procuring false entries, &c.; penalty.

13 July, 1866, c. 184, s. 51, v. 14, p. 165.
6 June, 1872, c. 315, s. 21, v. 17, p. 246.

SEC. 3340. Every owner, agent, or superintendent of any brewery, vessels, or utensils used in making fermented liquors, who evades, or attempts to evade, the payment of the tax thereon, or fraudulently neglects or refuses to make true and exact entry and report of the same in the manner required by law, or to do, or cause to be done, any of the things by law required to be done by him as aforesaid, or who intentionally makes false entry in said book or in said statement, or knowingly allows or procures the same to be done, shall forfeit, for every such offense, all the liquors made by him or for him, and all the vessels, utensils, and apparatus used in making the same, and be liable to a penalty of not less than five hundred nor more than one thousand dollars, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and be imprisoned for a term not exceeding one year. And every brewer who neglects to keep books, or refuses to furnish the account and duplicate thereof as provided by law, or refuses to permit the proper officer to examine the books in the manner provided, shall, for every such refusal or neglect, forfeit and pay the sum of three hundred dollars.

Stamps, how supplied and sold.

13 July, 1866, c. 184, s. 52, v. 14, p. 165.
6 June, 1872, c. 315, s. 22, v. 17, p. 246.

SEC. 3341. The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, quarters, sixths, and eighths of a barrel of such fermented liquors, (and shall also cause to be prepared suitable permits for the purpose hereinafter mentioned,) and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits, and a supply of stamps equal in amount to two months' sale thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold, and permits granted and delivered by such collectors, only to the brewers of their district respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer; and the Commissioner of Internal Revenue shall allow upon all sales of such stamps to any brewer, and by him used in his business, a deduction of seven and a half per centum. And the amount paid into the Treasury by any collector on account of the sale of such stamps to brewers shall be included in estimating the commissions of such collector.

Stamps, how procured, affixed, and canceled.

13 July, 1866, c. 184, s. 53, v. 14, p. 166.
6 June, 1872, c. 315, s. 23, v. 17, p. 247.
3 *Mar.*, 1875, c. 154, *v.* 18, *p.* 484.

SEC. 3342. [*Every brewer shall obtain, from the collector of the district in which his brewery or brewery warehouse is situated, and not otherwise, unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix upon the spigot-hole or tap (of which there shall be but one) of every hogshead, barrel, keg, or other receptacle, in which any fermented liquor is contained, when sold or removed from such brewery or warehouse, (except in case of removal under permit as hereinafter provided,) a stamp denoting the amount of the tax required upon such fermented liquor, in such a way that the said stamp will be destroyed upon the withdrawal of the liquor from such hogshead, barrel, keg, or other vessel, or upon the introduction of a faucet or other instrument for that purpose; and shall also, at the time of affixing such stamp, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled. Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or knowingly permits the same to be done, shall pay a penalty of one hundred dollars for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year.*]

Penalty for fraud or neglect.

[That every brewer shall obtain, from the collector of the district in which his brewery or brewery-warehouse is situated, and not otherwise unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix, upon the spigot-hole in the head of every hogshead, barrel, keg, or other receptacle in which any fermented liquor is contained, when sold or removed from such brewery or warehouse, (except in case of removal under permit, as hereinafter provided,) a stamp denoting the amount of the tax required upon such fermented liquor, which stamp shall be destroyed by driving through the same the faucet through which the liquor is to be withdrawn, or an air-faucet of equal size, at the time the vessel is tapped, in case the vessel is tapped through the other spigot-hole, (of which there shall be but two, one in the head and one in the side,) and shall, also, at the time of affixing such stamp, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled. Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or knowingly permits the same to be done, shall pay a penalty of one hundred dollars for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year.]

Selling, removing, or buying fermenting liquor in packages without stamp, or false

SEC. 3343. Whenever any brewer, cartman, agent for transportation, or other person, sells, removes, receives, or purchases, or in any way aids in the sale, removal, receipt, or purchase, of any fermented liquor contained in any hogshead, barrel, keg, or other vessel from any brewery or

brewery warehouse, upon which the stamp, or permit, in case of removal, required by law, has not been affixed, or on which a false or fraudulent stamp, or permit, in case of removal, is affixed, with knowledge that it is such, or on which a stamp, or permit, in case of removal, once canceled, is used a second time, he shall be fined one hundred dollars and imprisoned for not more than one year.

stamp, or with twice-used stamp; penalty.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.
6 June, 1872, c. 315, s. 24, v. 71, p. 247.

SEC. 3344. Whenever any retail dealer, or other person, withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel containing the same, without destroying or defacing the stamp affixed thereon, or withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel, upon which the proper stamp has not been affixed or on which a false or fraudulent stamp is affixed, he shall be fined one hundred dollars and imprisoned not more than one year.

Drawing fermented liquor from package without stamp, or with false stamp, or without defacing stamp; penalty.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.
6 June, 1872, c. 315, s. 24, v. 17, p. 247.

SEC. 3345. Any brewer may remove or transport, or cause to be removed or transported, from his brewery or other place of manufacture to a depot, warehouse, or other place used exclusively for storage or sale in bulk, and occupied by him, in another part of the same collection-district, or in another collection-district, but to no other place, malt liquor of his own manufacture, known as lager-beer, in quantities of not less than six barrels in one vessel, and malt liquor of his own manufacture, known as ale or porter, or any other malt liquor of his own manufacture not heretofore mentioned, in quantities not less than fifty barrels at a time, without affixing the proper stamps on said vessels of lager-beer, ale, porter, or other malt liquor, at the brewery or place of manufacture, under a permit, which shall be granted, upon application, by the collector of the district in which said malt liquor is manufactured, and under such regulations as the Commissioner of Internal Revenue may prescribe; and thereafter the manufacturer of said malt liquor shall stamp the same, when it leaves such depot or warehouse, in the same manner and under the same penalties and liabilities as when stamped at the brewery as herein provided. And the collector of the district in which such depot or warehouse is situated shall furnish the manufacturer with the stamps for stamping the same, as if the said malt liquor had been manufactured in his district. And said permit must be affixed to every such vessel or cask so removed, and canceled or destroyed in such manner as the Commissioner of Internal Revenue may prescribe, and under the same penalties and liabilities as provided herein as to stamps.

Removal for storage without stamps.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.
6 June, 1872, c. 315, s. 24, v. 17, p. 248.

SEC. 3346. Every person who makes, sells, or uses any false or counterfeit stamp or permit, or die for printing or making stamps or permits, which is in imitation of or purports to be a lawful stamp, permit, or die of the kind before mentioned in this chapter, or who procures the same to be done, shall be imprisoned for not less than one nor more than five years.

Making, selling, or using false stamps or dies; penalty.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.
6 June, 1872, c. 315, s. 24, v. 17, p. 247.

SEC. 3347. When fermented liquor has become sour or damaged, so as to be incapable of use as such, brewers may sell the same for manufacturing purposes, and may remove the same to places where it may be used for such purposes, in casks, or other vessels, unlike those ordinarily used for fermented liquors, containing respectively not less than one barrel each, and having the nature of their contents marked upon them, without affixing thereon the permit, stamp or stamps required.

Sour malt liquors, removable in peculiar packages, without stamps.

13 July, 1866, c. 184, s. 54, v. 14, p. 167.
6 June, 1872, c. 315, s. 24, v. 17, p. 247.

SEC. 3348. Every brewer who sells fermented liquor at retail at the brewery or other place where the same is made, shall affix and cancel the proper stamps upon the hogsheads, barrels, kegs, or other vessels in which the same is contained, and shall keep an account of the quantity so sold by him, and of the number and size of the hogsheads, barrels, kegs, or other vessels in which the same has been contained, and shall make a report thereof, verified by oath, monthly to the collector.

Brewers selling at retail at brewery, to affix stamps and keep account.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.
6 June, 1872, c. 315, s. 24, v. 17, p. 248.

Name of manufacturer, &c., to be marked on packages; penalty for removing marks, &c.

13 July, 1866, c. 184, s. 55, v. 14, p. 167.
6 June, 1872, c. 315, s. 25, v. 17, p. 248.

SEC. 3349. Every brewer shall, by branding, mark or cause to be marked upon every hogshead, barrel, keg, or other vessel containing the fermented liquor made by him, before it is sold or removed from the brewery or brewery warehouse, or other place of manufacture, the name of the person, firm, or corporation by whom such liquor was manufactured, and the place of manufacture; and every person other than the owner thereof, or his agent authorized so to do, who intentionally removes or defaces such marks therefrom, shall be liable to a penalty of fifty dollars for each cask or other vessel from which the mark is so removed or defaced: *Provided*, That when a brewer purchases fermented liquor finished and ready for sale from another brewer, in order to supply the customers of such purchaser, the purchaser may, upon written notice to the collector of his intention so to do, and under such regulations as the Commissioner of Internal Revenue may prescribe, furnish his own vessels, branded with his name and the place where his brewery is situated, to be filled with the fermented liquor so purchased, and to be so removed; the proper stamps to be affixed and canceled, as aforesaid, by the manufacturer before removal.

Permit to carry on business at another place on account of accident.

6 June, 1872, c. 315, s. 26, v. 17, p. 249.

SEC. 3350. Whenever, in the opinion of the collector of any district, it becomes requisite or proper, by reason of an accident to any brewery therein, by fire or flood, or of such brewery undergoing repairs, or of other circumstances, that the brewer carrying on the same shall be permitted to conduct his business wholly or in part at some other place within such district or an adjoining district for a temporary period, it shall be lawful for such collector, under such regulations and subject to such limitation of time as the Commissioner of Internal Revenue may prescribe, to issue a permit to such brewer, authorizing him to conduct his business wholly or in part, according to the circumstances, at such other place, for a period to be stated in such permit; and such brewer shall not be required to pay another special tax for the purpose.

Unfermented worts sold to other brewers; how taxed.

6 June, 1872, c. 315, s. 27, v. 17, p. 249.

SEC. 3351. When malt liquor or tun liquor, in the first stages of fermentation, known as unfermented worts, of whatever kind, is sold by one brewer to another for the purpose of producing fermentation or enlivening old or stale ale, porter, lager-beer, or other fermented liquors, it shall not be liable to a tax to be paid by the seller thereof, but the tax on the same shall be paid by the purchaser thereof, when the same, having been mixed with the old or stale beer, is sold by him as provided by law, and such sale or transfer shall be subject to such restrictions and regulations as the Commissioner of Internal Revenue may prescribe.

Possession of fermented liquor after removal from warehouse when tax not paid, cause of forfeiture.

13 July, 1866, c. 184, s. 57, v. 14, p. 167.
6 June, 1872, c. 315, s. 28, v. 17, p. 249.

SEC. 3352. The ownership or possession by any person of any fermented liquor after its sale or removal from the brewery or warehouse, or other place where it was made, upon which the tax required has not been paid, shall render such liquor liable to seizure wherever found, and to forfeiture, removal under said permits excepted. And the absence of the proper stamps from any hogshead, barrel, keg, or other vessel containing fermented liquor, after its sale or removal from the brewery where it was made, or warehouse as aforesaid, shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof.

Absence of stamps to be notice and evidence.

Removal or defacement of stamps by others than the owner; penalty.

13 July, 1866, c. 184, s. 56, v. 14, p. 167.
6 June, 1872, c. 315, s. 29, v. 17, p. 249.

SEC. 3353. Every person, other than the purchaser or owner of any fermented liquor, or person acting on his behalf, or as his agent, who intentionally removes or defaces the stamp or permit affixed upon the hogshead, barrel, keg, or other vessel, in which the same is contained, shall be liable to a fine of fifty dollars for each such vessel from which the stamp or permit is so removed or defaced, and to render compensation to such purchaser or owner for all damages sustained by him therefrom.

Withdrawing liquor from unstamped packages for bottling, or bot-

SEC. 3354. Every person who withdraws any fermented liquor from any hogshead, barrel, keg, or other vessel upon which the proper stamp has not been affixed, for the purpose of bottling the same, or who carries on,

or attempts to carry on, the business of bottling fermented liquor in any brewery or other place in which fermented liquor is made, or upon any premises having communication with such brewery, or any warehouse, shall be liable to a fine of five hundred dollars, and the property used in such bottling or business shall be liable to forfeiture.

Bottling on brewery premises; penalty.

13 July, 1866, c. 184, s. 58, v. 14, p. 167.

6 June, 1872, c. 315, s. 30, v. 17, p. 249.

CHAPTER SIX.

TOBACCO AND SNUFF.

Sec.
3355. Manufacturer's statement of business. Bond and certificate; penalties.
3356. Sign to be put up by manufacturer; penalty for omission.
3357. Record of manufacturers to be kept by collector.
3358. Annual inventory of manufacturer. Books and monthly abstracts.
3359. Dealers in leaf-tobacco to render statement of sales when demanded.
3360. Books of dealer in leaf-tobacco.
3361. Planters of tobacco to render statement of sales, on demand.
3362. Tobacco and snuff, how put up.
3363. Tobacco and snuff to be sold only in prescribed packages; penalty.
3364. Label and notice on packages of tobacco and snuff.
3365. Snuff and smoking tobacco manufactured before July 20, 1868, may be sold in original packages.
3366. Purchasing tobacco not branded or marked; penalty.
3367. Buying tobacco from a manufacturer who has not paid special tax.
3368. Tax on tobacco and snuff.
3369. Stamps, how prepared, furnished, and sold.
3370. Tobacco manufactured by one person for another or on shares, stamps, by whom affixed; fraud in such cases.
3371. Estimated tax on tobacco sold without stamps.

Sec.
3372. Removing unlawfully, selling without stamps, or payment of tax, or giving bond, making false entries, &c.
3373. Absence of stamp to be evidence of non-payment.
3374. Removing except in proper packages or without stamp, selling unlawfully, &c.
3375. Affixing false stamps or stamps twice used.
3376. Stamped portion of emptied packages to be destroyed; buying, selling, or using the same.
3377. Imported tobacco and snuff.
3378. Tobacco and snuff on hand before July 20, 1868; monthly inventories.
3379. Tobacco, snuff, and cigars manufactured between July 20, 1868, and April 10, 1869.
3380. Selling tobacco as made and tax-paid before July 20, 1868; penalty.
3381. Peddlers of tobacco; notice of business and bond.
3382. Peddlers of tobacco traveling with wagon.
3383. Peddler to obtain and exhibit certificate, &c.
3384. Peddling tobacco unlawfully; penalty.
3385. Exportation of manufactured tobacco, &c.
3386. Drawback on exported tobacco, &c.

Manufacturer's statement of business.

20 July, 1868, c. 186, s. 63, v. 15, p. 153.

6 June, 1872, c. 315, s. 31, v. 17, p. 253.

SEC. 3355. Every person, before commencing, or, if he has already commenced, before continuing, the manufacture of tobacco or snuff, shall furnish, without previous demand therefor, to the collector of the district where the manufacture is to be carried on, a statement in duplicate, subscribed under oath, setting forth the place, and if in a city, the street and number of the street, where the manufacture is to be carried on; the number of cutting-machines, presses, snuff-mills, hand-mills, or other machines; the name, kind, and quality of the article manufactured or proposed to be manufactured; and when the same is manufactured by him as agent for any other person, or to be sold and delivered to any other person under a special contract, the name and residence and business or occupation of the person for whom the said article is to be manufactured, or to whom it is to be delivered; and he shall give a bond, to be approved by the collector of the district, in the sum of two thousand dollars, with an addition to said sum of three thousand dollars for each cutting-machine kept for use, of one thousand dollars for each screw-press kept for use, in making plug or pressed tobacco, of five thousand dollars for each hydraulic press kept for use, of one thousand dollars for each snuff-mill kept for use, and of one thousand dollars for each hand-mill or other mill or machine kept for the grinding, cutting, or crushing of tobacco; conditioned that he shall not engage in any attempt, by himself or by

Bond and certificate.

collusion with others, to defraud the Government of any tax on his manufactures; that he shall render truly and completely all the returns, statements, and inventories, prescribed by law or regulations; that whenever he adds to the number of cutting-machines, presses, snuff-mills, hand-mills, or other mills or machines as aforesaid, he shall immediately give notice thereof to the collector of the district; that he shall stamp in accordance with law all tobacco and snuff manufactured by him before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale any manufactured tobacco or snuff which has not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of tobacco or snuff. Additional sureties may be required by the collector, from time to time, but the penal sum of said bond shall not be computed by him in excess of the sum of twenty thousand dollars, except under special instructions of the Commissioner of Internal Revenue. And every manufacturer shall obtain a certificate from the collector of the district, who is hereby directed to issue the same, setting forth the kind and number of machines, presses, snuff-mills, hand-mills, or other mills and machines as aforesaid, for which the bond has been given, which certificate shall be posted in a [*conspicious*] [conspicuous] place within the manufactory. And every tobacco-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined not less than one hundred dollars or more than five hundred dollars. And every person who manufactures tobacco or snuff of any description without first giving bond, as herein required, shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than one or more than five years.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

Penalties.

Sign to be put up by manufacturer; penalty for omission.

SEC. 3356. Every manufacturer of tobacco and snuff shall place and keep on the side or end of the building wherein his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil-colors or gilded, giving his full name and business. And every person who neglects to comply with the requirements of this section shall be fined not less than one hundred dollars or more than five hundred dollars.

20 July, 1868, c. 186, s. 64, v. 15, p. 154.

Record of manufacturers to be kept by collector.

SEC. 3357. Every collector shall keep a record, in a book or books provided for the purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns. And he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not thereafter be changed.

20 July, 1868, c. 186, s. 65, v. 15, p. 154.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Annual inventory of manufacturer.

SEC. 3358. Every person now or hereafter engaged in the manufacture of tobacco or snuff shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, and verified by his own oath, of the quantity of each of the different kinds of tobacco, snuff-flour, snuff, stems, scraps, clippings, waste, tin-foil, licorice, sugar, gum, and other materials held or owned by him on the first day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the first of January; setting forth what portion of said goods and materials, and what kinds were manufactured and produced by him, and what was purchased from others. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory, and shall verify the fact of such examination by oath, to be indorsed on or affixed to the inventory. And every such person shall keep a book or books, the forms of which shall be prescribed by the Commissioner of Internal Revenue, and enter therein daily an accurate account of all the articles aforesaid purchased by him, the quantity of tobacco, snuff, and snuff-flour, stems, scraps, clippings, waste, tin-foil,

20 July, 1868, c. 186, s. 66, v. 15, p. 155.

Books and monthly abstracts.

licorice, sugar, gum, and other material, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture in bond, and to what district removed; also the number of net pounds of lumps of plug tobacco made in the lump-room, and the number of packages and pounds thereof produced in the press-room each day. And he shall, on or before the tenth day of each month, furnish to the collector a true and complete abstract from such book, verifying the same by his oath, of all such purchases, sales, and removals made during the month next preceding. And whenever any such person refuses or willfully neglects to deliver the inventory, or keep the account, or furnish the abstract aforesaid, he shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years. Penalty.

Dealers in leaf-tobacco to render statement of sales when demanded.

SEC. 3359. It shall be the duty of any dealer in leaf-tobacco, or in any material used in manufacturing tobacco or snuff, on demand of any officer of internal revenue, to render a true and complete statement, under oath, of the quantity and amount of such leaf-tobacco or materials sold or delivered to any person named in such demand; and in case of refusal or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers, in the manner provided in relation to frauds and evasions.

20 July, 1868, c. 186, s. 66, v. 15, p. 155.

Books of dealer in leaf-tobacco.

SEC. 3360. Every dealer in leaf-tobacco shall enter daily in a book kept for that purpose, under such regulations as the Commissioner of Internal Revenue may prescribe, the number of hogsheads, cases, and pounds of leaf-tobacco purchased by him, and of whom purchased, and the number of hogsheads, cases, or pounds sold by him, with the name and residence, in each instance, of the person to whom sold, and if shipped, to whom shipped, and to what district. Such book shall be kept at his place of business, and shall be open at all hours to the inspection of any revenue officer; and every dealer in leaf-tobacco who neglects or refuses to keep such book shall be liable to a penalty of not less than five hundred dollars, and shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

20 July, 1868, c. 186, s. 76, v. 15, p. 158.

Planters of tobacco to render statement of sales on demand.

SEC. 3361. It shall be the duty of every farmer or planter producing and selling leaf-tobacco, on demand of any internal-revenue officer, or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all his sales of leaf-tobacco, the number of hogsheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped. And every such farmer or planter who willfully refuses to furnish such information, or who knowingly makes false statements as to any of the facts aforesaid, shall be liable to a penalty not exceeding five hundred dollars.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

Tobacco and snuff, how put up.

SEC. 3362. All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description, and in no other manner:

All snuff in packages containing one, two, four, six, eight, and sixteen ounces, or in bladders and in jars containing not exceeding twenty pounds.

All fine-cut chewing-tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one, two, four, eight, and sixteen ounces, except that fine-cut chewing-tobacco may, at the option of the manufacturer, be put up in wooden packages containing ten, twenty, forty, and sixty pounds each.

All smoking-tobacco, and all cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and [*sweeping*] [sweepings] of tobacco, in packages containing two, four, eight, and sixteen ounces each.

20 July, 1868, c. 186, s. 62, v. 15, p. 153.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

All cavendish, plug, and twist tobacco in wooden packages not exceeding two hundred pounds net weight.

And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobecco and snuff transported in bond for exportation and actually exported: *And provided further*, That fine-cut shorts, the refuse of fine-cut chewing-tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars,under such regulations as the Commissioner of Internal Revenue may establish.

Tobacco and snuff to be sold only in prescribed packages; penalty.

SEC. 3363. No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from wooden packages stamped as provided in this chapter; and every person who sells or offers for sale any snuff, or any kind of manufactured tobacco, not so put up in packages and stamped, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

20 July, 1868, c. 186, s. 78, v. 15, p. 159.

U. S. v. Imsand, 1 Woods, 581.

Label and notice on packages of tobacco and snuff.

SEC. 3364. Every manufacturer of tobacco or snuff shall, in addition to all other requirements of this Title relating to tobacco, print on each package, or securely affix, by pasting, on each package containing tobacco or snuff manufactured by or for him, a label, on which shall be printed the proprietor's or manufacturer's name, the number of the manufactory, the district and State in which it is situated, and these words:

"NOTICE.—The manufacturer of this tobacco has complied with all requirements of law. Every person is cautioned, under the penalties of law, not to use this package for tobacco again."

Every manufacturer of tobacco who neglects to print on or affix such label to any package containing tobacco made by or for him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense shall be committed.

20 July, 1868, c. 186, s. 68, v. 15, p. 156.

Snuff and smoking-tobacco manufactured before July 20, 1868, may be sold in original packages.

SEC. 3365. The Commissioner of Internal Revenue may, in any case, allow snuff and smoking-tobacco manufactured before July twenty, eighteen hundred and sixty-eight, not in wooden packages, to be stamped and sold in the original packages.

10 April, 1869, c. 18, s. 3, v. 16, p. 44.

Purchasing tobacco-not branded or marked; penalty.

SEC. 3366. Every person who purchases, or receives for sale, any manufactured tobacco or snuff which has not been branded or stamped according to law, shall be liable to a penalty of fifty dollars for each offense.

30 June, 1864, c. 173, s. 92, v. 13, p. 263. 13 July, 1866, c. 184, s. 9, v. 14, p. 126. 20 July, 1868, c. 186, s. 71, v. 15, p. 156.

Buying tobacco from a manufacturer who has not paid special tax.

SEC. 3367. Every person who purchases, or receives for sale, any manufactured tobacco or snuff from any manufacturer who has not paid the special tax, shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all the articles aforesaid so purchased or received, or of the full value thereof.

30 June, 1864, c. 173, s. 92, v. 13, p. 263. 13 July, 1866, c. 184, s. 9, v. 14, p. 126.

Tax on tobacco and snuff.

SEC. 3368. Upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected the following taxes:

20 July, 1868, c. 186, s. 61, v. 15, p. 152.

On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when pre-

pared for use, a tax of thirty-two cents per pound. And snuff-flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

On all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of [*twenty cents a pound*] [twenty-four cents a pound.]

3 *Mar.*, 1875, *c.* 127, *s.* 2, *v.* 18, *p.* 339.

Stamps, how prepared, furnished, and sold.

SEC. 3369. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for the payment of the tax on tobacco and snuff, which shall indicate the weight and class of the article on which payment is to be made, and shall be affixed and canceled in the mode prescribed by the Commissioner of Internal Revenue, and stamps when used on any wooden package shall be canceled by sinking a portion of the same into the wood with a steel die, and also such export-stamps as are required by law. Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal in amount to three months' sale thereof, and shall sell the same only to the manufacturers of tobacco and snuff in their respective districts who have given bonds as required by law, and to owners or consignees of tobacco or snuff, upon the requisition of the proper custom-house officer having the custody of such tobacco or snuff; and to persons required by law to affix the same to tobacco or snuff on hand on the first day of January, eighteen hundred and sixty-nine. And every collector shall keep an account of the number, amount, and denominate values of stamps sold by him to each manufacturer or other person aforesaid: *Provided*, That such stamps as may be required to stamp tobacco, snuff, or cigars, sold under distraint by any collector of internal revenue, or for stamping any tobacco, snuff, or cigars which may have been abandoned, condemned, or forfeited, and sold by order of court or of any Government officer for the benefit of the United States, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other Government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered; and any revenue-collector using or furnishing stamps in manner as aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp-account with the Department: *And provided further*, That in case it shall appear that any abandoned, condemned, or forfeited tobacco, snuff, or cigars, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the United States; and upon application made to the Commissioner of Internal Revenue, he is authorized and directed to order the destruction of such tobacco, snuff, or cigars by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations as the Commissioner of Internal Revenue may prescribe.

20 July, 1868, c. 186, s. 67, v. 15, p. 155.

6 June, 1872, c. 315, s. 31, v. 17, p. 253.

Tobacco manufactured by one person for another, or on shares; stamps, by whom affixed; fraud in such cases.

SEC. 3370. Whenever tobacco or snuff of any description is manufactured, in whole or in part, upon commission or shares, or the material from which any such articles are made, or are to be made, is furnished by one person and made or manufactured by another, or the material is furnished or sold by one person with an understanding or agreement with another that the manufactured article is to be received in payment therefor or for any part thereof, the stamps required by law shall be affixed by the actual maker or manufacturer before the article passes from the place of making or manufacturing. And in case of fraud on the part of either of said persons in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material

20 July, 1868, c. 186, s. 75, v. 15, p. 158.

and manufactured articles shall be forfeited to the United States; and each party to such fraud or collusion shall be deemed guilty of a misdemeanor, and be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned for not less than six months nor more than three years.

Estimated tax on tobacco sold without stamps.

20 July, 1868, c. 186, s. 60, v. 15, p. 152.
6 June, 1872, c. 315, s. 31, v. 17, p. 252.

SEC. 3371. Whenever any manufacturer of tobacco, snuff, or cigars, sells, or removes for sale or consumption, any tobacco, snuff, or cigars upon which a tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon such information as he can obtain, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor, and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

Removing unlawfully, selling without stamps, or payment of tax, or giving bond, making false entries, &c.

20 July, 1868, c. 186, s. 69, v. 15, p. 156.
6 June, 1872, c. 315, s. 31, v. 17, p. 253.

SEC. 3372. Every manufacturer of tobacco or snuff who removes, otherwise than as provided by law, or sells, without the proper stamps denoting the tax thereon, or without having paid the special tax, or given bond as required by law, any tobacco or snuff, or who makes false and fraudulent entries of manufactures or sales of tobacco or snuff, or makes false or fraudulent entries of the purchase or sales of leaf-tobacco, tobacco-stems, or other material, or who affixes any false, forged fraudulent, spurious, or counterfeit stamp, or imitation of any stamp, required by law, or any stamp required by law which has been previously used, to any box or package containing any tobacco or snuff, shall, in addition to the penalties elsewhere provided by law for such offenses, forfeit to the United States all the raw material and manufactured or partly manufactured tobacco and snuff, and all machinery, tools, implements, apparatus, fixtures, boxes, and barrels, and all other materials which may be found in his possession, in his manufactory, or elsewhere.

Absence of stamp to be evidence of non-payment.

20 July, 1868, c. 186, s. 70, v. 15, p. 156.

SEC. 3373. The absence of the proper stamp on any package of manufactured tobacco or snuff shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof. And such tobacco or snuff shall be forfeited to the United States.

Removing, except in proper packages, or without stamp; selling unlawfully, &c.

20 July, 1868, c. 186, s. 71, v. 15, p. 156.
6 June, 1872, c. 315, s. 31, v. 17, p. 253.

SEC. 3374. Every person who removes from any manufactory, or from any place where tobacco or snuff is made, any manufactured tobacco or snuff without the same being put up in proper packages, or without the proper stamp for the amount of tax thereon being affixed and canceled, as required by law; or, if the same be intended for export, without the proper export-stamp being affixed; or who uses, sells, or offers for sale, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff, without proper stamps for the amount of tax thereon being affixed and canceled; or who sells, or offers for sale, for consumption in the United States, or uses, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff on which only the stamp marking the same for export has been affixed, shall for each such offense, respectively, be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

Affixing false stamps or stamps twice used.

20 July, 1868, c. 186, s. 71, v, 15, p. 156

SEC. 3375. Every person who affixes to any package containing tobacco or snuff, any false, forged, fraudulent, spurious, or counterfeit stamp, or a stamp which has been before used, shall be deemed guilty of a felony, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than two years nor more five years.

Stamped portion of emptied packages to be destroyed; buying, selling, or using same.

SEC. 3376. Whenever any stamped box, bag, vessel, wrapper, or envelope of any kind, containing tobacco or snuff, is emptied, the stamp or stamps thereon shall be destroyed by the person in whose hands the same may be. And every person who willfully neglects or refuses so to

do shall, for each such offense, be fined fifty dollars, and imprisoned not less than ten days nor more than six months. And every person who sells or gives away, or who buys or accepts from another any such empty stamped box, bag, vessel, wrapper, or envelope of any kind, or the stamp or stamps taken from any such empty box, bag, vessel, wrapper, or envelope of any kind, shall, for each such offense, be fined one hundred dollars and imprisoned for not less than twenty days, and not more than one year. And every manufacturer or other person who puts tobacco or snuff into any such box, bag, vessel, wrapper, or envelope, the same having been either emptied or partially emptied, or who has in his possession, or affixes to any box or other package, any stamp which has been previously used, or who sells, or offers for sale, any box or other package of tobacco, snuff, or cigars, having affixed thereto any fraudulent, spurious, imitation, or counterfeit stamp, or stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped, shall, for each such offense, be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned for not less than one year nor more than three years.

Ibid., s. 72, p. 156. 6 June, 1872, c. 315, s. 31, v. 17, p. 253.

Imported tobacco and snuff.

20 July, 1868, c. 186, s. 77, v. 15, p. 158.

SEC. 3377. All manufactured tobacco and snuff (not including cigars) imported from foreign countries shall, in addition to the import duties imposed on the same, pay the tax imposed by law on like kinds of tobacco and snuff manufactured in the United States, and have the same stamps respectively affixed. Such stamps shall be affixed and canceled on all such articles so imported by the owner or importer thereof, while they are in the custody of the proper custom-house officers, and such articles shall not pass out of the custody of said officers until the stamps have been affixed and canceled. Such tobacco and snuff shall be put up in packages, as prescribed by law for like articles manufactured in the United States before the stamps are affixed; and the owner or importer shall be liable to all the penal provisions prescribed for manufactures of tobacco and snuff manufactured in the United States. Whenever it is necessary to take any such articles, so imported, to any place for the purpose of repacking, affixing, and canceling such stamps, other than the public stores of the United States, the collector of customs of the port where they are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as he may direct. And every officer of customs who permits any such articles to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

Tobacco and snuff on hand before 20 July, 1868, monthly inventories.

Ibid., s. 78, p. 159.

SEC. 3378. Every dealer in manufactured tobacco who had on hand more than twenty pounds of such tobacco, and every dealer in snuff who had on hand more than ten pounds of snuff, on the twentieth day of July, eighteen hundred and sixty-eight, whether manufactured in the United States or imported prior to that date, shall make, and shall deposit with the collector of the district, on the first day of every month, a true and complete inventory, under oath, of any such tobacco and snuff, respectively, then remaining on hand and not stamped. The collector shall make, and shall transmit to the Commissioner of Internal Revenue, an abstract of the several inventories so filed in his office. All manufactured tobacco of every description shall be taken and deemed as having been manufactured after July twentieth, eighteen hundred and sixty-eight.

Tobacco, snuff, and cigars manufactured between 20 July, 1868, and 10 April, 1869.

10 April, 1869, c. 18, s. 3, v. 16, p. 43.

SEC. 3379. Any person having in his possession any tobacco, snuff, or cigars manufactured and sold, or removed from the manufactory or place where they were made, since July twenty, eighteen hundred and sixty eight, and prior to November twenty-three, eighteen hundred and sixty-eight, or having in his possession cigars imported from foreign countries, or withdrawn from a United States bonded warehouse, at any time between the said dates, who shall, before selling or offering for

sale such tobacco, snuff, or cigars, affix and cancel proper internal-revenue stamps, shall be entitled to have refunded to him an amount of tax previously paid thereon equal to the value of the stamps so affixed before sale or offering for sale: *Provided*, That, prior to said twenty-third of November, eighteen hundred and sixty-eight, such tobacco, snuff, or cigars, were put up in packages, and all other requirements of law relating to tobacco, snuff, and cigars were complied with, in the manner prescribed by the act of July twenty, eighteen hundred and sixty-eight. And the Commissioner of Internal Revenue, on appeal made to him, may pay back a sum of money equal to the value of the stamps so affixed, upon satisfactory evidence submitted to him that such tobacco or snuff was actually manufactured and removed from the place of manufacture, and that such cigars were so manufactured and removed, or imported and withdrawn from a bonded warehouse, and the several rates of tax imposed on such goods by the act of July twenty, eighteen hundred and sixty-eight, were assessed and paid, and that the claimant had in all respects complied with the internal-revenue laws as far as they were applicable to such articles. And the Commissioner of Internal Revenue may prescribe such regulations, for carrying into effect the provisions of this section, as he may deem proper and necessary.

Selling tobacco as made and tax paid before 20 July, 1868; penalty.

20 July, 1868, c. 186, s. 79, v. 15, p. 159.

SEC. 3380. Any person who sells or offers for sale any manufactured tobacco or snuff, representing the same to have been manufactured and the tax paid thereon prior to July twenty, eighteen hundred and sixty-eight, when the same was not so manufactured, and the tax not so paid, shall be liable to a penalty of five hundred dollars for each offense, and shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

Peddlers of tobacco, notice of business and bond.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

SEC. 3381. Every peddler of tobacco, before commencing, or, if he has already commenced, before continuing to peddle tobacco, shall furnish to the collector of his district a statement accurately setting forth the place of his residence, and, if in a city, the street and number of the street where he resides; the State or States through which he proposes to travel; the mode of travel, whether on foot, with one, two, or more horses, mules, or other animals, or by public conveyance; also whether he proposes to sell his own manufactures or the manufactures of others, and, if he sells for other parties, the person for whom he sells. He shall also give a bond in the sum of two thousand dollars, to be approved by the collector of the district, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on tobacco, snuff, or cigars; that he shall neither sell, nor offer for sale, any tobacco, snuff, or cigars, except in original and full packages, as the law requires the same to be put up and prepared by the manufacturer for sale, or for removal for sale or consumption, and except such packages of tobacco, snuff, and cigars as bear the manufacturer's label or caution-notice, and his legal marks and brands, and genuine internal-revenue stamps which have never before been used.

Peddlers of tobacco traveling with wagon.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

SEC. 3382. Every peddler of tobacco, snuff, or cigars, traveling with a wagon, shall affix and keep on the same, in a conspicuous place, a sign painted in oil-colors, or gilded, giving his full name, business, and collection-district.

Peddler to obtain and exhibit certificate, &c.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

24 Dec., 1872, c. 13, ss. 1, 6, v. 17, pp. 401, 403.

SEC. 3383. Every peddler of tobacco shall obtain a certificate from the collector of his collection-district, who is hereby authorized and directed to issue the same, giving the name of the peddler, his residence, the class of his special-tax stamp, and the fact of his having filed the required bond; and shall, on demand of any officer of internal revenue, produce and exhibit said certificate, and, unless he shall do so, may be deemed not to have paid the special tax, nor otherwise to have complied with the law. And whenever any peddler refuses to exhibit his special stamp as aforesaid, on demand of any officer of internal revenue,

said officer may seize the horse, or mule, wagon and contents, or pack, bundle, or basket of any person so refusing; and the collector of the district in which the seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling-house, require such peddler to show cause, if any he has, why the horses or mules, wagon and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures.

Peddling tobacco unlawfully; penalty.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

SEC. 3384. Every person who is found peddling tobacco, snuff, or cigars, without having given the bond, or without having previously obtained the collector's certificate as herein provided, or who sells tobacco, snuff, or cigars otherwise than in original and full packages as put up by the manufacturer; or who has in his possession any internal-revenue stamp which has been removed from any box or other package of tobacco, snuff, or cigars, or any empty or partially emptied box or other package which has been used for tobacco, snuff, or cigars, the stamp or stamps on which have not been destroyed; or who fails to have affixed to his wagon, in a conspicuous place, a sign, painted in oil-colors, or gilded, giving his full name, business, and collection-district, shall, for each such offense, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than six months nor more than one year, or both, at the discretion of the court.

Exportation of manufactured tobacco, &c.

20 July, 1868, c. 186, s. 73, v. 15, p. 157.

6 June, 1872, c. 315, s. 31, v. 17, p. 254.

8 *Feb.*, 1875, c. 36, s. 24, v. 18, p. 312.

Pace v. Burgess, collector, 92 U. S., 372; Wilcox's Case, 12 C. Cls., 495.

SEC. 3385. Manufactured tobacco, snuff, and cigars intended for immediate exportation, may, after being properly inspected, marked, and branded, be removed from the manufactory in bond without having affixed thereto the stamps indicating the payment of the tax thereon. The removal of such tobacco, snuff, and cigars from the manufactory shall be made under such regulations, and after making such entries and executing and filing, with the collector of the district from which the removal is to be made, such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. There shall be affixed to each package of tobacco, snuff, and cigars intended for immediate export, before it is removed from the manufactory, an engraved stamp, indicative of such intention. Such stamp shall be provided and furnished to the several collectors as in the case of other stamps, and be charged to them and accounted for in the same manner; and for the expense attending the providing and affixing thereof, ten cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal, accurately describing the tobacco, snuff, and cigars to be shipped, the number and kind of packages, the number of pounds, the amount of tax, the marks and brands, the State and collection-district from which the same are shipped, the number of the manufactory and the manufacturer's name, the port from which the said tobacco, snuff, and cigars are to be exported, the route or routes over which the same are to be sent to the port of shipment, and the name of the vessel or line by which they are to be conveyed to the foreign port. The bonds required to be given for the exportation of the tobacco, snuff, and cigars shall be canceled upon the presentation of the proper certificates that said tobacco, snuff, and cigars have been landed at any port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same were lost at sea.

Drawback on exported tobacco, &c.

20 July, 1868, c. 186, s. 74, v. 15, p. 157.

6 June, 1872, c. 315, s. 31, v. 17, p. 254.

SEC. 3386. There shall be an allowance of drawback on tobacco, snuff, and cigars on which the tax has been paid by suitable stamps affixed thereto before removal from the place of manufacture, when the same are exported, equal in amount to the value of the stamps found to have been so affixed, the evidence that the stamps were so affixed, and the amount of tax so paid, and of the subsequent exportation of the said tobacco, snuff, and cigars, to be ascertained under such regulations as

8 *Feb.*, 1875, c. 36, *ss.* 24, 25, *v.* 18, *pp.* 312, 313.

shall be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury. Any sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no claim for an allowance of drawback shall be entertained or allowed for a sum less than fifty dollars, nor except upon evidence satisfactory to the Commissioner of Internal Revenue that the stamps affixed to the tobacco, snuff, or cigars alleged to have been exported were totally destroyed before the shipment thereof, and that the same have been landed in a foreign country or lost at sea, and have not been relanded within the limits of the United States.

CHAPTER SEVEN.

CIGARS.

Sec.
3387. Manufacturer's statement and bond.
3388. Manufacturer's sign.
3389. Record of manufacturers and makers.
3390. Annual inventory, book entries, and monthly abstracts of manufacturer.
3391. Dealers in material for cigars to make sworn statement, when demanded.
3392. How cigars are to be packed.
3393. Label and notice on cigars.
3394. Tax on cigars and cigarettes.
3395. Stamps, how prepared, furnished, and accounted for.
3396. Inspection of cigars, &c.
3397. Removal without properly boxing, stamping, or branding; using false stamps, &c.
3398. Absence of stamp evidence of nonpayment of tax.
3399. Cigars manufactured on shares, commission, or contract; how stamped; fraud.
3400. Forfeiture of property for selling, &c., contrary to law, using false stamps, &c.
3401. Falsely representing cigars to have been made prior to 20 July, 1868.
3402. Imported cigars to pay tax; stamps, when and by whom affixed.
3403. Selling imported cigars not packed as required by law.
3404. Purchasing cigars not branded or stamped.
3405. Buying cigars from a manufacturer who has not paid a special tax.
3406. Stamps on emptied cigar-boxes to be destroyed; penalty for neglect, &c.

Manufacturer's statement and bond.

20 July, 1868, c. 186, s. 82, v. 15, p. 160.

SEC. 3387. Every person before commencing, or, if he has already commenced, before continuing, the manufacture of cigars, shall furnish, without previous demand therefor, to the collector of the district a statement in duplicate, under oath, setting forth the place, and, if in a city, the street and number of the street, where the manufacture is to be carried on; and when the same are to be manufactured for, or to be sold and delivered to, any other person, the name and residence and business or occupation of the person for whom they are to be manufactured, or to whom they are to be delivered; and shall give a bond, in conformity with the provisions of this Title, in such penal sum as the collector may require, not less than five hundred dollars, with an addition of one hundred dollars for each person proposed to be employed by him in making cigars, and the sum of said bond may be increased from time to time and additional sureties required, at the discretion of the collector, or under the instructions of the Commissioner of Internal Revenue. Said bond shall be conditioned that he shall not employ any person to manufacture cigars who has not been duly registered as a cigar-maker; that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render correctly all the returns, statements, and inventories prescribed; that whenever he shall add to the number of cigar-makers employed by him he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all cigars manufactured by him before he offers the same or any part thereof for sale, and before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale, any cigars which

have not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of cigars. Every cigar-manufacturer shall obtain from the collector of the district, who is hereby required to issue the same, a certificate setting forth the number of cigar-makers for which the bond has been given, and shall keep the same posted in a conspicuous place within the manufactory; and every cigar-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined one hundred dollars. And every person who manufactures cigars of any description, without first giving bond as herein required, shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than five years. Cigarettes and cheroots shall be held to be cigars under the meaning of this chapter.

Manufacturer's sign.

SEC. 3388. Every cigar-manufacturer shall place and keep on the side or end of the building within which his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil-colors or gilded, giving his full name and business. Any person neglecting to comply with the requirements of this section shall, on conviction, be fined not less than one hundred dollars nor more than five hundred dollars.

20 July, 1868, c. 186, s. 83, v. 15, p. 160.

Record of manufacturers and makers.

SEC. 3389. Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, the number of the manufactory, and the names and residences of every cigar-maker employed in his district; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventories and monthly returns. And he shall cause the several manufactories of cigars in the district to be numbered consecutively, which number shall not thereafter be changed.

20 July, 1868, c. 186, s. 84, v. 15, p. 161.

Annual inventory, book entries and monthly abstracts of manufacturer.

SEC. 3390. Every person now or hereafter engaged in the manufacture of cigars shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, of the quantity of leaf tobacco, cigars, stems, scraps, clippings, and waste, and of the number of cigar-boxes and the capacity of each box, held or owned by him on the first day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the first of January; setting forth what portion and kinds of said goods were manufactured or produced by him, and what were purchased from others, and shall verify said inventory by his oath indorsed thereon. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory; and shall verify the fact of such examination by oath to be indorsed on the inventory. Every such person shall also enter daily in a book, the form of which shall be prescribed by the Commissioner of Internal Revenue, an accurate account of all the articles aforesaid purchased by him, the quantity of leaf-tobacco, cigars, stems, or cigar-boxes, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and shall, on or before the tenth day of each and every month, furnish to the collector of the district a true and accurate abstract from such book, verified by his oath, of all such purchases, sales, and removals made during the month next preceding. In case of refusal or willful neglect to deliver the inventory or keep the account, or furnish the abstract aforesaid, he shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

Ibid., s. 86, p. 161.

Dealers in material for cigars to make sworn statement, when demanded.

SEC. 3391. It shall be the duty of every dealer in leaf-tobacco or material used in manufacturing cigars, on demand of any officer of internal revenue, to render to such officer a true and correct statement, under oath, of the quantity and amount of such leaf-tobacco or materials sold or delivered to any person named in such demand; and in case of refusal

Ibid., s. 86, p. 162.

or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers in the manner provided in this Title in relation to frauds and evasions.

How cigars are to be packed.

Ibid., s. 85, p. 161.

SEC. 3392. All cigars shall be packed in boxes not before used for that purpose, containing, respectively, twenty-five, fifty, one hundred, two hundred and fifty, or five hundred cigars each; and every person who sells or offers for sale, or delivers or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of the number provided by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers who have paid the special tax as such from boxes packed, stamped, and branded in the manner prescribed by law.

Label and notice on cigars.

Ibid., s. 88, p. 162.

10 April, 1869, c. 18, s. 1, v. 16, p. 43.

SEC. 3393. Every manufacturer of cigars shall securely affix, by pasting on each box containing cigars manufactured by or for him, a label, on which shall be printed, together with the proprietor's or manufacturer's name, the number of the manufactory, and the district and State in which it is situated, these words:

"NOTICE.—The manufacturer of the cigars herein contained has complied with all the requirements of law. Every person is cautioned under the penalties of law not to use this box for cigars again."

Every manufacturer of cigars who neglects to affix such label to any box containing cigars made by or for him, or sold or offered for sale by or for him, and every person who removes any such label, so affixed, from any such box, shall be fined fifty dollars for each box in respect to which such offense is committed.

Tax on cigars and cigarettes.

20 July, 1868, c. 186, s. 81, v. 15, p. 160.

3 *Mar.*, 1875, c. 127, s. 2, v. 18, p. 339.

SEC. 3394. Upon cigars which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof:

On cigars of all descriptions, made of tobacco or any substitute therefor, [*five*] [six] dollars per thousand; on cigarettes weighing not more than three pounds per thousand, one dollar and [*fifty*] [seventy-five] cents per thousand; on cigarettes weighing more than three pounds per thousand, [*five*] [six] dollars per thousand.

Stamps, how prepared, furnished, and accounted for.

20 July, 1868, c. 186, s. 87, v. 15, p. 162.

SEC. 3395. The Commissioner of Internal Revenue shall cause to be prepared, for payment of the tax upon cigars, suitable stamps denoting the tax thereon. Such stamps shall be furnished to collectors requiring them, and collectors shall, if there be any cigar-manufacturers within their respective districts, keep on hand at all times a supply equal in amount to two months' sales thereof, and shall sell the same only to the cigar-manufacturers who have given bonds and paid the special tax, as required by law, in their districts, respectively, and to importers of cigars, who are required to affix the same to imported cigars in the custody of customs officers, and to persons required by law to affix the same to cigars on hand after the first day of April, eighteen hundred and sixty-nine. Every collector shall keep an account of the number, amount, and denominate values of the stamps sold by him to each cigar-manufacturer, and to other persons above described.

Inspection of cigars, &c.

Ibid., s. 81, p. 160.

SEC. 3396. The Commissioner of Internal Revenue may prescribe such regulations for the inspection of cigars, cheroots, and cigarettes, and the collection of the tax thereon, as he may deem most effective for the prevention of frauds in the payment of such tax.

Removal without properly boxing, stamping, or branding; using false stamps, &c.

Ibid., s. 89, p. 162.

SEC. 3397. Whenever any cigars are removed from any manufactory, or place where cigars are made, without being packed in boxes as required by the provisions of this chapter, or without the proper stamp thereon denoting the tax, or without burning into each box with a branding-iron the number of the cigars contained therein, the name of the manufacturer, and the number of the district and the State, or with-

out properly affixing thereon and canceling the stamp denoting the tax on the same, or are sold or offered for sale not properly boxed and stamped, they shall be forfeited to the United States. And every person who commits any of the above-described offenses shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than two years. And every person who packs cigars in any box bearing a false or fraudulent or counterfeit stamp, or who affixes to any box containing cigars a stamp in the similitude or likeness of any stamp required to be used by the laws of the United States, whether the same be a customs or internal-revenue stamp; or who buys, receives, or has in his possession any cigars on which the tax to which they are liable has not been paid, or who removes or causes to be removed from any box any stamp denoting the tax on cigars, with intent to use the same, or who uses or permits any other person to use any stamp so removed, or who receives, buys, sells, gives away, or has in his possession any stamp so removed, or who makes any other fraudulent use of any stamp intended for cigars, or who removes from the place of manufacture any cigars not properly boxed and stamped as required by law, shall be deemed guilty of a felony, and shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than three years.

6 June, 1872, c. 315, s. 31, v. 17, p. 255.

U. S. *v.* Jacoby, 12 Blatch., 491; U. S. *v.* Millard, 13 Blatch., 534.

SEC. 3398. The absence of the proper revenue-stamp on any box of cigars sold, or offered for sale, or kept for sale, shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof, and such cigars shall be forfeited to the United States.

Absence of stamps evidence of non-payment of tax.

20 July, 1868, c. 186, s. 90, v. 15, p. 163.

SEC. 3399. Whenever cigars of any description are manufactured, in whole or in part, upon commission or shares, or the material is furnished by one party and manufactured by another, or the material is furnished or sold by one party with an understanding or agreement with another that the cigars are to be received in payment therefor, or for any part thereof, the stamps required by law shall be affixed by the actual maker before the cigars are removed from the place of manufacturing. And in case of fraud on the part of either of said parties in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and cigars shall be forfeited to the United States; and every person engaged in such fraud or collusion shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned for not less than six months nor more than three years.

Cigars manufactured on shares, commission, or contract; how stamped; frauds.

Ibid., s. 91, p. 163.

SEC. 3400. Every manufacturer of cigars who removes or sells any cigars without payment of the special tax as a cigar-manufacturer, or without having given bond as such, or without the proper stamps denoting the tax thereon; or who makes false or fraudulent entries of the manufacture or sale of any cigars; or makes false or fraudulent entries of the purchase or sale of leaf-tobacco, tobacco-stems, or other material used in the manufacture of cigars; or who affixes any false, forged, spurious, fraudulent, or counterfeit stamp, or imitation of any stamp, required by law to any box containing any cigars, shall, in addition to the penalties elsewhere provided in this Title for such offenses, forfeit to the United States all raw material and manufactured or partly manufactured tobacco and cigars, and all machinery, tools, implements, apparatus, fixtures, boxes, barrels, and all other materials which shall be found in his possession, or in his manufactory, and used in his business as such manufacturer, together with his estate or interest in the building or factory, and the lot or tract of ground on which such building or factory is located, and all appurtenances thereunto belonging.

Forfeiture of property for selling, &c., contrary to law, using false stamps, &c.

Ibid., s. 92, p. 163.

SEC. 3401. Every person who sells or offers for sale any cigars, representing the same to have been manufactured and the tax paid thereon prior to July twenty, eighteen hundred and sixty-eight, when the same were not so manufactured and the tax was not so paid, shall be liable to

Falsely representing cigars to have been made prior to 20 July, 1868.

Ibid., s. 95, p. 164.

a penalty of five hundred dollars for each offense, and shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

Imported cigars to pay tax; stamps, when and by whom affixed.

SEC. 3402. All cigars imported from foreign countries shall pay, in addition to the import duties imposed thereon, the tax prescribed by law for cigars manufactured in the United States, and shall have the same stamps affixed. The stamps shall be affixed and canceled by the owner

Ibid., s. 93, p. 163.

or importer of the cigars while they are in the custody of the proper custom-house officers, and the cigars shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but shall be put up in boxes containing quantities as prescribed in this chapter for cigars manufactured in the United States, before the stamps are affixed. And the owner or importer of such cigars shall be liable to all the penal provisions of this Title prescribed for manufacturers of cigars manufactured in the United States. Whenever it is necessary to take any cigars so imported to any place other than the public stores of the United States, for the purpose of affixing and canceling such stamps, the collector of customs of the port where such cigars are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars to pass out of his custody or control, without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years. [See § 2804.]

Selling imported cigars not packed as required by law.

SEC. 3403. All cigars of every description, on hand after the first day of April, eighteen hundred and sixty-nine, shall be taken to have been either manufactured or imported after the passage of the internal-revenue

Ibid., s. 94, p. 164.

act of July twentieth, eighteen hundred and sixty-eight, and shall be stamped accordingly. Every person who sells or offers for sale any imported cigars, or cigars purporting or claimed to have been imported, not put up in packages and stamped as provided by this chapter, shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

Purchasing cigars not branded or stamped.

SEC. 3404. Every person who purchases or receives for sale any cigars which have not been branded or stamped according to law, shall be liable to a penalty of fifty dollars for each such offense.

30 June, 1864, c. 173, s. 92, v. 13, p. 263. 13 July, 1866, c. 184, s. 9, v. 14, p. 126. 20 July, 1868, c. 186, s. 89, v. 15, p. 162.

Buying cigars from a manufacturer who has not paid a special tax.

SEC. 3405. Every person who purchases or receives for sale any cigars from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all the said articles so purchased or received, or of the full value thereof.

30 June, 1864, c. 173, s. 92, v. 13, p. 263. 13 July, 1866, c. 184, s. 9, v. 14, p. 126.

Stamps on emptied cigar-boxes to be destroyed; penalty for neglect, &c.

SEC. 3406. Whenever any stamped box containing cigars, cheroots, or cigarettes, is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon. And any person who willfully neglects or refuses so to do shall, for each such offense, be fined

2 Mar., 1867, c. 169, s. 32, v. 14, p. 484.

not exceeding fifty dollars and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or

20 July, 1868, c. 186, ss. 72, 89, v. 15, pp. 156, 162.

accepts from another, or who sells, buys, or uses for packing cigars, cheroots, or cigarettes, any such stamped box, shall for each such offense be fined not exceeding one hundred dollars and be imprisoned not more than

6 June, 1872, c. 315, s. 33, v. 17, p. 255.

one year. Any revenue officer may destroy any emptied cigar-box upon which a cigar-stamp is found.

CHAPTER EIGHT

BANKS AND BANKERS.

Sec.
3407. Definition of words "bank," "banker."
3408. Tax on deposits, capital, and circulation of banks and bankers.
3409. Taxes, when payable.
3410. Capital of banks expired or converted into national banks.
3411. Circulation when exempted from tax.
3412. Tax on notes of persons or State banks used as circulation, &c.
3413. Tax on notes of town, city, or municipal corporations paid out by banks, &c.
3414. Banks' and bankers' monthly returns.
3415. In default of return, commissioner to estimate, &c.
3416. State banks converted into national banks; returns, how made.
3417. Provisions for bank-tax and returns not to apply to national banks.

Definition of words "bank," "banker."

SEC. 3407. Every incorporated or other bank, and every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or as a banker.

30 June, 1864, c. 173, s. 79, v. 13, p. 251.
13 July, 1866, c. 184, s. 9, v. 14, p. 115.

Selden *v.* Equitable Trust Co., 94 U. S., 419; Northup *v.* Shook, 10 Blatch., 243; Clark *v.* Bailey, 11 Blatch., 156.

Tax on deposits.

SEC. 3408. There shall be levied, collected, and paid, as hereafter provided:

30 June, 1864, c. 173, s. 110, v. 13, p. 277.
13 July, 1866, c. 184, s. 9, v. 14, pp. 137, 146.
6 June, 1872, c. 315, s. 37, v. 17, p. 625.

First. A tax of one twenty-fourth of one per centum each month upon the average amount of the deposits of money, subject to payment by check or draft, or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, with any person, bank, association, company, or corporation, engaged in the business of banking;

8 *Feb.*, 1875, *c.* 36, *s.* 19, *v.* 18, *p.* 311.—Oulton *v.* Savings Institution, 17 Wall., 109; Savings Bank *v.* U. S., 19 Wall., 227; San Francisco Savings Bank *v.* Cary, 2 Saw., 333.

Tax on capital employed.

6 June, 1872, c. 315, s. 37, v. 17, p. 625.

Second. A tax of one twenty-fourth of one per centum each month upon the capital of any bank, association, company, corporation, and on the capital employed by any person in the business of banking beyond the average amount invested in United States bonds: *Provided*, That the words "capital employed" shall not include money borrowed or received from day to day, in the usual course of business, from any person not a partner of or interested in the said bank, association, or firm;

Tax on circulation.

Ibid.

Third. A tax of one-twelfth of one per centum each month upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional tax of one-sixth of one per centum each month upon the average amount of such circulation, issued as aforesaid, beyond the amount of ninety per centum of the capital of any such bank, association, corporation, company, or person.

On circulation of branch banks.

Ibid.

In the case of banks with branches, the tax herein provided shall be assessed upon the circulation of each branch severally, and the amount of capital of each branch shall be considered to be the amount allotted to it.

Exemptions on deposits in savings-banks.

Ibid.

18 *June*, 1874, *c.* 304, *v.* 18, *p.* 80.
22 *June*, 1874, *c.* 399, *v.* 18, *p.* 194.
3 *Mar.*, 1875, *c.* 127, *s.* 6, *v.* 18, *p.* 340.—Cary, Collector, *v.* The Savings Union, 22 Wall., 38.

The deposits in associations or companies known as provident institutions, savings-banks, savings-funds, or savings-institutions, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company, shall be exempt from tax on so much of their deposits as they have invested in securities of the United States, and on all deposits not exceeding two thousand dollars made in the name of any one person.

Taxes, when payable.

30 June, 1864, c. 173, s. 110, v. 13, p. 277.

13 July, 1866, c. 184, s. 9, v. 14, p. 146. 6 June, 1872, c. 315, s. 37, v. 17, p. 256.

SEC. 3409. The taxes provided in the preceding section shall be paid semi-annually, on the first day of January and the first day of July; but the same shall be calculated at the rate per month as prescribed by said section, so that the tax for six months shall not be less than the aggregate would be if such taxes were collected monthly.

Capital of banks expired or converted into national banks.

3 Mar., 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

SEC. 3410. The capital of any State bank or banking association which has ceased or shall cease to exist, or which has been or shall be converted into a national bank, shall be assumed to be the capital as it existed immediately before such bank ceased to exist or was converted as aforesaid.

Circulation, when exempted from tax.

3 Mar., 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

SEC. 3411. Whenever the outstanding circulation of any bank, association, corporation, company, or person is reduced to an amount not exceeding five per centum of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation; and whenever any bank which has ceased to issue notes for circulation deposits in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any tax upon such circulation.

Tax on notes of persons or State banks used as circulation, &c.

3 Mar., 1865, c. 78, s. 6, v. 13, p. 484.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

26 Mar., 1867, c. 8, s. 2, v. 15, p. 6.

8 *Feb.*, 1875, c. 36, s. 19, v. 18, p. 311.

3 *Mar.*, 1875, c. 167, v. 18, p. 507.

Veazie Bank v. Fenno, 8 Wall., 533.

SEC. 3412. Every national banking association, State bank, or State banking association, shall pay a tax of ten per centum on the amount of notes of any person, or of any State bank or State banking association, used for circulation and paid out by them.

[AN ACT to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and release any claims for tax on circulation of evidences of indebtedness made against any mining, manufacturing or other corporations other than against any national banking-association, State bank, or banking-association, by such corporations paying the tax, without penalty, that shall have accrued thereon since November first, eighteen hundred and seventy-three; and that the provisions of section three thousand four hundred and twelve of the Revised Statutes of the United States shall not be construed in pending cases, except as to national banking-associations, to apply to such evidences of indebtedness issued and reissued prior to the passage of this act, but said section shall be construed as applying to such evidences of indebtedness issued after the passage hereof. Approved March 3d, 1875.]

Tax on notes of town, city, or municipal corporations, paid out by banks, &c.

26 Mar., 1867, c. 8, s. 2, v. 15, p. 6. 8 *Feb.*, 1875, c. 36, s. 19, v. 18, p. 311.

SEC. 3413. Every national banking association, State bank, or banker, or association, shall pay a tax of ten per centum on the amount of notes of any town, city, or municipal corporation, paid out by them.

Banks' and bankers' monthly returns.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.

13 July, 1866, c. 184, s. 9, v. 14, p. 147.

26 Mar., 1867, c. 8, s. 2, v. 15, p. 6.

6 June, 1872, c. 315, s. 37, v. 17, p. 256.

24 Dec., 1872, c. 13, s. 5, v. 17, p. 403.

SEC. 3414. A true and complete return of the monthly amount of circulation, of deposits, and of capital, as aforesaid, and of the monthly amount of notes of persons, town, city, or municipal corporation, State banks, or State banking associations paid out as aforesaid for the previous six months, shall be made and rendered in duplicate on the first day of December and the first day of June, by each of such banks, associations, corporations, companies, or persons, with a declaration annexed thereto, under the oath of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax, as aforesaid; and one copy shall be transmitted to the collector of the district in which any such bank, association, corporation, or com-

pany is situated, or in which such person has his place of business, and one copy to the Commissioner of Internal Revenue.

8 *Feb.*, 1875, *c.* 36, *s.* 21, *v.* 18, *p.* 311.

In default of return, Commissioner to estimate, &c.

SEC. 3415. In default of the returns provided in the preceding section, the amount of circulation, deposit, capital, and notes of persons, town, city, and municipal corporations, State banks, and State banking associations paid out, as aforesaid, shall be estimated by the Commissioner of Internal Revenue, upon the best information he can obtain. And for any refusal or neglect to make return and payment, any such bank, association, corporation, company, or person so in default shall pay a penalty of two hundred dollars, besides the additional penalty and forfeitures provided in other cases.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.
13 July, 1866, c. 184, s. 9, v. 14, p. 146.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402. 8 *Feb.*, 1875, *c.* 36, *s.* 21, *v.* 18, *p.* 311.

State banks converted into national banks; returns, how made.

SEC. 3416. Whenever any State bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such State bank or banking association, including the redemption of its bills, by any agreement or understanding whatever with the representatives of such State bank or banking association, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per centum of the capital before such conversion of such State bank or banking association.

3 Mar., 1865, c. 78, s. 14, v. 13, p. 486.
13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

Provisions for bank tax and returns not to apply to national banks.

SEC. 3417. The provisions of this chapter, relating to the tax on the deposits, capital, and circulation of banks, and to their returns, except as contained in sections thirty-four hundred and ten, thirty-four hundred and eleven, thirty-four hundred and twelve, [thirty-four hundred and thirteen,] and thirty-four hundred and sixteen, and such parts of sections thirty-four hundred and fourteen, and thirty-four hundred and fifteen as relate to the tax of ten per centum on certain notes, shall not apply to associations which are taxed under and by virtue of Title "NATIONAL BANKS."

30 June, 1864, c. 173, s. 110, v. 13, p. 278.
13 July, 1866, c. 184, s. 9, v. 14, p. 146.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.

CHAPTER NINE.

STAMP-TAXES ON SPECIFIC OBJECTS.

Sec.
3418. Tax on bank-checks.
3419. Tax on medicines or preparations, perfumery, cosmetics, &c.
3420. Official checks exempt.
3421. Unstamped checks not admitted in evidence.
3422. Omission to stamp bank-checks, &c.; penalties and remedies.
3423. Cancellation of stamps; proprietary stamps; penalties.
3424. Method of cancellation.
3425. Stamps, how supplied.
3426. Replacement of spoiled stamps, &c.
3427. Stamps furnished to certain officers for sale.
3428. Regulations as to disposal and safe-keeping of stamps.
3429. Forging, counterfeiting, &c., or fraudulently using or selling stamps, &c.; penalties.
3430. Selling or removing articles for sale without affixing stamps; penalty.
3431. Removing stamps from articles in schedule; penalty.
3432. Selling articles in schedule without affixing stamps; penalty.
3433. Articles in schedule, intended for exportation, to be manufactured in bonded warehouses.
3434. Removal in bond to Pacific coast for exportation.
3435. Persons offering for sale articles in schedule deemed manufacturers.
3436. Medicines compounded according to pharmacopœias exempt.
3437. Assessment of unpaid taxes payable by stamps.
Schedule A.

Tax on bank-checks.

SEC. 3418. There shall be levied, collected, and paid for and in respect of every bank-check, draft, or order for the payment of money, drawn upon any bank, banker, or trust company, at sight or on demand, by any person who makes, signs, or issues the same, or for whose use or benefit the same is made, signed, or issued, two cents.

30 June, 1864, c. 173, s. 151, v. 13, pp. 291, 298.
6 June, 1872, c. 315, s. 36, v. 17, p. 256.
8 *Feb.*, 1875, *c.* 36, *s.* 15, *v.* 18, *p.* 310.

By statute of 1875, c. 36, s. 15, v. 18, p. 310, the act of June 30, 1864, v. 13, p. 298, from which this section is derived, was specifically amended; and an additional amendment was made in the act of 3 March, 1875, c. 127, s. 6, v. 18, p. 340.

Tax on medicines or preparations, perfumery, cosmetics, &c.

30 June, 1864, c. 173, s. 168, v. 13, pp. 296, 301. 13 July, 1866, c. 184, s. 9, v. 14, p. 146. 5 Mar., 1872, c. 33, v. 17, p. 36.

SEC. 3419. There shall be levied, collected, and paid on the articles mentioned in Schedule A, and in the manner hereinafter provided, the taxes mentioned in said schedule; and all the provisions of this chapter relating to dies, stamps, adhesive stamps, and stamped duties, shall extend to and include (except where otherwise provided for, or manifestly impracticable) all the articles or objects enumerated in schedule marked A, subject to stamp duties, and shall apply to the provisions in relation thereto.

Official checks exempt.

30 June, 1864, c. 173, s. 154, v. 13, p. 292. 13 July, 1866, c. 184, s. 9, v. 14, p. 141.

SEC. 3420. All bank-checks, drafts, or orders, as aforesaid, issued by the officers of the United States Government, or by officers of any State, county, town, or other municipal corporation, are exempt from taxation: *Provided*, That it is the intent hereby to exempt from liability to taxation such State, county, town, or other municipal corporations in the exercise only of functions strictly belonging to them in their ordinary governmental and municipal capacity.

Unstamped checks not admitted in evidence.

30 June, 1864, c. 173, s. 163, v. 13, p. 295. 13 July, 1866, c. 184, s. 9, v. 14, p. 143. 18 *Feb.*, 1876, c. 13, *r.* 19, *p.* 5.

SEC. 3421. No bank-check, draft, or order, required by law to be stamped, which is issued without being duly stamped, nor any copy thereof, shall be admitted or used in evidence in any court until a legal stamp, denoting the amount of tax, is affixed thereto, as prescribed by law. And it shall not be lawful to record any instrument, document, or paper required by law at the time of its issue to be stamped, unless a stamp or stamps of the proper amount shall have been affixed, and canceled in the manner required by law; and the record of any such instrument, upon which the proper stamp or stamps aforesaid shall not have been duly affixed and canceled, shall be utterly void and shall not be used in evidence.

Omission to stamp bank-checks, &c.; penalties and remedies.

30 June, 1864, c. 173, s. 158, v. 13, p. 293. 13 July, 1866, c. 184, s. 9, v. 14, p. 142. 14 July, 1870, c. 255, s. 5, v. 16, p. 257. 23 *June*, 1874, *c.* 462, *r.* 18, *p.* 250. 18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 319. 27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 248.

SEC. 3422. Any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept, negotiate, or pay, or cause to be accepted, negotiated, or paid, any draft, or order, for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this Title, shall, for every such offense, forfeit the sum of fifty dollars, and such instrument, document, [*or*] paper, draft, [or] order, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon, at the time of making or issuing the said instrument, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or if said instrument be lost, to a copy thereof, he or they shall appear before the collector of the revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of double the amount of tax remaining unpaid, but in no case less than five dollars, and where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest, at the rate of six per centum on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument or copy, and note upon the margin thereof the date of his so doing, and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued: [*And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamps, or to evade or delay the payment thereof, then, and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the sat-

isfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid, and to cause such instrument to be duly stamped.] And when the original instrument, or a certified or duly proved copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record therof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument, has been corrected pursuant to law; and the original instrument, or such certified copy of the record thereof may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped. But no right acquired in good faith before the stamping of such instrument or copy thereof, and the recording thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid.

Stamps to be canceled; proprietary stamps; penalty for their fraudulent use.

30 June, 1864, c. 173, ss. 155, 156, 165, v. 13, pp. 292, 293, 296.
13 July, 1866, c. 184, s. 9, v. 14, pp. 141, 144.
14 July, 1870, c. 255, s. 4, v. 16, p. 257.

SEC. 3423. In all cases where an adhesive stamp is used for denoting any tax imposed under this chapter, except as hereinafter provided, the person using or affixing the same shall write thereon the initials of his name and the date on which such stamp is attached or used, so that it may not again be used. And every person who fraudulently makes use of an adhesive stamp to denote any tax imposed by this chapter without so effectually canceling and obliterating such stamp, except as before mentioned, shall forfeit the sum of fifty dollars: *Provided*, That any proprietor of proprietary articles, or articles subject to stamp-tax under Schedule A, shall have the privilege of furnishing, without expense to the United States, in suitable form, to be approved by the Commissioner of Internal Revenue, his own dies or designs for stamps to be used thereon, which shall be made under the direction and retained in the possession of the said Commissioner, for the separate use of such proprietor, and shall not be duplicated to any other person; and that in all cases where such stamp is used, instead of said proprietor writing the date thereon, the said stamp shall be so affixed on the box, bottle, or package, that in opening the same, or using the contents thereof, the said stamp will be effectually destroyed; and, in default thereof, such proprietor shall be liable to a penalty of fifty dollars. And every person who fraudulently obtains or uses any of the aforesaid stamps, or designs therefor, or who forges or counterfeits, or causes or procures to be forged or counterfeited, any representation or similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who sells or gives away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, has knowingly or fraudulently in his possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall forfeit the said stamps and the articles upon which they are placed, shall be deemed guilty of felony, and be punished by a fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court.

Method of cancellation.

30 June, 1864, c. 173, s. 157, v. 13, p. 293.

SEC. 3424. The Commissioner of Internal Revenue is authorized to prescribe such method for the cancellation of stamps as substitute for, or in addition to the method prescribed in this chapter, as he may deem expedient and effectual. And he is authorized, in his discretion, to make the application of such method imperative upon the manufacturers of proprietary articles, or articles included in Schedule A.

Stamps, how supplied.

30 June, 1864, c. 173, s. 161, v. 13, p. 294.

SEC. 3425. The Commissioner of Internal Revenue is authorized to sell and supply to collectors, deputy-collectors, postmasters, stationers, or any other persons, at his discretion, adhesive stamps, or stamped paper, as herein provided for, in amounts of not less than fifty dollars, upon the

14 July, 1870, c. 255, s. 4, v. 16, p. 257.

payment, at the time of delivery, of the amount of duties said stamps or stamped paper, so sold or supplied, represent, and may allow, upon the aggregate amount of such stamps, the sum of not exceeding five per centum as commission to such purchasers; but the cost of any paper shall be paid by the purchaser of such stamped paper. The proprietor of articles named in Schedule A, who furnishes his own die or design for stamps to be used especially for his own proprietary articles, shall be allowed the following commissions: On amounts purchased at one time of not less than fifty dollars nor more than five hundred dollars, five per centum; and on amounts over five hundred dollars, ten per centum on the whole amount purchased: *Provided*, That the Commissioner may, from time to time, deliver to any manufacturer of friction or other matches, cigar-lights, or wax-tapers, a suitable quantity of adhesive or other stamps, such as may be prescribed for use in such cases, without prepayment therefor, on a credit not exceeding sixty days, requiring, in advance, such security as he may judge necessary to secure payment therefor to the Treasurer of the United States, within the time prescribed for such payment. And upon all bonds or other securities taken by said Commissioner, under the provisions of this chapter, suits may be maintained by said Treasurer in the circuit or district court of the United States, in the several districts where any of the persons giving said bonds or other securities reside or may be found, in any appropriate form of action.

Replacement of spoiled stamps, &c.

30 June, 1864, c. 173, s. 161, v. 13, p. 294.

12 *July*, 1876, *c.* 181, *v.* 19, *p.* 88.

Kaufman's Case, 11 C. Cls., 659.

SEC. 3426. The Commissioner of Internal Revenue may, from time to time, make regulations, upon proper evidence of the facts, for the allowance of such of the stamps issued under the provisions of this chapter, or any internal revenue act, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been paid in error, or remitted; and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed for, or by repaying the amount or value, after deducting therefrom, in case of repayment, the sum of five per centum to the owner thereof; but no allowance shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why said stamps cannot be so returned.

Stamps furnished to certain officers for sale.

30 June, 1864, c. 173, s. 170, v. 13, p. 297.

SEC. 3427. In any collection-district where, in the judgment of the Commissioner of Internal Revenue, the facilities for the procurement and distribution of stamped paper and adhesive stamps, as provided in this chapter, are insufficient, the Commissioner is authorized to supply to collectors, assistant treasurers of the United States, designated depositaries, and postmasters, without prepayment therefor, suitable quantities of stamped paper, as aforesaid, and of adhesive stamps, as required by this chapter; and he may in advance require of any such person a bond, with sufficient sureties, in an amount equal to the value of any such stamped paper or stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return of all quantities or amounts undisposed of, and for the payment, monthly, of all quantities or amounts sold or not remaining on hand. And he shall allow to such persons the highest rates of commissions allowed to any other parties purchasing such stamped paper or stamps. It shall be the duty of such collector to supply his deputies with, or to sell to other parties within his district who may apply therefor, such stamped paper and adhesive stamps, upon the same terms allowed by law, or under the regulations of the said Commissioner.

Regulations as to disposal and safe-keeping of stamps.

30 June, 1864, c. 173, s. 170, v. 13, p. 298.

SEC. 3428. The Commissioner of Internal Revenue is authorized to make such regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters provided in the preceding section, as he may deem necessary and expedient. And the Secretary of the Treasury may, from time to time, make such regulations as he may find necessary to insure the safe-

keeping or to prevent the illegal use of all such stamped paper and adhesive stamps.

Forging, counterfeiting, &c., or fraudulently using or selling stamps, &c.

30 June, 1864, c. 173, s. 155, v. 13, p. 292.
13 July, 1866, c. 184, s. 9, v. 14, p. 141.
10 April, 1869, c. 18, s. 2, v. 16, p. 43.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 248.

SEC. 3429. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, which shall have been provided, or may hereafter be provided, made, or used in pursuance of the provisions of this chapter, or of any previous provisions of law on the same subjects, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp, die, plate, or other instrument as aforesaid, upon any paper, or shall stamp or mark, or cause or procure to be stamped or marked, any paper, with any such forged or counterfeited stamp, die, plate, or other instrument, or part of any stamp, die, plate or other instrument, as aforesaid, with intent to defraud the United States of any of the taxes hereby imposed, or any part thereof; or if any person shall utter, or sell, or expose to sale, any paper, article, or thing, having thereupon the impression of any such counterfeited stamp, die[,] plate, or other instrument, or any part of any stamp, die[,] plate, or other instrument, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled; or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument which shall have been so provided, made, or used, as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used, in pursuance of this chapter, or of any previous provisions of law on the same subjects, from any paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall fraudulently use, join, fix or place, or cause to be used, joined, fixed, or placed to, with, or upon any paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of law, and which shall have been cut, torn, or removed from any other paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks on any adhesive stamp, with intent to use the same, or to cause the use of the same, after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamps, which have been removed from any paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding, abetting, or assisting in committing any such offense as aforesaid, shall, on conviction thereof, forfeit the said counterfeit stamps and the articles upon which they are placed, and be punished by fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court. And the fact that any adhesive stamp so bought, sold, offered for sale, used, or had in possession as aforesaid, has been washed or restored by removing or altering the canceling or defacing marks thereon, shall be prima-facie proof that such stamp has been once used and removed by the possessor thereof from some paper, instrument, or writing, charged with taxes imposed by law, in violation of the provisions of this section.

Selling or removing articles for sale

SEC. 3430. Whenever any person makes, prepares, and sells, or removes for consumption or sale, drugs, medicines, preparations, compositions,

without affixing stamps; penalty.

30 June, 1864, c. 173, s. 165, v. 13, p. 296.
13 July, 1866, c. 184, s. 9, v. 14, p. 144.
14 July, 1870, c. 255, s. 4, v. 16, p. 257.
14 July, 1870, c. 259, v. 16, pp. 24, 275.

articles, or things, including perfumery, cosmetics, lucifer or friction matches, cigar-lights, wax-tapers, and playing-cards, whether of domestic manufacture or imported, upon which a tax is imposed by law, as enumerated and mentioned in Schedule A, without affixing thereto an adhesive stamp or label denoting the tax before mentioned, he shall incur a penalty of fifty dollars for every omission to affix such stamp: *Provided*, That lucifer or friction matches and cigar-lights and wax-tapers may be removed from the place of manufacture for export to a foreign country, without payment of tax or affixing stamps thereto, under such regulations as the Commissioner of Internal Revenue may prescribe.

Removing stamps from articles in schedule; penalty.

30 June, 1864, c. 173, s. 166, v. 13, p. 296.

SEC. 3431. Every manufacturer or maker of any of the articles for sale mentioned in Schedule A, who, after the same are so made, and the particulars hereinbefore required as to stamps have been complied with, takes off, removes, or detaches, or causes, or permits, or suffers to be taken off, or removed, or detached, any stamp, or who uses any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp-duties, shall, for every such article, respectively, in respect of which any such offense is committed, be subject to a penalty of fifty dollars, to be recovered together with the costs thereupon accruing; and every such article or commodity as aforesaid shall also be forfeited.

Selling articles in Schedule A without affixing stamp; penalty.

30 June, 1864, c. 173, s. 167, v. 13, p. 296.
3 Mar., 1865, c. 78, s. 1, v. 13, p. 482.

SEC. 3432. Every maker or manufacturer of any of the articles or commodities mentioned in Schedule A, who, to evade the duty chargeable thereon, or any part thereof, sells, exposes for sale, sends out, removes, or delivers any article or commodity, manufactured as aforesaid, before the duty thereon has been fully paid, by affixing thereon the proper stamp, as provided by law, or who to evade as aforesaid hides or conceals, or causes to be hidden or concealed, or removes or conveys away, or deposits, or causes to be removed or conveyed away from or deposited in any place, any such article or commodity, shall be subject to a penalty of one hundred dollars, together with the forfeiture of any such article or commodity.

Articles in schedule intended for exportation to be manufactured in bonded warehouses.

30 June, 1864, c. 173, s. 168, v. 13, p. 296.
3 Mar., 1865, c. 78, s. 1, v. 13, p. 482.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 248.

SEC. 3433. All medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, intended for exportation, as provided by law, in order to be manufactured and sold or removed, without being charged with duty, and without having a stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, be made and manufactured in warehouses similarly constructed to those known and designated in Treasury regulations as bonded warehouses, class two: *Provided*, That such manufactory shall first give satisfactory bonds to the collector of internal revenue for the faithful observance of all the provisions of law and the regulations as aforesaid, in amount not less than half of that required by the regulations of the Secretary of the Treasury from persons allowed bonded warehouses. Such goods, when manufactured in such warehouses, may be removed for exportation, under the direction of the proper officer having charge thereof, who shall be designated by the Secretary of the Treasury, without being charged with duty, and without having a stamp affixed thereto. Any manufacturer of the articles aforesaid, or of any of them, having such bonded warehouse as aforesaid, shall be at liberty, under such regulations as the Secretary of the Treasury may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of the said manufactured articles; and every article so used shall be exempt from the payment of stamp and excise duty by such manufacturer. Articles and materials [except distilled spirits] so to be used may be transferred from any bonded warehouse in which the same may be, under such regulations as the Secretary of the Treasury may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture,

and when so used shall be exempt from stamp and excise duty; and the receipt of the officer in charge, as aforesaid, shall be received as a voucher for the manufacture of such articles. Any materials imported into the United States may, under such rules as the Secretary of the Treasury may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the bonded warehouse in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom except for exportation, under the direction of the proper officer having charge thereof, as aforesaid, whose certificate, describing the articles by their marks, or otherwise, the quantity, the date of importation, and name of vessel, with such addititional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bonds, or return of the amount of foreign import duties. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, and at the expense of the manufacturer.

Removal in bond to Pacific coast for exportation.

13 July, 1866, c. 184, s. 28, v. 14, p. 155.

SEC. 3434. Any article manufactured in a bonded warehouse established under the preceding section, and situated in any of the Atlantic States, may be removed therefrom for transportation to a customs bonded warehouse at any port on the Pacific coast of the United States, for the purpose only of being exported therefrom, under such regulations and upon the execution of such bonds or other security as the Secretary of the Treasury may prescribe.

Persons offering for sale articles in schedule deemed manufacturers.

30 June, 1864, c. 173, s. 169, v. 13, p. 297.

13 July, 1866, c. 184, s. 9, v. 14, p. 144.

6 June, 1872, c. 315, s. 34, v. 17, p. 255.

SEC. 3435. Every person who offers or exposes for sale any of the articles named in Schedule A, whether the articles so offered or exposed are of foreign manufacture and imported or are of domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamps denoting the tax paid thereon, and all such articles of foreign manufacture shall, in addition to the import duties imposed on the same, be subject to the stamp-tax, respectively, prescribed in said schedule.

Medicines compounded according to pharmacopœias exempt.

13 July, 1866, c. 184, s. 13, v. 14, p. 151.

8 *Feb.*, 1875, *c.* 36, *s.* 22, *v.* 18, *p.* 312.

SEC. 3436. No stamp-tax shall be imposed upon any uncompounded medicinal drug or chemical, nor upon any medicine compounded according to the United States or other national pharmacopœia, or of which the full and proper formula is published in any of the dispensatories now or hitherto in common use among physicians or apothecaries, or in any pharmaceutical journal now issued by any incorporated college of pharmacy, when not sold or offered for sale, or advertised under any other name, form, or guise than that under which they may be severally denominated and laid down in said pharmacopœias, dispensatories, or journals as aforesaid; nor upon medicines sold to or for the use of any person, which may be mixed and compounded for said person according to the written receipt or prescription of any physician or surgeon. But nothing in this section shall be construed to exempt from stamp-tax any medicinal articles, whether simple or compounded by any rule, authority, or formula, published or unpublished, which are put up in a style or manner similar to that of patent or proprietary medicines in general, or advertised in newspapers or by public handbills for popular sale and use, as having any special proprietary claim to merit, or to any peculiar advantage in mode of preparation, quality, use, or effect, whether such claim be real or pretended.

Assessment of unpaid taxes payable by stamps.

2 Mar., 1867, c. 169, s. 5, v. 14, p. 472.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

SEC. 3437. Whenever any article upon which a tax is required to be paid by means of a stamp is sold or removed for sale by the manufacturer thereof, without the use of the proper stamp, in addition to the penalties imposed by law for such sale or removal, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such removal or sale, upon such information as he can obtain, to estimate the amount of the tax which has been omitted

24 Dec., 1873, c. 13, s. 7, v. 17, p. 403.

to be paid, and to make an assessment therefor upon the manufacturer or producer of such article. He shall certify such assessment to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by such manufacturer or producer, shall proceed to collect the same in the manner provided for the collection of other assessed taxes.

Schedule A.

SCHEDULE A.

Medicines or preparations.

MEDICINES OR PREPARATIONS.

20 June, 1864, c. 173, s. 170, v. 13, pp. 301, 302.
13 July, 1866, c. 184, s. 9, v. 14, p. 145.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any pills, powders, tinctures, troches, lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions whatsoever, made and sold, or removed for consumption and sale, by any person or persons whatever, wherein the person making or preparing the same has or claims to have any private formula, or occult secret, or art for the making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters-patent, or held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medicines, or as remedies or specifics for any disease, diseases, or affections whatever affecting the human or animal body, as follows:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at retail price or value, the sum of twenty-five cents, one cent.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and not exceed the retail price or value of fifty cents, two cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents.

Perfumery, cosmetics, &c.

PERFUMERY AND COSMETICS, ETC.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any essence, extract, toilet-water, cosmetic, hair-oil, pomade, hair-dressing, hair-restorative, hair-dye, tooth-wash, dentifrice, tooth-paste, aromatic cachous, or any similar articles, by whatsoever name the same heretofore have been, now are, or may hereafter be called, known or distinguished, used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of twenty-five cents, one cent.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and shall not exceed the retail price or value of fifty cents, two cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents.

Friction-matches, or lucifer-matches, or other articles made in part of wood, and used for like purposes, in parcels or packages containing one hundred matches or less, for each parcel or package, one cent.

When in parcels or packages containing more than one hundred and not more than two hundred matches, for each parcel or package, two cents.

And for every additional one hundred matches or fractional part thereof, one cent.

For wax-tapers, double the rates herein imposed upon friction or lucifer-matches; on cigar-lights, made in part of wood, wax, glass, paper, or other materials, in parcels or packages containing twenty-five lights or less in each parcel or package, one cent.

When in parcels or packages containing more than twenty-five and not more than fifty lights, two cents.

For every additional twenty-five lights or fractional part of that number, one cent additional.

PLAYING-CARDS. Playing-cards.

For and upon every pack not exceeding fifty-two cards in number, irrespective of price or value, five cents.

CHAPTER TEN.

LEGACIES AND SUCCESSIONS.

Sec.
3438. Tax on legacies, &c.
3439. Tax on successions.
3440. Assessment and collection of legacy and succession taxes.

SEC. 3438. There shall be paid to the United States, in respect of every legacy or distributive share arising from personal property, and of any personal property or interest therein, which is now subject to tax or duty under the provisions of acts in force prior to the first day of October, eighteen hundred and seventy, a duty or tax as follows, that is to say: Tax on legacies, &c.

30 June, 1864, c. 173, s. 124, v. 13, p. 285.
13 July, 1866, c. 184, s. 9, v. 14, p. 140.
14 July, 1870, c. 255, ss. 3, 27, v. 16, pp. 256, 269.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister, to the person who died possessed of such property as aforesaid, at the rate of one dollar for each and every hundred dollars of the clear value of such interest in such property.

Second. Where the person or persons entitled to any beneficial interest in such property shall be descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of two dollars for each and every hundred dollars of the clear value of such interest.

Third. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of five dollars for each and every hundred dollars of the clear value of such interest.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity

than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of six dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person who died possessed, as aforesaid, shall be exempt from tax or duty: *And provided further*, That any legacy or share of personal property passing, as aforesaid, to a minor child of the person who died possessed, as aforesaid, shall be exempt from taxation under this section, unless such legacy or share exceeds the sum of one thousand dollars, in which case the excess only above that sum shall be liable to such taxation.

Tax on successions.

30 June, 1864, c. 173, s. 133, v. 13, pp. 288, 289.
14 July, 1870, c. 255, ss. 3, 27, v. 16, pp. 261, 269.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

SEC. 3439. There shall be levied and paid to the United States in respect of every succession which is now subject to tax under the provisions of acts in force, prior to the first day of October, eighteen hundred and seventy, according to the value thereof, the following duties, that is to say:

Where the successor shall be the lineal issue or lineal ancestor of the predecessor, a duty at the rate of one dollar per centum upon such value.

Where the successor shall be a brother or sister, or a descendant of a brother or sister of the predecessor, a duty at the rate of two dollars per centum upon such value.

Where the successor shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the predecessor, a duty at the rate of four dollars per centum upon such value.

Where the successor shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the predecessor, a duty at the rate of five dollars per centum upon such value.

Where the successor shall be in any other degree of collateral consanguinity to the predecessor than is hereinbefore described, or shall be a stranger in blood to him, a duty at the rate of six dollars per centum upon such value.

Assessment and collection of legacy and succession taxes.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

SEC. 3440. The Commissioner of Internal Revenue is required to make the inquiries, determinations, and assessments, provided by acts in force, prior to the first day of October, eighteen hundred and seventy, of all taxes upon legacies and successions liable to be assessed or accruing thereon under the provisions of such acts; and he shall certify such assessments, when made, to the proper collectors, respectively, who shall proceed to collect and account for taxes so certified in the same manner as is provided for the collection of the same by such acts.

CHAPTER ELEVEN.

PROVISIONS COMMON TO SEVERAL OBJECTS OF TAXATION.

Sec.
3441. Drawback on articles in Schedule A.
3442. Certificates of drawback receivable for taxes.
3443. Fraudulent claims of drawback.
3444. Collector's monthly account of articles in bonded warehouses, and articles exported.
3445. Changes of stamps, instruments for attaching and canceling.
3446. Power to alter form and device of spirit, tobacco, and cigar stamps.
3447. Where mode of assessing or collecting any tax is not provided for, regulations.
3448. Internal-revenue laws, when co-extensive with jurisdiction of United States.
3449. Removing any liquors or wines under other than trade names; penalty.
3450. Removing or concealing articles with intent to defraud United States of tax; forfeiture and penalty.
3451. Fraudulently executing documents required by internal-revenue law; penalty.
3452. Having property in possession with intent to sell in fraud of law, or to evade taxes; penalty.

Sec.
3453. Seizure of property found in possession in fraud of revenue laws.
3454. Sales to evade tax; forfeiture.
3455. Disposing of or receiving empty stamped packages, &c.; penalties.
3456. Penalty and forfeiture by distillers, rectifiers, wholesale liquor-dealers, and manufacturers of tobacco or cigars, for omitting things required and for doing things forbidden.
3457. Package included in forfeiture of goods.
3458. Goods seized may be delivered to marshal before process issues.
3459. Bailing of goods seized; sale for want of bail.
3460. Proceedings on seizure of goods valued at $500 or less.
3461. Application for remission, and return of proceeds; distribution.
3462. Search-warrants.
3463. Detection and punishment of frauds.
3464. Purchasing from the Government goods subject to tax.
3465. Construction of certain revenue acts.

Drawback on articles in Schedule A.

30 June, 1864, c. 173, s. 171, v. 13, p. 302.
3 Mar., 1865, c. 78, s. 1, v. 13, p. 482.

SEC. 3441. There shall be an allowance of drawback on fermented liquors and on all articles mentioned in Schedule A, on which any internal tax shall have been paid, except lucifer or friction matches, cigar-lights, and wax-tapers, equal in amount to the tax paid thereon and no more, when exported; to be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no allowance of drawback shall be made for any amount, claimed or due, less than ten dollars, nor for any such articles exported prior to March thirty-first, eighteen hundred and sixty-eight. The evidence that any such tax has been paid as aforesaid shall be furnished to the satisfaction of the Commissioner of Internal Revenue by the person claiming the allowance of drawback, and the amount shall be ascertained under such regulations as shall be prescribed from time to time by the Commissioner, under the direction of the Secretary of the Treasury. And the said Secretary may make such regulations with regard to the form of certificates of drawback and the issuing thereof as he may deem necessary.

Certificates of drawback receivable for taxes.

30 June, 1864, c. 173, s. 171, v. 13, p. 302.

SEC. 3442. Certificates of drawback, issued in pursuance of the preceding section, may, under such regulations as may be prescribed by the Secretary of the Treasury, be received by the collector or his deputy in payment of taxes imposed by this Title.

Fraudulent claims of drawback.

30 June, 1864, c. 173, s. 172, v. 13, p. 303.

SEC. 3443. Whenever any person fraudulently claims or seeks to obtain an allowance of drawback on goods, wares, or merchandise on which no internal duty shall have been paid, or fraudulently claims any greater allowance of drawback than the tax actually paid as aforesaid, he shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of five hundred dollars, at the election of the Secretary of the Treasury.

Collector's monthly account of articles in bonded warehouses, and articles exported.

20 July, 1868, c. 186, s. 100, v. 15, p. 165.
6 June, 1872, c. 315, s. 31, v. 17, p. 255.

SEC. 3444. Every collector who has charge of any warehouse in which distilled spirits, or other articles, are stored in bond, shall render a monthly account of all such articles to the Commissioner of Internal Revenue, by whom such account shall be examined and adjusted monthly, so as to exhibit a true statement of the responsibility of such collector thereon. In adjusting such account, the collector shall be charged with all the articles which may have been deposited or received under the provisions of law, in any warehouse in his district and under his control, and shall be credited with all such articles shown to have been removed therefrom according to law, including transfers to other collectors and to his successor in office, and also whatever allowances may have been made in accordance with law to any owner of such goods or articles for leakage or other losses. And every collector from whose district any distilled spirits, tobacco, snuff, or cigars are shipped in bond, under the provisions of this Title, shall render a monthly account of the same to the Commissioner of Internal Revenue, showing the amount of each article produced and shipped in bond, the amounts of which the exportation is completed according to law, and the amount remaining unaccounted for at the end of each month; also any excesses or deficiencies on the amounts originally reported as shipped.

Changes of stamps, instruments for attaching and canceling.

20 July, 1868, c. 186, s. 43, v. 15, p. 142.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

SEC. 3445. The Commissioner of Internal Revenue may make such change in stamps, and may prescribe such instruments or other means for attaching, protecting, and canceling stamps, for tobacco, snuff, cigars, distilled spirits, and fermented liquors, or either of them, as he and the Secretary of the Treasury shall approve; such instruments to be furnished by the United States to the persons using the stamps to be affixed therewith, under such regulations as the Commissioner of Internal Revenue may prescribe. [See §§ 5483, 5453.]

Power to alter form and device of spirit, tobacco, and cigar stamps.

20 July, 1868, c. 186, s. 101, v. 15, p. 165.

SEC. 3446. The Secretary of the Treasury and the Commissioner of Internal Revenue, may alter, renew, or change the form, style, and device of any stamp, mark, or label used under any provision of the laws relating to distilled spirits, tobacco, snuff, and cigars, when in their judgment necessary for the collection of revenue tax, or the prevention or detection of frauds thereon; and may make and publish such regulations for the use of such mark, stamp, or label as they find requisite. But in no case shall such renewal or change extend to an abandonment of the general character of the stamps above mentioned, nor to the dispensing with any provisions requiring that such stamps shall be kept in book form and have thereon the signatures of revenue officers.

Where mode of assessing or collecting any tax is not provided for; regulations.

Ibid., s. 103, v. 15, p. 166.

SEC. 3447. Whenever the mode or time of assessing or collecting any tax which is imposed is not provided for, the Commissioner of Internal Revenue may establish the same by regulation. He may also make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

Internal-revenue laws, when co-extensive with jurisdiction of United States.

20 July, 1868, c. 186, s. 107, v. 15, p. 167.—The Cherokee Tobacco, 11 Wall., 616; U. S. *v.* Tobacco Factory, 1 Dill., 264.

SEC. 3448. The internal-revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars shall be held to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same be within a collection-district or not.

Removing any liquors or wines under other than trade-names; penalty.

13 July, 1866, c. 184, s. 29, v. 14, p. 156.

SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of five hundred dollars.

Removing or concealing articles with intent to defraud United States of tax; forfeiture and penalty.

Ibid., s. 14, p. 151.

U. S. *v.* One hundred Barrels of Spirits, 2 Abb. U. S., 305.

SEC. 3450. Whenever any goods or commodities for or in respect whereof any tax is or shall be imposed, or any materials, utensils, or vessels proper or intended to be made use of for or in the making of such goods or commodities are removed, or are deposited or concealed in any place, with intent to defraud the United States of such tax, or any part thereof, all such goods and commodities, and all such materials, utensils, and vessels, respectively, shall be forfeited; and in every such case all the casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained, such goods or commodities, respectively, and every vessel, boat, cart, carriage, or other conveyance whatsoever, and all horses or other animals, and all things used in the removal or for the deposit or concealment thereof, respectively, shall be forfeited. And every person who removes, deposits, or conceals, or is concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any tax is or shall be imposed, with intent to defraud the United States of such tax or any part thereof, shall be liable to a fine or penalty of not more than five hundred dollars. And all boilers, stills, or other vessels, tools and implements, used in distilling or rectifying, and forfeited under any of the provisions of this Title, and all condemned material, together with any engine or other machinery connected therewith, and all empty barrels, and all grain or other material suitable for distillation, shall, under the direction of the court in which the forfeiture is recovered, be sold at public auction, and the proceeds thereof, after

deducting the expenses of sale, shall be disposed of according to law: And all spirits or spirituous liquors which may be forfeited under the provisions of this Title, unless herein otherwise provided, shall be disposed of by the Commissioner of Internal Revenue as the Secretary of the Treasury may direct.

Fraudulently executing documents required by internal-revenue laws; penalty.

20 July, 1868, c. 186, s. 99, v. 15, p. 165.

SEC. 3451. Every person who simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal-revenue laws, or by any regulation made in pursuance thereof, or who procures the same to be falsely or fraudulently executed, or who advises, aids in, or connives at such execution thereof, shall be imprisoned for a term not less than one year nor more than five years; and the property to which such false or fraudulent instrument relates shall be forfeited.

Having property in possession with intent to sell in fraud of law, or to evade taxes; penalty.

30 June, 1864, c. 173, s. 48, v. 13, p. 240. 13 July, 1866, c. 184, s. 9, v. 14, p. 112.—The Distilled Spirits, 11 Wall., 356.

SEC. 3452. Every person who shall have in his custody or possession any goods, wares, merchandise, articles, or objects on which taxes are imposed by law, for the purpose of selling the same in fraud of the internal-revenue laws, or with design to avoid payment of the taxes imposed thereon, shall be liable to a penalty of five hundred dollars or not less than double the amount of taxes fraudulently attempted to be evaded.

Seizure of property found in possession in fraud of revenue laws.

30 June, 1864, c. 173. s. 48, v. 13, p. 240. 13 July, 1866, c. 184, s. 9, v. 14, p. 111.

U. S. *v.* One Still, 5 Blatch., 403; U. S. *v.* Thirty-six Barrels of High-wines, 7 Blatch., 468; U. S. *v.* Ninety-two Barrels of Rectified Spirits, 8 Blatch., 480; U. S. *v.* Thirty-three Barrels of Spirits, 1 Abb. U.S., 311; The Distilled Spirits, 11 Wall., 356; U. S. *v.* Thirty-three Barrels Spirits, 1 Low., 239; The U. S. *v.* Distillery at Spring Valley, 11 Blatch., 255; U. S. *v.* Adler, 3 Dill., 285.

SEC. 3453. All goods, wares, merchandise, articles, or objects, on which taxes are imposed, which shall be found in the possession, or custody, or within the control of any person, for the purpose of being sold or removed by him in fraud of the internal-revenue laws, or with design to avoid payment of said taxes, may be seized by the collector or deputy collector of the proper district, or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose, and shall be forfeited to the United States. And all raw materials found in the possession of any person intending to manufacture the same into articles of a kind subject to tax for the purpose of fraudulently selling such manufactured articles, or with design to evade the payment of said tax; and all tools, implements, instruments, and personal property whatsoever, in the place or building, or within any yard or inclosure where such articles or raw material are found, may also be seized by any collector or deputy collector, as aforesaid, and shall be forfeited as aforesaid. The proceedings to enforce such forfeitures shall be in the nature of a proceeding in rem in the circuit court or district court of the United States for the district where such seizure is made.

Sales to evade tax; forfeiture.

30 June, 1864, c. 173, s. 180, v. 13, pp. 305, 306.

SEC. 3454. Whenever any person who is liable to pay any tax upon any goods, wares, or merchandise, sells or causes or allows the same to be sold before the tax is paid to which said property is liable, with intent to avoid such tax, or in fraud of the internal-revenue laws, any debt contracted in such sale, and any security given therefor, unless the same shall have been bona fide transferred to an innocent holder, shall be void, and the collection thereof shall not be enforced in any court. And if such goods, wares, or merchandise have been paid for, in whole or in part, the sum so paid shall be deemed forfeited, and any person who shall sue for the same in an action of debt shall recover from the seller the amount so paid, one half to his own use and the other half to the use of the United States.

Disposing of or receiving empty stamped packages, &c.; penalties.

13 July, 1866, c. 184, s. 16, v. 14, p. 152.

SEC. 3455. Whenever any person sells, gives, purchases, or receives any box, barrel, bag, vessel, package, wrapper, cover, or envelope of any kind, stamped, branded, or marked in any way so as to show that the contents or intended contents thereof have been duly inspected, or that the tax thereon has been paid, or that any provision of the internal-revenue laws has been complied with, whether such stamping, branding, or marking may have been a duly authorized act or may be false and counterfeit, or otherwise without authority of law, said box, barrel, bag,

vessel, package, wrapper, cover, or envelope being empty, or containing anything else than the contents which were therein when said articles had been so lawfully stamped, branded, or marked by an officer of the revenue, he shall be liable to a penalty of not less than fifty nor more than five hundred dollars. And every person who makes, manufactures, or produces any box, barrel, bag, vessel, package, wrapper, cover, or envelope, stamped, branded, or marked, as above described, or stamps, brands, or marks the same, as hereinbefore recited, shall be liable to penalty as before provided in this section. And every person who violates the foregoing provisions of this section, with intent to defraud the revenue, or to defraud any person, shall be liable to a fine of not less than one thousand nor more than five thousand dollars, or to imprisonment for not less than six months nor more than five years, or to both, at the discretion of the court. And all articles sold, given, purchased, received, made, manufactured, produced, branded, stamped, or marked in violation of the provisions of this section, and all their contents, shall be forfeited to the United States.

Penalty and forfeiture by distillers, rectifiers, wholesale liquor-dealers, and manufacturers of tobacco or cigars, for omitting things required, and for doing things forbidden.

SEC. 3456. If any distiller, rectifier, wholesale liquor-dealer, or manufacturer of tobacco or cigars, shall knowingly or willfully omit, neglect, or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this Title prohibited, if there be no specific penalty or punishment imposed by any other section of this Title for the neglecting, omitting or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of one thousand dollars; and if the person so offending be a distiller, rectifier, or wholesale [liquor] dealer, all distilled spirits or liquors owned by him or in which he has any interest as owner, and if he be a manufacturer of tobacco or cigars, all tobacco or cigars found in his manufactory shall be forfeited to the United States.

20 July, 1868, c. 186, s. 96, v. 15, p. 164.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.—U. S. *v.* McKim & Co., 2 Am. L., T. U. S., 153; U. S. *v.* Certain Distilled Spirits, 3 Am. L., T. U. S., 10; U. S. *v.* Two Hundred Barrels Whisky, 2 Woods, 54.

Package included in forfeiture of goods.

SEC. 3457. In every case where any goods or commodities are forfeited under any internal-revenue law, all casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained such goods or commodities, respectively, shall be forfeited.

13 July, 1866, c. 184, s. 14, v. 14, p. 151.

Goods seized may be delivered to marshal before process issues.

SEC. 3458. Any goods, wares, merchandise, articles, or objects which may be seized, under the provisions of section thirty-four hundred and fifty-three, by any collector or deputy collector, may, at the option of the collector, be delivered to the marshal of the district, and remain in the care and custody and under the control of said marshal, until he shall obtain possession by process of law. And the cost of seizure made before process issues shall be taxable by the court. And where any whisky or tobacco, or other article of manufacture or produce, requiring brands, stamps or marks of whatever kind to be placed thereon, shall be sold upon distraint, forfeiture, or other process provided by law, the same not having been branded, stamped, or marked, as required by law, the officer selling the same shall, upon sale thereof, fix or cause to be affixed the brands, stamps, or marks, so required, and deduct the expense thereof from the proceeds of such sale.

30 June, 1864, c. 173, s. 48, v. 13, p. 240.

13 July, 1866, c. 184, s. 9, v. 14, p. 112.

Bailing of goods seized; sale for want of bail.

SEC. 3459. When any property which is seized under the foregoing provisions of section thirty-four hundred and fifty-three is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the owner thereof, or the marshal of the district, may apply to the collector of the district to examine it; and if, in the opinion of the said collector, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and thereupon the owner shall have said property returned to him upon giving bond in such form as may be prescribed by the Commissioner of Internal Revenue, and in an amount equal to the appraised value, with such sureties as the collector shall deem good and sufficient, to abide the final order, decree, or judgment of the court hav-

30 June, 1864, c. 173, s. 48, v. 13, p. 241.

13 July, 1866, c. 184, s. 9, v. 14, p. 112.

U. S. *v.* Adler, 3 Dill., 285.

ing cognizance of the case, and to pay the amount of said appraised value to the collector, marshal, or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said collector with the United States district attorney for the district in which said proceedings in rem may be commenced: *Provided*, That in case said bond shall have been executed and the property returned before seizure thereof by virtue of the process aforesaid, the marshal shall give notice of pendency of proceedings in court to the parties executing said bond, by personal service or publication, and in such manner and form as the court may direct, and the court shall thereupon have jurisdiction of said matter and parties in the same manner as if such property had been seized by virtue of the process aforesaid. But if said owner shall neglect or refuse to give said bond, the collector shall issue to a deputy collector or to the marshal aforesaid an order to sell the same; and the deputy collector or marshal shall thereupon advertise and sell the said property at public auction in the same manner as goods may be sold on final execution in said district; and the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment.

Proceedings on seizure of goods valued at $500 or less.

SEC. 3460. In all cases of seizure of any goods, wares, or merchandise, as being subject to forfeiture under any provision of the internal-revenue laws, which, in the opinion of the collector or deputy collector making the seizure, are of the appraised value of five hundred dollars or less, the said collector or deputy collector shall, except in cases otherwise provided, proceed as follows:

13 July, 1866, c. 184, s. 63, v. 14, p. 169.

6 June, 1872, c. 315, s. 40, v. 17, p. 257.

First. He shall cause a list containing a particular description of the goods, wares, or merchandise seized to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers, to be selected by him, who shall be respectable and disinterested citizens of the United States residing within the collection-district wherein the seizure was made. Said list and appraisement shall be properly attested by the said collector or deputy collector and the said appraisers, for which service each of the said appraisers shall be allowed the sum of one dollar and fifty cents a day, to be paid in the manner provided by law for other necessary charges of collectors. [See § 570.]

List and appraisement.

Second. If the said goods are found by the said appraisers to be of the value of five hundred dollars or less, the said collector or deputy collector shall publish a notice, for three weeks, in some newspaper of the district where the seizure was made, describing the articles, and stating the time, place, and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first publication of such notice.

Notice of seizure.

Third. Any person claiming the goods, wares, or merchandise so seized, within the time specified in the notice, may file with the said collector or deputy collector a claim, stating his interest in the articles seized, and may execute a bond to the United States in the penal sum of two hundred and fifty dollars, with sureties to be approved by the said collector or deputy collector, conditioned that, in case of condemnation of the articles so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation; and upon the delivery of such bond to the collector or deputy collector, he shall transmit the same, with the duplicate list or description of the goods seized, to the United States district attorney for the district, and said attorney shall proceed thereon in the ordinary manner prescribed by law.

Claims to be filed.

Bond of claimant.

Fourth. If no claim is interposed and no bond is given within the time above specified, the collector or deputy collector, as the case may be, shall give ten days' notice of the sale of the goods, wares, or merchandise by publication, and, at the time and place specified in the notice, shall sell the articles so seized at public auction, and, after deducting the expense of appraisement and sale, he shall deposit the proceeds to the credit of the Secretary of the Treasury.

Sale of goods and disposal of proceeds.

SEC. 3461. Within one year after the sale of any goods, wares, or merchandise, as provided in the preceding section, any person claiming to

Application for remission and re-

turn of proceeds; distribution.

13 July, 1866, c. 184, s. 63, v. 14, p. 169.
6 June, 1872, c. 315, s. 40, v. 17, p. 257.

be interested in the property sold may apply to the Secretary of the Treasury for a remission of the forfeiture thereof, or of any part thereof, and a restoration of the proceeds of the sale; and the said Secretary may grant the same upon satisfactory proof, to be furnished in such manner as he shall prescribe: *Provided*, That it shall be satisfactorily shown that the applicant, at the time of the seizure and sale of the said property, and during the intervening time, was absent, out of the United States, or in such circumstances as prevented him from knowing of the seizure, and that he did not know of the same; and also that the said forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of said property. If no application for such restoration is made within one year, as hereinbefore prescribed, the Secretary of the Treasury shall, at the expiration of the said time, cause the proceeds of the sale of the said property to be distributed according to law, as in the case of goods, wares, or merchandise condemned and sold pursuant to the decree of a competent court.

Search-warrants.

13 July, 1866, c. 184, s. 15, v. 14, p. 152.

SEC. 3462. The several judges of the circuit and district courts of the United States, and commissioners of the circuit courts, may, within their respective jurisdictions, issue a search-warrant, authorizing any internal-revenue officer to search any premises within the same, if such officer makes oath in writing that he has reason to believe, and does believe, that a fraud upon the revenue has been or is being committed upon or by the use of the said premises.

Detection and punishment of frauds.

2 Mar., 1867, c. 169, s. 7, v. 14, p. 473.
Williams's Case, 12 C. Cls., 192.

SEC. 3463. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to pay such sums, not exceeding in the aggregate the sum appropriated therefor, as he may deem necessary for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law.

Purchasing from the Government goods subject to tax.

SEC. 3464. The privilege of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, which now does or hereafter shall exist by provision of law, shall be extended, under such regulations as the Secretary of the Treasury may prescribe, to all articles of domestic production which are subject to tax by the provisions of this Title.

Construction of certain revenue acts.

2 Mar., 1833, c. 57, v. 4, pp. 632–635.
30 June, 1864, c. 173, v. 13, pp. 223–306.

SEC. 3465. An act entitled "An act further to provide for the collection of duties on imports," passed March second, eighteen hundred and thirty-three, shall not be so construed as to apply to cases arising under an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June thirtieth, eighteen hundred and sixty-four, or any act in addition thereto or in amendment thereof, nor to any case in which the validity or interpretation of said act or acts shall be in issue.

TITLE XXXVI.

DEBTS DUE BY OR TO THE UNITED STATES.

Sec.
3466. Priority established.
3467. Liability of executors.
3468. Priority of sureties.
3469. Compromises.
3470. Purchase on execution.
3471. Discharge of poor debtor by Secretary of the Treasury.
3472. Discharge by the President.
3473. Duties and other debts to United States, in what to be paid.
3474. What coin receivable.
3475. National-bank notes receivable for debts of United States, except.
3476. Treasury-notes payable for debts of United States.
3477. Assignment of claims void unless, &c.
3478. Oath by persons prosecuting claims.
3479. Who may administer oath.
3480. Claims of disloyalists.
3481. Retention of moneys due States in default.
3482. Payment to officers for horses lost in battle, &c.
3483. Payment for property lost while in military service.
3484. Payment for horses lost by capture.
3485. Payment for condemned horses and equipage.
3486. Payment to guardian, &c., for horse lost by minor in military service.
3487. Payment to owner for horse furnished and lost in military service.
3488. Third Auditor may take testimony as to steamboats, &c.
3489. Claims for collecting, &c., volunteers for the war of the rebellion and for horses to be presented prior to June 30, 1874.
3490. Liability of persons making false claims against United States.
3491. Suits for same.
3492. Duty of district attorney as to such cases.
3493. Rights of persons presenting such suits.
3494. Limitation of suit.

Priority established.

SEC. 3466. Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority hereby established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed.

3 Mar., 1797, c. 20, s. 5, v. 1, p. 515. 2 Mar., 1799, c. 22, s. 65, v. 1, p. 676.

U. S. *v.* Fisher, 2 Cr., 358; U. S. *v.* Hooe, 3 Cr., 73; Harrison *v.* Slerry, 5 Cr., 289; Prince *v.* Bartlett, 8 Cr., 431; U. S. *v.* Bryan, 9 Cr., 374; Thelusson *v.* Smith, 2 Wh., 396; U. S. *v.* Howland, 4 Wh., 108; Conad *v.* Insurance Company, 1 Pet., 386; Hunter *v.* U. S., 5 Pet., 173; U. S. *v.* State Bank, 6 Pet., 29; U. S. *v.* Hack, 8 Pet., 271; Brent *v.* Bank of Washington, 10 Pet., 596; Beaston *v.* Farmers' Bank, 12 Pet., 102; U. S. *v.* Herron, 20 Wall., 251; Bayne et al., Trustees, *v.* U. S., 93 U. S., 642.

Liability of executors, &c.

SEC. 3467. Every executor, administrator, or assignee, or other person, who pays any debt due by the person or estate from whom or for which he acts, before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate for the debts so due to the United States, or for so much thereof as may remain due and unpaid. [See § 5101.]

2 Mar., 1799, c. 22, s. 65, v. 1, p. 676.

Field *v.* U. S., 9 Pet., 182; Brent *v.* Bank of Washington, 10 Pet., 596.

Priority of sureties.

SEC. 3468. Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon.

2 Mar., 1799, c. 22, s. 65, v. 1, p. 676.

U. S. *v.* Fisher, 2 Cr., 358; U. S. *v.* Hooe, 3 Cr., 73; Prince *v.* Bartlett, 8 Cr., 431; U. S. *v.* Bryan, 9 Cr., 374; Thelusson *v.* Smith, 2 Wh., 396; U. S. *v.* Howland, 4 Wh., 108; Conad *v.* Insurance Company, 1 Pet., 439; Hunter *v.* U. S., 5 Pet., 173; Child *v.* Shoemaker, 1 Wash., 494; U. S. *v.* King, Wall., C. C., 12; Johns *v.* Brodhag, 1 Cr. C. C., 235.

Compromise.

3 Mar., 1863, c. 76, s. 10, v. 12, p. 740.

U. S. v. George, 6 Blatch., 406.

SEC. 3469. Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the Solicitor of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws.

Purchase on execution.

26 May, 1824, c. 172, s. 2, v. 4, p. 51.

SEC. 3470. At every sale, on execution, at the suit of the United States, of lands or tenements of a debtor, the United States may, by such agent as the Solicitor of the Treasury shall appoint, become the purchaser thereof; but in no case shall the agent bid in behalf of the United States a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs. Whenever such purchase is made, the marshal of the district in which the sale is held shall make all needful conveyances, assignments, or transfers to the United States.

Discharge of poor debtor by Secretary of the Treasury.

6 June, 1798, c. 49, ss. 1, 3, v. 1, pp. 561, 562.

U. S. v. Stansbury, 1 Pet., 573; U. S. v. Ringgold, 5 Pet., 150; Hunter v. U. S., 5 Pet., 173; U. S. v. Sturges, 1 Paine, 525.

SEC. 3471. Any person imprisoned upon execution issuing from any court of the United States, for a debt due to the United States, which he is unable to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and thereupon the Secretary may make, or require to be made, an examination and inquiry into the circumstances of the debtor, by the oath of the debtor, which the Secretary, or any other person by him specially appointed, is authorized to administer, or otherwise, as the Secretary shall deem necessary and expedient, to ascertain the truth; and upon proof made to his satisfaction, that the debtor is unable to pay the debt for which he is imprisoned, and that he has not concealed or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the United States, or to deprive them of their legal priority, the Secretary is authorized to receive from such debtor any deed, assignment, or conveyance of his real or personal estate, or any collateral security, to the use of the United States. Upon a compliance by the debtor with such terms and conditions as the Secretary may judge reasonable and proper, the Secretary must issue his order, under his hand, to the keeper of the prison, directing him to discharge the debtor from his imprisonment under such execution. The debtor shall not be liable to be imprisoned again for the debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor. The benefit of this section shall not be extended to any person imprisoned for any fine, forfeiture, or penalty, incurred by a breach of any law of the United States, or for moneys had and received by any officer, agent, or other person, for their use; nor shall its provisions extend to any claim arising under the postal laws.

Discharge by the President.

3 Mar., 1817, c. 114, v. 3, p. 399.

U. S. v. Ringgold, 8 Pet., 150.

SEC. 3472. Whenever any person is imprisoned upon execution for a debt due to the United States, which he is unable to pay, and his case is such as does not authorize his discharge by the Secretary of the Treasury, under the preceding section, he may make application to the President, who, upon proof made to his satisfaction that the debtor is unable to pay the debt, and upon a compliance by the debtor with such terms and conditions as the President shall deem proper, may order the discharge of such debtor from his imprisonment. The debtor shall not be liable to be imprisoned again for the same debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor.

Duties and other debts to United States, in what currency to be paid.

6 Aug., 1846, c. 90, s. 18, v. 9, p. 64.

23 Dec., 1857 c. 1, s. 6, v. 11, p. 258.

SEC. 3473. All duties on imports shall be paid in gold and silver coin only, [coin certificates] or in demand Treasury notes, issued under the authority of the acts of July seventeen, eighteen hundred and sixty-one, chapter five; and February twelve,. eighteen hundred and sixty-two, chapter twenty; and all taxes and all other debts and demands than duties on imports, accruing or becoming due to the United States, shall be paid in gold and silver coin, Treasury notes, United States notes, or notes of national banks; [*and upon every such payment credit shall be*

given for the amount of principal and interest due on any Treasury note not received in payment on the day when the same are received. [See § § 254 and 3009.]

17 July, 1861, c. 5, s. 1, v. 12, p. 259. 5 Aug., 1861, c. 46, s. 5, v. 12, p. 313. 12 Feb., 1862, c. 20, v. 12, p. 338. 25 Feb., 1862, c. 33, ss. 1, 5, v. 12, pp. 345, 346. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 3 Mar., 1863, c. 73, ss. 3, 5, v. 12, pp. 710, 711. 3 June, 1864, c. 106, s. 23, v. 13, p. 106. 30 June, 1864, c. 172, s. 2, v. 13, p. 218. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 249.—Savage, executrix, *v.* U. S., 92 U. S., 482.

What coin receivable.

SEC. 3474. No gold or silver other than coin of standard fineness of the United States, shall be receivable in payment of dues to the United States, except as provided in section twenty-three hundred and sixty-six, Title "PUBLIC LANDS," and in section thirty-five hundred and sixty-seven, Title "COINAGE, WEIGHTS, AND MEASURES."

31 Aug., 1852, c. 108, s. 2, v. 10, pp. 97, 98. 21 Feb., 1857, c. 56, ss. 2, 3, v. 11, p. 163.

National bank notes receivable for debts of United States, except.

SEC. 3475. The notes of national banks shall be received at par for all debts and demands owing by the United States to any person within the United States, except interest on the public debt, or in redemption of the national currency. [See § 5182.]

3 June, 1864, c. 106, s. 23, v. 13, p. 106.

Treasury notes payable for debts of United States.

SEC. 3476. Treasury notes bearing interest may be paid to any creditor of the United States at their face value, excluding interest, or to any creditor willing to receive them at par, including interest.

3 Mar., 1863, c. 73, s. 2, v. 12, p. 710. 30 June, 1864, c. 172, s. 2, v. 13, p. 218.

Assignments of claims void, unless, &c.

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

29 July, 1846, c. 66, v. 9, p. 41. 26 Feb., 1853, c. 81, s. 1, v. 10, p. 170.

Sines *v.* U. S., 1 C. Cls., 12; Cooper *v.* U. S., 1 C. Cls., 85; Coté *v.* U. S., 3 C. Cls., 64; Trist *v.* Child, 21 Wall. 441; Lawrence *v.* U. S., 8 C. Cls., 252; Cavendor's Case, 8 C. Cls., 281.

Oath by persons prosecuting claims.

SEC. 3478. Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service. [See § 1756, 1757.]

17 July, 1862, c. 205, s. 1, v. 12, p. 610.

Who may administer the oath.

SEC. 3479. The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.

17 July, 1862, c. 205, s. 2, v. 12, p. 610.

Claims of disloyalists.

SEC. 3480. It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to the first day of April, eighteen hundred and sixty-one, to the creditors of such contractors, loyal citizens of loyal States, in pay-

2 Mar., 1867, Res. 46, v. 14, p. 571. 3 *Mar.*, 1877, *c.* 105, *v.* 19, *p.* 362.

ment of debts incurred prior to the first day of March, eighteen hundred and sixty-one.

By the act of March 3, 1877, c. 105, v. 19, p. 362, provision was made for the payment of the amounts due to mail-contractors for mail-service performed in the States recently in rebellion, and before said States respectively engaged in war against the United States; and the provisions of this section of the Revised Statutes were declared to be not applicable to the payments therein authorized.

Retention of money due States in default.

25 Mar., 1870, c. 30, v. 16, p. 77.

SEC. 3481. Whenever any State is in default in the payment of interest or principal on investments in stocks or bonds issued or guaranteed by such State, and held by the United States in trust, the Secretary of the Treasury shall retain the whole, or so much thereof as may be necessary, of any moneys due on any account from the United States to such State, and apply the same to the payment of such principal and interest, or either, or to the re-imbursement, with interest thereon, of moneys advanced by the United States on account of interest due on such stocks or bonds.

Payment to officers for horses lost in battle, &c.

3 Mar., 1849, c. 129, s. 1, v. 9, p. 414.
22 *June*, 1874, *c.* 395, *v.* 18, *p.* 193.

Shaw's Case, 8 C. Cls., 488.

SEC. 3482. Any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalryman, engaged in the military service of the United States, who sustains damage without any fault or negligence on his part, while in the service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, which dies of the wound, or which, being so wounded, is abandoned by order of his officer and lost, or who sustains damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea, when on board a United States transport vessel, or because the United States fails to supply transportation for the horse, and the owner is compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider is dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command orders the horse turned out to graze in the woods, prairies, or commons, because the United States fails to supply sufficient forage, and the loss is consequent thereon, or for the loss of necessary equipage, in consequence of the loss of his horse, shall be allowed and paid the value thereof, not to exceed two hundred dollars. But any payment which is made to any one for the use and risk, or for forage, after the death, loss, or abandonment of his horse, shall be deducted from the value thereof, unless he satisfies the paymaster at the time he makes the payment, or thereafter shows, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot. And any payment made to any person above mentioned, on account of clothing to which he is not entitled by law, shall be deducted from the value of his horse or accouterments. [See § 277.]

Payment for property lost while in military service.

3 Mar., 1849, c. 129, s. 2, v. 9, p. 415.
3 Mar., 1863, c. 78, s. 5, v. 12, p. 743.

Stuart *v.* U. S., 18 Wall., 84.

SEC. 3483. Every person who sustains damage by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, sleigh, harness, steamboat or other vessel, railroad-engine or railroad-car, while such property is in the military service, either by impressment or contract; or who sustains damage by the death or abandonment and loss of any horse, mule, or ox, while in the service, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, or whose horse, mule, ox, wagon, cart, boat, sleigh, harness, vessel, railroad-engine, or railroad-car is lost or destroyed by unavoidable accident while such property is in the service, shall be allowed and paid the value thereof at the time when such property was taken into the service, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner: *Provided*, It appears that such loss, capture, abandonment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while the property was actually employed in the service of the United States.

Payment for horses lost by capture.

25 June, 1864, c. 150, v. 13, p. 182.

SEC. 3484. The two preceding sections shall extend to all cases of the loss of horses by any officer, non-commissioned officer, or private in the military service of the United States, while in the line of his duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private was ordered by his superior officer to surrender to the enemy, and such capture was made in pursuance of such surrender.

Payment for condemned horses and equipage.

3 Mar., 1849, c. 129, s. 7, v. 9, p. 416.

SEC. 3485. Whenever any horse is condemned by a board of officers, on account of his unfitness for service, in consequence of the Government failing to supply forage, such horse and his equipage shall be allowed and paid for: *Provided*, It shall be proven, by satisfactory evidence, whether oral or written, that the condemned horse and the equipage were turned over to a quartermaster of the Army, whether any receipt therefor was given and produced, or not.

Payment to guardian for horse lost by minor in military service.

3 Mar., 1849, c. 129, s. 5, v. 9, p. 415.

SEC. 3486. When any minor engaged in the military service of the United States, and provided with a horse or equipments, or with military accouterments, by his parent or guardian, dies, without paying for the property, and the same is lost, captured, destroyed, or abandoned in the manner before mentioned, such parent or guardian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same.

Payment to owner for horse furnished and lost in military service.

3 Mar., 1849, c. 129, s. 6, v. 9, p. 416.

SEC. 3487. When any person other than a minor, engaged in the military service, is provided with a horse or equipments, or with military accouterments, by any person, being the owner thereof, who takes the risk of such horse, equipments, or military accouterments, on himself, and the same is lost, captured, destroyed, or abandoned, in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself.

Third Auditor may take testimony as to steamboats, &c.

25 June, 1864, c. 147, s. 6, v. 13, p. 160.

SEC. 3488. In executing so much of the preceding sections as provides for payment for steamboats and other vessels, and railroad engines or cars, lost or destroyed while in the military service of the United States, the Third Auditor of the Treasury is authorized, in person, or in such manner as he may deem most compatible with the public interests, to take testimony, and make such investigations as he may deem necessary in adjudicating claims; and for such necessary expenses incurred therein, payment may be made upon proper vouchers, certified and approved by the Third Auditor.

Claims for collecting, &c., volunteers for the war of the rebellion, and for horses, to be presented prior to June 30, 1874.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 500.

SEC. 3489. No claims against the United States, for collecting, drilling, or organizing volunteers for the war of the rebellion, shall be audited or paid unless presented before the thirtieth day of June, eighteen hundred and seventy-four. No claims for horses lost prior to the first day of January, eighteen hundred and seventy-two, shall be audited or paid unless presented before the thirtieth day of June, eighteen hundred and seventy-four.

Liability of persons making false claims against United States.

2 Mar., 1863, c. 67, s. 3, v. 12, p. 698.

SEC. 3490. Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the provisions of section fifty-four hundred and thirty-eight, Title "CRIMES," shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit.

Suits for same.

2 Mar., 1863, c. 67, s. 4, v. 12, p. 698.

SEC. 3491. The several district courts of the United States, the Supreme Court of the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the

same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

Duty of district attorney as to such cases.

2 Mar., 1863, c. 67, s. 5, v. 12, p. 698.

SEC. 3492. It shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of section thirty-four hundred and ninety by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

Rights of persons presenting such suits.

2 Mar., 1863, c. 67, s. 6, v. 12, p. 698.

SEC. 3493. The person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

Limitation of suit.

Ibid., s. 7.

SEC. 3494. Every such suit shall be commenced within six years from the commission of the act, and not afterward.

TITLE XXXVII.

COINAGE, WEIGHTS, AND MEASURES.

Sec.
3495. Enumeration of mints and assay-offices.
3496. Officers of mints.
3497. Superintendents of certain mints to perform duties of treasurer.
3498. Salaries of officers of mints.
3499. Salaries of assistants, clerks, and laborers employed in the mints.
3500. Oath of office, of officers, clerks, &c.
3501. Bonds of officers, clerks, &c.
3502. Who to act in absence of Director, superintendent, &c.
3503. General duties of superintendents.
3504. Ibid.
3505. Coins reduced in weight by abrasion.
3506. Duties of superintendents respecting coin and bullion.
3507. Duties of assayers.
3508. Duties of melters and refiners.
3509. Duties of coiners.
3510. Duties of engravers.
3511. Gold coins of the United States and their weight.
3512. Recoinage of gold coins.
3513. Silver coins and their weight.
3514. Standard for gold and silver coins.
3515. Minor coins; their weight and alloy.
3516. Issue of other coins prohibited.
3517. Inscriptions upon coins.
3518. Gold and silver bars.
3519. Coining gold bullion; when deposits may be refused.
3520. Silver bullion may be received for forming into bars or trade-dollars.
3521. Weighing bullion and ascertaining its value.
3522. Assay of bullion.
3523. Assayers to report to superintendent quality of bullion assayed.
3524. Charges for converting bullion, &c., into coin.
3525. Assayer to verify calculations of value of deposits and countersign certificate.
3526. Purchase of bullion for silver coinage; the silver profit fund.
3527. Paying out silver coin for gold coin authorized.
3528. Purchase of metals for minor coins; the minor coinage profit fund.
3529. Delivery of minor coins; redemption.
3530. Transfer of bullion for formation into ingots.
3531. Ingots to be assayed and receipted for.
3532. Delivery of ingots to coiner for coinage.
3533. Standard of ingots used for coinage.
3534. Preparation and stamping of fineness of bars for payment of deposits.
Sec.
3535. Deviations allowed in adjusting weights of gold coins.
3536. Of silver coins.
3537. Of minor coins.
3538. Delivery of coins by coiner and trial of pieces.
3539. Trial-pieces to be sealed up and transmitted quarterly to the Mint at Philadelphia.
3540. Disposal of clippings, &c.
3541. Yearly settlement of coiner, melter and refiner.
3542. Allowance for wastage.
3543. Statement of balance-sheet to be sent by superintendent to Director of Mints.
3544. Delivery of coin or bars to depositor.
3545. Payment in money to depositors, when.
3546. Exchange of unparted bullion for fine bars.
3547. Appointment and meetings of assay commissioners.
3548. Standard troy pound for regulation of coinage.
3549. Standard weights for mints and assay-offices.
3550. Yearly destruction of obverse working dies.
3551. National and other medals may be struck at Philadelphia.
3552. Moneys arising from charges and deductions to be covered into Treasury.
3553. Business of assay-office at New York.
3554. Appointment of officers at New York.
3555. Duties, &c., of officers at New York.
3556. Salaries of officers at New York.
3557. Appointment and salaries of assistants and employés at New York.
3558. Business of mint at Denver and of assay-offices at Boise City and Charlotte.
3559. Appointment of officers at Denver, Boise City, &c.
3560. Powers and duties of assayers at assay-offices.
Compensation of employés.
3561. Bond and oath of officers and clerks.
3562. Laws relating to mints extended to assay-offices.
3563. Decimal system established.
3564. Value of foreign coins, how ascertained.
3565. Value of the sovereign or pound sterling.
3566. Recoinage of foreign coins.
3567. Spanish and Mexican coins.
3568. Their transmission for recoinage.
3569. Use of the metric system authorized.
3570. Authorized tables of weights and measures.

Enumeration of mints and assay-offices.

12 Feb., 1873, c. 131, s. 66, v. 17, p. 435.

SEC. 3495. The different mints and assay-offices shall be known as—
First. The mint of the United States at Philadelphia.
Second. The mint of the United States at San Francisco.
Third. The mint of the United States at New Orleans.
Fourth. The mint of the United States at Carson.

29 *Jan.*, 1874, *c.* 19, *v.* 18, *p.* 6.
12 *May*, 1874, *c.* 168, *v.* 18, *p.* 45.
3 *Mar.*, 1875, *c.* 143, *v.* 18, *pp.* 478, 479.

Fifth. The mint of the United States at Denver.
Sixth. The United States assay-office at New York.
Seventh. The United States assay-office at Boise City, Idaho.
Eighth. The United States assay-office at Charlotte, North Carolina.

Officers of mints.

12 Feb., 1873, *c.* 131, *s.* 3, *v.* 17, *p.* 424.

SEC. 3496. The officers of each mint shall be a superintendent, an assayer, a melter and refiner, and a coiner; and, for the Mint at Philadelphia, an engraver; all to be appointed by the President, by and with the advice and consent of the Senate.

Superintendents of certain mints to perform duties of treasurer.

Ibid., *s.* 65.

SEC. 3497. The superintendents of the mints at Philadelphia, San Francisco, and New Orleans shall be, and perform the duties of, treasurers of said mints respectively.

Salaries of officers of mints.

Ibid., *s.* 12, *p.* 426.
20 *June*, 1874, *c.* 328, *v.* 18, *p.* 96.

SEC. 3498. The officers of the several mints shall be entitled to the following salaries, to be paid monthly:

First. The superintendents of the mints at Philadelphia and San Francisco, to four thousand five hundred dollars a year each.

Second. The assayers, melters and refiners, and the coiners of those mints, to three thousand dollars a year each.

Third. The engraver of the Mint at Philadelphia, to three thousand dollars a year.

Fourth. The superintendent of the mint at Carson City to three thousand dollars a year.

Fifth. The assayer, the melter and refiner, and the coiner of the mint at Carson City, to two thousand five hundred dollars a year each.

Salaries of assistants, clerks, and laborers employed in the mints.

12 Feb., 1873, *c.* 131, *s.* 12, *v.* 17, *p.* 426.
20 *June*, 1874, *c.* 328, *v.* 18, *p.* 96.

SEC. 3499. There shall be allowed to the assistants and clerks of the several mints such annual salaries as the Director of the Mint may, with the approbation of the Secretary of the Treasury, determine, and to the workmen employed therein such wages as may be customary and reasonable according to their respective stations and occupations, to be determined by the superintendent, and approved by the Director of the Mint. The salaries provided for in this and the preceding section, and the wages of workmen permanently engaged, shall be payable in monthly installments.

Oath of office of officers, assistants, and clerks.

12 Feb., 1873, *c.* 131, *s.* 10, *v.* 17, *p.* 425.

SEC. 3500. Every officer, assistant, and clerk appointed for any mint shall, before he enters upon the execution of his office, take an oath before some judge of the United States, or judge of some court of record of the State in which such mint is located, faithfully and diligently to perform the duties thereof; in addition to other official oaths prescribed by law, such oath, duly certified, shall be transmitted to the Secretary of the Treasury. The superintendent of each mint may require such oath from any of the employés of the mint. [See §§ 1756, 1757.]

Bonds of officers, assistants, and clerks.

Ibid., *s.* 11, *p.* 425.

SEC. 3501. The superintendent, the assayer, the melter and refiner, and the coiner of each mint, before entering upon the execution of their respective offices, shall become bound to the United States, with one or more sureties, approved by the Secretary of the Treasury, in the sum of not less than ten nor more than fifty thousand dollars, with condition for the faithful and diligent performance of the duties of his office. Similar bonds may be required of the assistants and clerks, in such sums as the superintendent shall determine, with the approbation of the Director of the Mint; but the same shall not be construed to relieve the superintendent or other officers from liability to the United States for acts, omissions, or negligence of their subordinates or employés; and the Secretary of the Treasury may, at his discretion, increase the bonds of the superintendents.

Who to act in absence of Director, superintendent, or other officer.

Ibid., *s.* 9, *p.* 425.

SEC. 3502. Whenever any officer of a mint or assay-office shall be temporarily absent, on account of sickness or any other cause, it shall be lawful for the superintendent, with the consent of such officer, to appoint some person attached to the mint to act in the place of such officer during his absence; but all such appointments shall be forthwith reported to the Director of the Mint for his approval; and in all cases whatsoever the principal shall be responsible for the acts of his repre-

sentative. In case of the temporary absence of the superintendent, the chief clerk shall act in his place; in case of the temporary absence of the Director of the Mint the Secretary of the Treasury may designate some one to act in his place.

General duties of superintendents of mints.

SEC. 3503. The superintendent of each mint shall have the control thereof, the superintendence of the officers and persons employed therein, and the supervision of the business thereof, subject to the approval of the Director of the Mint. He shall make reports to the Director of the Mint at such times and according to such forms as the Director may prescribe; which shall exhibit in detail, and under appropriate heads, the deposits of bullion, the amount of gold, silver, and minor coinage, and the amount of unparted, standard, and refined bars issued, and such other statistics and information as may be required.

Ibid., s. 4, p. 424.

Ibid.

SEC. 3504. He shall keep and render, quarter-yearly, to the Director of the Mint, for the purpose of adjustment according to such forms as may be prescribed by the Secretary of the Treasury, regular and faithful accounts of his transactions with the other officers of the mint and the depositors; and shall also render to him a monthly statement of the ordinary expenses of the mint or assay-office under his charge. He shall also appoint all assistants, clerks, one of whom shall be designated "chief clerk," and workmen employed under his superintendence; but no person shall be appointed to employment in the offices of the assayer, melter and refiner, coiner, or engraver, except on the recommendation and nomination in writing of those officers, respectively. He shall forthwith report to the Director of the Mint the names of all persons appointed by him, the duties to be performed, the rate of compensation, the appropriation from which compensation is to be made, and the grounds of the appointment; and if the Director of the Mint shall disapprove the same, the appointment shall be vacated.

Coins reduced in weight by abrasion.

SEC. 3505. Any gold coins of the United States, if reduced in weight by natural abrasion not more than one-half of one per centum below the standard weight prescribed by law, after a circulation of twenty years, as shown by the date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the Government against fraudulent abrasion or other practices.

Ibid., s. 14, p. 426.

Duties of superintendents in respect to coin and bullion.

SEC. 3506. The superintendent of each mint shall receive and safely keep, until legally withdrawn, all moneys or bullion which shall be for the use or the expenses of the mint. He shall receive all bullion brought to the mint for assay or coinage; shall be the keeper of all bullion or coin in the mint, except while the same is legally in the hands of other officers; and shall deliver all coins struck at the mint to the persons to whom they shall be legally payable. From the report of the assayer and the weight of the bullion, he shall compute the value of each deposit, and also the amount of the charges or deductions, if any, of all which he shall give a detailed memorandum to the depositor; and he shall also give at the same time, under his hand, a certificate of the net amount of the deposit, to be paid in coins or bars of the same species of bullion as that deposited, the correctness of which certificate shall be verified by the assayer, who shall countersign the same, and in all cases of transfer of coin or bullion, shall give and receive vouchers, stating the amount and character of such coin or bullion.

Ibid., s. 4, p. 424.

Duties of assayers.

SEC. 3507. The assayer shall assay all metals and bullion, whenever such assays are required in the operations of the mint; and shall make assays of coin or samples of bullion whenever required by the superintendent.

Ibid., s. 5, p. 425.

Duties of melters and refiners.

SEC. 3508. The melter and refiner shall execute all the operations which are necessary in order to form ingots of standard silver or gold, and alloys for minor coinage, suitable for the coiner, from the metals legally delivered to him for that purpose; and shall also execute all the operations which are necessary in order to form bars conformable in all respects to the law, from the gold and silver bullion delivered to him for

Ibid., s. 6, p. 425.

that purpose. He shall keep a careful record of all transactions with the superintendent, noting the weight and character of the bullion, and shall be responsible for all bullion delivered to him until the same is returned to the superintendent and the proper vouchers obtained.

Duties of coiners.

Ibid., s. 7, p. 425.

SEC. 3509. The coiner shall execute all the operations which are necessary in order to form coins, conformable in all respects to the law, from the standard gold and silver ingots, and alloys for minor coinage, legally delivered to him for that purpose; and shall be responsible for all bullion delivered to him, until the same is returned to the superintendent and the proper vouchers obtained.

Duties of engravers.

Ibid., s. 8, p. 425.

SEC. 3510. The engraver shall prepare from the original dies already authorized all the working-dies required for use in the coinage of the several mints, and, when new coins or devices are authorized, shall, if required by the Director of the Mint, prepare the devices, models, molds, and matrices, or original dies, for the same; but the Director of the Mint shall nevertheless have power, with the approval of the Secretary of the Treasury, to engage temporarily for this purpose the services of one or more artists, distinguished in their respective departments of art, who shall be paid for such service from the contingent appropriation for the Mint at Philadelphia.

Gold coins of the United States and their weight.

Ibid., s. 14, p. 426.

SEC. 3511. The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle, or two and a half dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two and a half dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half-eagle, or five-dollar piece, one hundred and twenty-nine grains; of the eagle, or ten-dollar piece, two hundred and fifty-eight grains; of the double-eagle, or twenty-dollar piece, five hundred and sixteen grains.

Recoinage of gold coins.

Ibid., s. 14, p. 426.

SEC. 3512. Any gold coins in the Treasury of the United States, when reduced in weight by natural abrasion more than one-half of one per centum below the standard weight prescribed by law, shall be recoined.

Silver coins and their weight.

Ibid., s. 15, p. 427.
3 *Mar.*, 1875, *c.* 143, *v.* 18, *p.* 478.
17 *April*, 1876, *c.* 63, *s.* 2, *v.* 19, *p.* 33.
22 *July*, 1876, *J. R. No.* 17, *s.* 2, *v.* 19, *p.* 215.

SEC. 3513. The silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five-cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams and one-half of a gram; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar.

Standard for gold and silver coins.

12 Feb., 1873, *c.* 131, *s.* 13, *v.* 17, *p.* 426.

SEC. 3514. The standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy. The alloy of the silver coins shall be of copper. The alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy. [See § 5460.]

Minor coins; their weight and alloy.

Ibid., s. 16, p. 427.

SEC. 3515. The minor coins of the United States shall be a five-cent piece, a three-cent piece, and a one-cent piece. The alloy for the five and three cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-cent piece shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by the Director of the Mint. The weight of the piece of five cents shall be seventy-seven and sixteen-hundredths grains troy; of the three-cent piece, thirty grains; and of the one-cent piece, forty-eight grains.

Issue of other coins prohibited.

Ibid., s. 17, p. 427.
29 *Jan.*, 1874, *c.* 19, *v.* 18, *p.* 6.

SEC. 3516. No coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights set forth in this Title. [See §§ 5457–5462.]

Inscriptions upon coins.

12 Feb., 1873, c. 131, s. 18, v. 17, p. 427.

SEC. 3517. Upon the coins there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and a designation of the value of the coin; but on the gold dollar and three-dollar piece, the dime, five, three, and one cent piece, the figure of the eagle shall be omitted; and on the reverse of the silver trade-dollar the weight and the fineness of the coin shall be inscribed.

Gold and silver bars.

Ibid., s. 19, p. 427.

SEC. 3518. At the option of the owner gold or silver may be cast into bars of fine metal, or of standard fineness, or unparted, as he may prefer, with a stamp upon the same designating the weight and fineness, and with such devices impressed thereon as may be deemed expedient to prevent fraudulent imitation, and no such bars shall be issued of a less weight than five ounces.

Coining gold bullion; when deposits may be refused.

Ibid., s. 20, p. 427.

SEC. 3519. Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit. It shall be lawful, however, to refuse any deposit of less value than one hundred dollars, or any bullion so based as to be unsuitable for the operations of the Mint. In cases where gold and silver are combined, if either metal be in such small proportion that it cannot be separated advantageously, no allowance shall be made to the depositor for its value.

Silver bullion may be received for forming into bars or trade-dollars.

Ibid., s. 21, p. 427.

SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of four hundred and twenty grains troy, designated in this Title as trade-dollars, and no deposit of silver for other coinage shall be received. Silver bullion contained in gold deposits, and separated therefrom, may, however, be paid for in silver coin, at such valuation as may be, from time to time, established by the Director of the Mint.

Weighing bullion and ascertaining its value.

Ibid., s. 22, p. 428.

SEC. 3521. When bullion is deposited in any of the mints, it shall be weighed by the superintendent, and, when practicable, in the presence of the depositor, to whom a receipt shall be given, which shall state the description and weight of the bullion. When, however, the bullion is in such a state as to require melting, or the removal of base metals, before its value can be ascertained, the weight, after such operation, shall be considered as the true weight of the bullion deposited. The fitness of the bullion to be received shall be determined by the assayer, and the mode of melting by the melter and refiner.

Assay of bullion.

Ibid., s. 23, p. 428.

SEC. 3522 From every parcel of bullion deposited for coinage or bars, the superintendent shall deliver to the assayer a sufficient portion for the purpose of being assayed. The bullion remaining from the operations of the assay shall be returned to the superintendent by the assayer.

Assayer to report to superintendent quality of bullion assayed.

Ibid., s. 24, p. 428.

SEC. 3523. The assayer shall report to the superintendent the quality or fineness of the bullion assayed by him, and such information as will enable him to compute the amount of the charges hereinafter provided for, to be made to the depositor.

Charges for converting bullion, &c., into coin.

Ibid., s. 25, p. 428.

Repealed in part by stat. 14 Jan., 1875, c. 15, v. 18, p. 296.

SEC. 3524. The charge for converting standard gold bullion into coin shall be one-fifth of one per centum. The charges for converting standard silver into trade-dollars for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed, from time to time, by the Director, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay-office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned.

The act of January 14, 1875, c. 15, s. 2, v. 18, p. 296, repealed the charge of one-fifth of one per centum for converting standard gold bullion into coin.

Assayer to verify calculations of the value of deposits and countersign certificate.

12 Feb., 1873, c. 131, s. 26, v. 17, p. 428.

SEC. 3525. The assayer shall verify all calculations made by the superintendent of the value of deposits, and, if satisfied of the correctness thereof, shall countersign the certificate required to be given by the superintendent to the depositor.

Purchase of bullion for silver coinage; the silver-profit fund.

Ibid., s. 27, p. 428. 22 *June*, 1874, c. 419, *r.* 18, *p.* 202.

SEC. 3526. In order to procure bullion for the silver coinage authorized by this Title, the superintendents, with the approval of the Director of the Mint, as to price, terms, and quantity, shall purchase such bullion with the bullion-fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver-profit fund. This fund shall be charged with the wastage incurred in the silver coinage, and with the expense of distributing such silver coins as hereinafter provided. The balance to the credit of this fund shall be from time to time, and at least twice a year, paid into the Treasury of the United States.

Paying out silver coins for gold coin authorized.

12 Feb., 1873, c. 131, s. 28, v. 17, p. 428. 22 *June*, 1874, c. 419, *r.* 18, *p.* 202.

SEC. 3527. Silver coins other than the trade-dollar shall be paid out at the several mints, and at the assay-office in New York City, in exchange for gold coins at par, in sums not less than one hundred dollars. It shall be lawful, also, to transmit parcels of the same, from time to time, to the assistant treasurers, depositaries, and other officers of the United States, under general regulations proposed by the Director of the Mint, and approved by the Secretary of the Treasury. Nothing herein contained shall, however, prevent the payment of silver coins, at their nominal value, for silver parted from gold, as provided in this Title, or for change less than one dollar in settlement for gold deposits. But for two years after the twelfth day of February, eighteen hundred and seventy-three, silver coins shall be paid at the Mint in Philadelphia and the assay-office in New York City, for silver bullion purchased for coinage, under such regulations as may be prescribed by the Director of the Mint and approved by the Secretary of the Treasury.

Purchase of metal for minor coinage; the minor-coinage profit fund.

12 Feb., 1873, c. 131, s. 29, v. 17, p. 429.

SEC. 3528. For the purchase of metal for the minor coinage authorized by this Title, a sum not exceeding fifty thousand dollars in lawful money of the United States shall be transferred by the Secretary of the Treasury to the credit of the superintendent of the Mint at Philadelphia, at which establishment only, until otherwise provided by law, such coinage shall be carried on. The superintendent, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the Mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor-coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins as hereinafter provided. The balance remaining to the credit of this fund, and any balance of profits accrued from minor coinage under former acts, shall be, from time to time, and at least twice a year, covered into the Treasury.

Delivery of minor coins; redemption.

Ibid., s. 30, p. 429.

SEC. 3529. The minor coins authorized by this Title may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and towns of the United States, at the cost of the Mint, for transportation, and shall be exchangeable at par at the Mint in Philadelphia, at the discretion of the superintendent, for any other coins of copper, bronze, or copper-nickel heretofore authorized by law. It shall be lawful for the Treasurer and the several assistant treasurers and depositories of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than twenty dollars. Whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise ordered by him.

Transfer of bullion for formation into ingots.

Ibid.,s.31,p.429.

SEC. 3530. Parcels of bullion shall be, from time to time, transferred by the superintendent to the melter and refiner. A careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the melter and refiner. The bullion thus placed in the hands of the melter and refiner shall be subjected to the several processes which may be necessary to form it into ingots of the legal standard, and of a quality suitable for coinage.

Ingots to be assayed, and receipted for.

Ibid.,s.32,p.429.

SEC. 3531. The ingots so prepared shall be assayed. If they prove to be within the limits allowed for deviation from the standard, the assayer shall certify the fact to the superintendent, who shall thereupon receipt for the same, and transfer them to the coiner.

Delivery of ingots to coiner for coinage.

Ibid.,s.35,p.429.

SEC. 3532. The superintendent shall, from time to time, deliver to the coiner ingots for the purpose of coinage. A careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the coiner. The ingots thus placed in the hands of the coiner shall be subjected to the several processes necessary to make from them coins in all respects conformable to law.

Standard of ingots used for coinage.

Ibid.,s.33,p.429.

SEC. 3533. No ingots shall be used for coinage which differ from the legal standard more than the following proportions, namely: In gold ingots, one-thousandth; in silver ingots, three-thousandths; in minor-coinage alloys, twenty-five thousandths, in the proportion of nickel.

Preparation and stamping of bars for payment of deposits.

Ibid.,s.34,p.429.

SEC. 3534. The melter and refiner shall prepare all bars required for the payment of deposits; but the fineness thereof shall be ascertained and stamped thereon by the assayer. The melter and refiner shall deliver such bars to the superintendent, who shall receipt for the same.

Deviations allowed in adjusting weights of gold coins.

Ibid.,s.36,p.430.

SEC. 3535. In adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double-eagle and the eagle, one-half of a grain; in the half-eagle, the three-dollar piece, the quarter-eagle, and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one hundredth of an ounce in five thousand dollars in double-eagles, eagles, half-eagles, or quarter-eagles, in one thousand three-dollar pieces, and in one thousand one-dollar pieces.

Of silver coins.

Ibid.,s.37,p.430.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, one and one-half grains. And in weighing [a] large number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviations from the standard weight shall not exceed two-hundredths of an ounce in one thousand dollars, half-dollars, or quarter-dollars, and one-hundredth of an ounce in one thousand dimes.

Of minor coins.

12 Feb., 1873, c. 131,s.38,v.17,p.430.

SEC. 3537. In adjusting the weight of the minor coins provided by this Title, there shall be no greater deviation allowed than three grains for the five-cent piece and two grains for the three and one-cent pieces.

Delivery of coins by coiner and trial of pieces.

Ibid.,s.39,p.430.

SEC. 3538. The coiner shall, from time to time, as coins are prepared, deliver them to the superintendent, who shall receipt for the same, and who shall keep a careful record of their kind, number, and actual weight. In receiving coins it shall be the duty of the superintendent to ascertain, by the trial of a number of single pieces separately, whether the coins of that delivery are within the legal limits of the standard weight; and if his trials for this purpose shall not prove satisfactory, he shall cause all the coins of such delivery to be weighed separately, and such as are not of legal weight shall be defaced and delivered to the melter and refiner as standard bullion, to be again formed into ingots and recoined; or the whole delivery may, if more convenient, be remelted.

Trial-pieces to be sealed up and transmitted quar-

SEC. 3539. At every delivery of coins made by the coiner to a superintendent, it shall be the duty of such superintendent, in the presence of the assayer, to take indiscriminately a certain number of pieces of each

terly to the Mint at Philadelphia.

Ibid., s. 40, p. 430.

variety for the annual trial of coins, the number for gold coins being not less than one piece for each one thousand pieces or any fractional part of one thousand pieces delivered; and for silver coins one piece for each two thousand pieces or any fractional part of two thousand pieces delivered. The pieces so taken shall be carefully sealed up in an envelope, properly labeled, stating the date of the delivery, the number and denomination of the pieces inclosed, and the amount of the delivery from which they were taken. These sealed parcels containing the reserved pieces shall be deposited in a pyx, designated for the purpose at each mint, which shall be kept under the joint care of the superintendent and assayer, and be so secured that neither can have access to its contents without the presence of the other, and the reserved pieces in their sealed envelopes from the coinage of each mint shall be transmitted quarterly to the Mint at Philadelphia. A record shall also be kept at the same time of the number and denomination of the pieces so taken for the annual trial of coins, and of the number and denomination of the pieces represented by them and so delivered, a copy of which record shall be transmitted quarterly to the Director of the Mint. Other pieces may, at any time, be taken for such tests as the Director of the Mint shall prescribe.

Disposals of clippings, &c.

Ibid., s. 41, p. 430.

SEC. 3540. The coiner shall, from time to time, deliver to the superintendent the clippings and other portions of bullion remaining after the process of coining; and the superintendent shall receipt for the same and keep a careful record of their weight and character.

Yearly settlement of accounts of coiner, melter and refiner.

Ibid., s. 42, p. 431.

SEC. 3541. The superintendent shall debit the coiner with the amount in weight of standard metal of all the bullion placed in his hands, and credit him with the amount in weight of all the coins, clippings, and other bullion returned by him to the superintendent. Once at least in every year, and at such time as the Director of the Mint shall appoint, there shall be an accurate and full settlement of the accounts of the coiner, and the melter and refiner, at which time those officers shall deliver up to the superintendent all the coins, clippings, and other bullion in their possession, respectively, accompanied by statements of all the bullion delivered to them since the last annual settlement, and all the bullion returned by them during the same period, including the amount returned for the purpose of settlement.

Allowance for wastage.

Ibid., s. 43, p. 431.

SEC. 3542. When all the coins, clippings, and other bullion have been delivered to the superintendent, it shall be his duty to examine the accounts and statements rendered by the coiner and the melter and refiner. The difference between the amount charged, and credited to each officer shall be allowed as necessary wastage, if the superintendent shall be satisfied that there has been a bona-fide waste of the precious metals, and if the amount shall not exceed, in the case of the melter and refiner, one-thousandth of the whole amount of gold, and one and one-half thousandths of the whole amount of silver delivered to him since the last annual settlement, and in the case of the coiner, one-thousandth of the whole amount of silver, and one-half thousandth of the whole amount of gold that has been delivered to him by the superintendent. All copper used in the alloy of gold and silver bullion shall be separately charged to the melter and refiner, and accounted for by him.

Statement of balance-sheet to be forwarded by superintendent to Director of Mint.

Ibid., s. 44, p. 431.

SEC. 3543. It shall also be the duty of the superintendent to forward a correct statement of his balance-sheet, at the close of such settlement, to the Director of the Mint; who shall compare the total amount of gold and silver bullion and coin on hand with the total liabilities of the mint. At the same time a statement of the ordinary expense account, and the moneys therein, shall also be made by the superintendent.

Delivery of coin or bars to depositor.

Ibid., s. 45, p. 431.

SEC. 3544. When the coins or bars which are the equivalent to any deposit of bullion are ready for delivery, they shall be paid to the depositor, or his order, by the superintendent; and the payments shall be made, if demanded, in the order in which the bullion shall have been brought to the mint. In cases, however, where there is delay in manipulating a refractory deposit, or for any other unavoidable cause, the payment of subsequent deposits, the value of which is known, shall not be delayed thereby. In the denominations of coin delivered, the superin-

tendent shall comply with the wishes of the depositor, except when impracticable or inconvenient to do so.

Payment in money to depositors when value ascertained.

SEC. 3545. For the purpose of enabling the mints and the assay-office in New York to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in such mints and assay-office, when the state of the Treasury will admit thereof, such an amount of public money, or bullion procured for the purpose, as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay-office may be paid the value thereof, in coin or bars, as soon as practicable after the value has been ascertained. On payment thereof being made, the bullion so deposited shall become the property of the United States. The Secretary of the Treasury may, however, at any time withdraw the fund, or any portion thereof.

Ibid., s. 47, p. 431. 22 *June*, 1874, *c.* 419, *r.* 18, *p.* 202.

Exchange of unparted bullion for fine bars.

SEC. 3546. Unparted bullion may be exchanged at any of the mints for fine bars, on such terms and conditions as may be prescribed by the Director of the Mint, with the approval of the Secretary of the Treasury. The fineness, weight, and value of the bullion received and given in exchange shall in all cases be determined by the mint assay. The charge to the depositor for refining or parting shall not exceed that allowed and deducted for the same operation in the exchange of unrefined for refined bullion.

12 Feb., 1873, c. 131, s. 46, v. 17, p. 431.

Appointment and meeting of assay-commissioners.

SEC. 3547. To secure a due conformity in the gold and silver coins to their respective standards of fineness and weight, the judge of the district court for the eastern district of Pennsylvania, the Comptroller of the Currency, the assayer of the assay-office at New York, and such other persons as the President shall, from time to time, designate, shall meet as assay-commissioners, at the Mint in Philadelphia, to examine and test, in the presence of the Director of the Mint, the fineness and weight of the coins reserved by the several mints for this purpose, on the second Wednesday in February, annually, and may continue their meetings by adjournment, if necessary. If a majority of the commissioners fail to attend at any time appointed for their meeting, the Director of the Mint shall call a meeting of the commissioners at such other time as he may deem convenient. If it appears by such examination and test that these coins do not differ from the standard fineness and weight by a greater quantity than is allowed by law, the trial shall be considered and reported as satisfactory. If, however, any greater deviation from the legal standard or weight appears, this fact shall be certified to the President; and if, on a view of the circumstances of the case, he shall so decide, the officers implicated in the error shall be thenceforward disqualified from holding their respective offices.

Ibid., s. 48, p. 432.

Standard troy pound for the regulation of coinage.

SEC. 3548. For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of this Title, the brass troy-pound weight procured by the minister of the United States at London, in the year eighteen hundred and twenty-seven, for the use of the Mint and now in the custody of the Mint at Philadelphia, shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated.

Ibid., s. 49, p. 432.

Standard weights for mints and assay offices.

SEC. 3549. It shall be the duty of the Director of the Mint to procure for each mint and assay-office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Mint of the United States, consisting of a one-pound weight and the requisite subdivisions and multiples thereof, from the hundredth part of a grain to twenty-five pounds. The troy weights ordinarily employed in the transactions of such mints and assay-offices shall be regulated according to the above standards at least once in every year, under the inspection of the superintendent and assayer; and the accuracy of those used at the Mint at Philadelphia shall be tested annually, in the presence of the assay-commissioners, at the time of the annual examination and test of coins.

Ibid., s. 50, p. 432.

Yearly destruction of obverse working-dies.

SEC. 3550. The obverse working-dies at each mint shall, at the end of each calendar year, be defaced and destroyed by the coiner in the presence of the superintendent and assayer.

Ibid., s. 51, p. 432.

National and other medals may be struck at Mint at Philadelphia.

Ibid., s. 52, p. 432. 16 *June*, 1874, c. 288, v. 18, *p.* 76.

SEC. 3551. Dies of a national character may be executed by the engraver, and national and other medals struck by the coiner of the Mint at Philadelphia, under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe. Such work shall not, however, interfere with the regular coinage operations, and no private medal dies shall be prepared at any mint, or the machinery or apparatus thereof be used for that purpose.

Money arising from charges and deductions to be covered into Treasury.

12 Feb., 1873, c. 131, s. 53, v. 17, p. 32.

SEC. 3552. The moneys arising from all charges and deductions on and from gold and silver bullion and the manufacture of medals, and from all other sources, except as provided by this Title, shall, from time to time, be covered into the Treasury, and no part of such deductions or medal charges, or profit on silver or minor coinage, shall be expended in salaries or wages. All expenditures of the mints and assay-offices, not herein otherwise provided for, shall be paid from appropriations made by law on estimates furnished by the Secretary of the Treasury.

Business of assay-office at New York.

Ibid., s. 54, p. 433.

SEC. 3553. The business of the United States assay-office at New York shall be in all respects similar to that of the mints, except that bars only and not coins, shall be manufactured therein; and no metals shall be purchased for minor coinage. All bullion intended by the depositor to be converted into coins, of the United States, and silver bullion purchased for coinage, when assayed, parted, and refined, and its net value certified, shall be transferred to the Mint at Philadelphia, under such directions as shall be made by the Secretary of the Treasury, at the expense of the contingent fund of the Mint, and shall be there coined, and the proceeds returned to the assay-office. And the Secretary of the Treasury is hereby authorized to make the necessary arrangements for the adjustment of the accounts upon such transfers between the respective offices.

Appointment of officers at New York.

Ibid.

SEC. 3554. The officers of the assay-office at New York shall be a superintendent, an assayer, and a melter and refiner; each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

Duties, &c., of officers at New York.

Ibid., s. 55, p. 433.

SEC. 3555. The duties of the superintendent, the assayer, and the melter and refiner of the assay-office at New York shall correspond to those of superintendents, assayers, and melters and refiners of mints; and all the provisions of this Title relating to mints and their officers, the duties and responsibilities of such officers, and others employed therein, the oaths to be taken, and the bonds and sureties to be given by them, shall extend, as far as the same may be applicable, to the assay-office at New York, and to its officers, clerks, and employés.

Salaries of officers at New York.

Ibid., s., 56, p. 433.

SEC. 3556. The officers of the assay-office at New York shall be entitled to the following salaries:

First. The superintendent, to four thousand five thousand dollars a year.

Second. The assayer, to three thousand a year.

Third. The melter and refiner, to three thousand dollars.

Appointment and salaries of assistants and employés at New York.

Ibid.

SEC. 3557. The appointment and compensation of assistants, clerks, and workmen in the assay-office at New York shall be regulated in the same manner as is prescribed in regard to mints.

Business of mint at Denver and of assay-offices at Boise City and Charlotte.

Ibid., s. 57.

SEC. 3558. The business of the mint of the United States at Denver, while conducted as an assay-office, that of the United States assay-office at Boise City, and that of any other assay-offices hereafter established, shall be confined to the receipt of gold and silver bullion, for melting and assaying, to be returned to depositors of the same, in bars, with the weight and fineness stamped thereon.

Appointment of officer at Denver, Boise City, and Charlotte.

Ibid., s. 57, p. 433.

SEC. 3559. The officers of the assay-offices embraced by the preceding section shall be, when their respective services are required, an assayer and a melter; each of whom shall be appointed by the President, by and with the advice and consent of the Senate. Their salaries shall not exceed two thousand five hundred dollars a year each.

Powers and duties of assayers at assay-offices.

SEC. 3560. The assayer at each of the assay-offices embraced by section thirty-five hundred and fifty-eight, shall have general charge of the office; and may employ, under the direction of the Director of the Mint.

such, clerks, workmen, and laborers as may be authorized therefor by law; and shall discharge the duties of disbursing agent for the expenses of the office under his charge. The salaries paid to clerks shall not exceed one thousand eight hundred dollars a year each. Workmen and laborers shall receive such wages as are customary according to their respective stations and occupations.

Ibid., ss. 57, 58, p. 433.

Compensation of employés.

SEC. 3561. Each officer and clerk appointed at either of the assay-[*officers*] [offices] embraced by section thirty-five hundred and fifty-eight shall, before entering upon the duties of his office, take an oath pursuant to the provisions of Title XIX, "PROVISIONS [*applying*] [APPLICABLE] TO SEVERAL CLASSES OF OFFICERS," and shall give a bond to the United States, with one or more sureties, satisfactory to the Director of the Mint or to one of the judges of the supreme court of the State or Territory in which the office to which he is appointed is located, conditioned for the faithful performance of his duties. [See §§ 1756, 1757.]

Bond and oath of officers and clerks.

Ibid., s. 58, p. 433. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

SEC. 3562. All provisions of law for the regulation of mints, the government of officers and persons employed therein, and for the punishment of all offenses connected with mints or coinage, shall extend to all assay-offices, as far as applicable. [See § 5460.]

Laws relating to mints extended to assay-offices.

12 Feb., 1873, c. 131, s. 60, v. 17, p. 434.

SEC. 3563. The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents, or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation.

Decimal system established.

2 April, 1792, c. 16, s. 20, v. 1, p. 250.

SEC. 3564. The value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated annually by the Director of the Mint, and be proclaimed on the first day of January by the Secretary of the Treasury.

Value of foreign coins, how ascertained.

3 Mar., 1873, c. 268, s. 1, v. 17, p. 602.

The Collector *v.* Richards, 23 Wall., 246.

SEC. 3565. In all payments by or to the Treasury, whether made here or in foreign countries, where it becomes necessary to compute the value of the sovereign or pound sterling, it shall be deemed equal to four dollars eighty-six cents and six and one-half mills, and the same rule shall be applied in appraising merchandise imported where the value is, by the invoice, in sovereigns or pounds sterling, and in the construction of contracts payable in sovereigns or pounds sterling; and this valuation shall be the par of exchange between Great Britain and the United States; and all contracts made after the first day of January, eighteen hundred and seventy-four, based on an assumed par of exchange with Great Britain of fifty-four pence to the dollar, or four dollars forty-four and four-ninths cents to the sovereign or pound sterling, shall be null and void.

Value of the sovereign or pound sterling.

3 Mar., 1873, c. 268, s. 2, v. 17, p. 603.

SEC. 3566. All foreign gold and silver coins received in payment for moneys due to the United States shall, before being issued in circulation, be coined anew.

Recoinage of foreign coins.

9 Feb., 1793, c. 5, s. 3, v. 1, p. 301. 21 Feb., 1857, c. 56, s. 2, v. 11, p. 163.

SEC. 3567. The pieces commonly known as the quarter, eighth, and sixteenth of the Spanish pillar-dollar, and of the Mexican dollar, shall be receivable at the Treasury of the United States, and its several offices, and at the several post-offices and land-offices, at the rates of valuation following: the fourth of a dollar, or piece of two reals, at twenty cents; the eighth of a dollar, or piece of one real, at ten cents; and the sixteenth of a dollar, or half-real, at five cents.

Spanish and Mexican coins.

21 Feb., 1857, c. 56, s. 1, v. 11, p. 163.

SEC. 3568. The Director of the Mint, with the approval of the Secretary of the Treasury, may prescribe such regulations as are necessary and proper, to secure the transmission of the coins mentioned in the preceding section to the Mint for recoinage, and the [*turn*] [return] or distribution of the proceeds thereof, when deemed expedient, and may prescribe such forms of account as are appropriate and applicable to the circum-

Their transmission for recoinage.

21 Feb., 1857, c. 56, s. 2, v. 11, p. 163. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

stances. The expenses incident to such transmission or distribution, and of recoinage, shall be charged against the account of silver profit and loss, and the net profits, if any, shall be paid, from time to time, into the Treasury.

Use of the metric system authorized.

28 July, 1866, c. 301, s. 1, v. 14, p. 339.

SEC. 3569. It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

Authorized tables of weights and measures.

28 July, 1866, c. 301, s. 2, v. 14, pp. 339, 340.

SEC. 3570. The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.

MEASURES OF LENGTH.

Metric denominations and values.		Equivalents in denominations in use.
Myriameter	10,000 meters.	6.2137 miles.
Kilometer	1,000 meters.	0.62137 miles, or 3,280 feet and 10 inches.
Hectometer	100 meters.	328 feet and 1 inch.
Dekameter	10 meters.	393.7 inches.
Meter	1 meter.	39.37 inches.
Decimeter	$\frac{1}{10}$ of a meter.	3.937 inches.
Centimeter	$\frac{1}{100}$ of a meter.	0.3937 inches.
Millimeter	$\frac{1}{1000}$ of a meter.	0.0394 inches.

MEASURES OF CAPACITY.

Metric denominations and values.			Equivalents in denominations in use.	
Names.	Num. of liters.	Cubic measure.	Dry measure.	Liquor or wine measure.
Kiloliter, or stere.	1,000	1 cubic meter	1.308 cub. yards	264.17 gallons.
Hectoliter	100	$\frac{1}{10}$ of a cubic meter	2 bushels and 3.35 pecks	26.417 gallons.
Dekaliter	10	10 cubic decimeters	9.08 quarts	2.6417 gallons.
Liter	1	1 cubic decimeter	0.908 quarts	1.0567 quarts.
Deciliter	$\frac{1}{10}$	$\frac{1}{10}$ of a cub. decimeter	6.1022 cub. inch	0.845 gills.
Centiliter	$\frac{1}{100}$	10 cubic centimeters	0.6102 cub. inch	0.338 fluid ounces.
Milliliter	$\frac{1}{1000}$	1 cubic centimeter	0.061 cub. inch	0.27 fluid drams.

MEASURES OF SURFACE.

Metric denominations and values.		Equivalents in denominations in use.
Hectare	10,000 square meters.	2.471 acres.
Are	100 square meters.	119.6 square yards.
Centare	1 square meter.	1550 square inches.

WEIGHTS.

Metric denominations and values.			Equivalents in denominations in use.
Names.	Number of grams.	Weight of what quantity of water at maximum density.	Avoirdupois weight.
Millier or tonneau	1,000,000	1 cubic meter	2204.6 pounds.
Quintal	100,000	1 hectoliter	220.46 pounds.
Myriagram	10,000	10 liters	22.046 pounds.
Kilogram or kilo	1,000	1 liter	2.2046 pounds.
Hectogram	100	1 deciliter	3.5274 ounces.
Dekagram	10	10 cubic centimeters	0.3527 ounces.
Gram	1	1 cubic centimeter	15.432 grains.
Decigram	$\frac{1}{10}$	$\frac{1}{10}$ of a cubic centimeter	1.5432 grains.
Centigram	$\frac{1}{100}$	10 cubic millimeters	0.1543 grains.
Milligram	$\frac{1}{1000}$	1 cubic millimeter	0.0154 grains.

TITLE XXXVIII.

THE CURRENCY.

Sec.
3571. United States notes.
3572. Amount of fractional currency authorized.
3573. No issue less than ten cents.
3574. Form and redemption of fractional notes.
3575. Preparation of fractional and other notes.
3576. Portraits of living persons not to be placed on bonds or notes.
3577. Engraving and printing notes.
3578. Expenses of issuing notes.
3579. Reissue of United States notes.
3580. Replacing mutilated notes.
3581. Destruction of notes.
3582. Reduction of the currency suspended.
3583. Restriction on notes less than one dollar.

United States notes.

SEC. 3571. United States notes shall be of such denominations, not less than one dollar, as the Secretary of the Treasury may prescribe, shall not bear interest, shall be payable to bearer, and shall be in such form as the Secretary may deem best. [See §§ 5418, 5414, 5430–5434.]

25 Feb., 1862, c. 33, s. 1, v. 12, p. 345. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 17 Jan., 1863, Res. 9, v. 12, p. 822. 3 Mar., 1863, c. 73, s. 3, v. 12, p. 710. 3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 373.

Amount of fractional currency authorized.

SEC. 3572. The whole amount of notes or stamps for the fractions of a dollar, issued as currency, shall not, at any time, exceed fifty millions of dollars.

30 June, 1864, c. 172, s. 5, v. 13, p. 220. 14 *Jan.*, 1875, *c.* 18, *v.* 15, *p.* 296. 17 *April*, 1876, *c.* 63, *s.* 2, *v.* 19, *p.* 33.

No issue less than ten cents.

SEC. 3573. No issue of fractional notes of the United States shall be of a less denomination than ten cents; and all issues of a less denomination shall, when paid into the Treasury or any designated depository of the United States, or redeemed or exchanged as now provided by law, be retained and canceled.

16 Mar., 1866, c. 81, s. 3, v. 14, p. 47. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296.

Form and redemption of fractional notes.

SEC. 3574. The notes of the fractional currency shall be in such form, with such inscriptions, and with such safeguards against counterfeiting as the Secretary of the Treasury may deem best. They shall be exchangeable by the assistant treasurers and designated depositaries for United States notes in sums of not less than three dollars; and shall be receivable for postage and revenue stamps, and for all dues to the United States, except customs, in sums not over five dollars, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe.

3 Mar., 1863, c. 73, s. 4, v. 12, p. 711. 30 June, 1864, c. 172, s. 5, v. 13, p. 220. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296.

Preparation of notes.

SEC. 3575. The Secretary of the Treasury may provide for the engraving and preparation, and for the issue of fractional and other notes, and shall make such regulations for the redemption of such notes when mutilated or defaced, and for the receipt of fractional notes in payment of debts to the United States, except for customs, in such sums, not over five dollars, as may appear to him expedient.

3 Mar., 1863, c. 73, s. 4, v. 12, p. 711. 30 June, 1864, c. 172, s. 5, v. 13, p. 220. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296.—Cook *v.* U. S., 12 Blatch., 43.

Portraits of living persons not to be placed on bonds or notes.

SEC. 3576. No portrait shall be placed upon any of the bonds, securities, notes, fractional or postal currency of the United States, while the original of such portrait is living.

7 April, 1866, c. 28, s. 12, v. 14, p. 25. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296.

Engraving and printing notes.

SEC. 3577. The Secretary of the Treasury may cause notes to be engraved, printed, and executed, at the Department of the Treasury in Washington, and under his direction, if he deems it inexpedient to procure them to be engraved and printed by contract; and he may purchase and provide all the machinery and materials, and employ such persons and appoint such officers as are necessary for this purpose. [See §§ 5430, 5453.]

11 July, 1862, c. 142, s. 2, v. 12, p. 532. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 39.

Expenses of issuing notes.

SEC. 3578. The necessary expenses of engraving, printing, preparing, and issuing the United States notes, Treasury notes, and fractional notes shall be paid out of any money in the Treasury not otherwise appropriated; but no extra compensation for preparing, signing, or issuing such notes shall be allowed to any officer whose salary is fixed by law.

3 Mar., 1803, c. 73, s. 6, v. 12, p. 711. 23 Dec., 1857, c. 1, s. 11, v. 11, p. 259. 30 June, 1864, c. 172, s. 9, v. 13, p. 221. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296. 3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 373.

Reissue of United States notes.

SEC. 3579. When any United States notes are returned to the Treasury, they may be re-issued, from time to time, as the exigencies of the public interest may require.

28 Feb., 1862, c. 33, s. 1, v. 12, p. 345. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 3 Mar., 1863, c. 73, s. 3, v. 12, p. 710. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296.

Replacing mutilated notes.

SEC. 3580. When any United States notes returned to the Treasury are so mutilated or otherwise injured as to be unfit for use, the Secretary of the Treasury is authorized to replace the same with others of the same character and amounts.

17 Mar., 1862, c. 45, s. 4, v. 12, p. 370. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296.

Destruction of notes.

SEC. 3581. Mutilated United States notes, when replaced according to law, and all other notes which by law are required to be taken up, and not re-issued, when taken up, shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe.

17 Mar., 1862, c. 45, s. 4, v. 12, p. 370. 14 *Jan.*, 1875, *c.* 15, *v.* 18, *p.* 296.

Reduction of the currency suspended.

SEC. 3582. The authority given to the Secretary of the Treasury to make any reduction of the currency, by retiring and canceling United States notes, is suspended.

12 April, 1866, c. 39, s. 1, v. 14, p. 31. 4 Feb., 1868, c. 6, v. 15, p. 34. 20 *June*, 1874, *c.* 343, *v.* 18, *p.* 124.

Restriction on notes less than one dollar.

SEC. 3583. No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than one dollar, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, at the discretion of the court.

17 July, 1862, c. 196, s. 2, v. 12, p. 592.

TITLE XXXIX.

LEGAL TENDER.

Sec.
3584. Foreign coins.
3585. Gold coins of the United States.
3586. Silver coins of the United States.
3587. Minor coins.
3588. United States notes.
3589. Demand Treasury notes.
3590. Interest-bearing notes.

Foreign coins.

21 Feb., 1857, c. 56, s. 3, v. 11, p. 163.

SEC. 3584. No foreign gold or silver coins shall be a legal tender in payment of debts.

Gold coins of the United States.

12 Feb., 1873, c. 131, s. 14, v. 17, p. 426. 3 *Mar.*, 1875, *c.* 143, *s.* 2, *v.* 18, *p.* 479.

SEC. 3585. The gold coins of the United States shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight.

Silver coins of the United States.

12 Feb., 1873, c. 131, s. 15, v. 17, p. 427. 3 *Mar.*, 1875, *c.* 143, *s.* 2, *v.* 18, *p.* 479.

SEC. 3586. The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment.

Minor coins.

12 Feb., 1873, c. 131, s. 16, v. 17, p. 427. 3 *Mar.*, 1875, *c.* 143, *s.* 2, *v.* 18, *p.* 479.

SEC. 3587. The minor coins of the United States shall be a legal tender, at their nominal value for any amount not exceeding twenty-five cents in any one payment.

United States notes.

25 Feb., 1862, c. 33, s. 1, v. 12, p. 345. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 17 Jan., 1863, Res. 9, v. 12, p. 823. 3 Mar., 1863, c. 73, s. 3, v. 12, p. 711. 3 *Mar.*, 1875, *c.* 143, *s.* 2, *v.* 18, *p.* 479.—Bank *v.* Supervisors, 7 Wall., 26; Lane County *v.* Oregon, 7 Wall., 71; Bronsan *v.* Rhodes, 7 Wall., 229; Butler *v.* Horwitz, 7 Wall., 258; Hepburn *v.* Griswold, 8 Wall., 603; Knox *v.* Lee, 11 Wall., 682; Legal Tender Cases, Knox *v.* Lee, 12 Wall., 457; Dooley *v.* Smith, 13 Wall., 604; Railroad Company *v.* Johnson, 15 Wall., 195.

SEC. 3588. United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

Demand Treasury notes.

17 July, 1861, c. 5, s. 1, v. 12, p. 259. 12 Feb., 1862, c. 20, v. 12, p. 338. 25 Feb., 1862, c. 33, s. 1, v. 12, p. 345. 17 Mar., 1862, c. 45, s. 2, v. 12, p. 370. 3 *Mar.*, 1875, *c.* 143, *s.* 2, *v.* 18, *p.* 479.—Savage, executrix, *v.* U. S., 92 U. S., 382.

SEC. 3589. Demand Treasury notes authorized by the act of July seventeen, eighteen hundred and sixty-one, chapter five, and the act of February twelve, eighteen hundred and sixty-two, chapter twenty, shall be lawful money and a legal tender in like manner as United States notes.

Interest-bearing notes.

3 Mar., 1863, c. 73, s. 2, v. 12, p. 710. 30 June, 1864, c. 172, s. 2, v. 13, p. 218. 3 *Mar.*, 1875, *c.* 143, *s.* 2, *v.* 18, *p.* 479.

SEC. 3590. Treasury notes issued under the authority of the acts of March three, eighteen hundred and sixty-three, chapter seventy-three, and June thirty, eighteen hundred and sixty-four, chapter one hundred and seventy-two, shall be legal tender to the same extent as United States notes, for their face value, excluding interest: *Provided*, That Treasury notes issued under the act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money.

TITLE XL.

THE PUBLIC MONEYS.

Sec.
3591. The Treasury of the United States.
3592. Certain mints and assay-offices to be depositories.
3593. All public moneys subject to draft of Treasurer.
3594. Superintendents at Carson and Boisé City to be assistant treasurers.
3595. Appointment of assistant treasurers.
3596. Their salaries.
3597. Commissions and perquisites forbidden.
3598. Rooms, &c., for assistant treasurers.
3599. To have charge of and perform their duties in rooms assigned.
3600. Their bonds.
3601. Subordinate officers, clerks, &c., at Boston.
3602. Deputy assistant treasurer at New York.
3603. Subordinate officers, clerks, &c., at New York.
3604. Additional clerks, &c., at New York.
3605. Subordinate officers, &c., at Philadelphia.
3606. At Baltimore.
3607. At Saint Louis.
3608. At Charleston.
3609. At New Orleans.
3610. At San Francisco.
3611. At Chicago.
3612. At Cincinnati.
3613. Deputies in case of sickness or absence.
3614. Bonds of special agents.
3615. Collectors of public moneys to pay over.
3616. Payment by marshals and district attorneys.
3617. Moneys to be deposited without deduction.
3618. Proceeds of sales of material.
3619. Penalty for withholding money.
3620. Duty of disbursing officers.
3621. Penalty for failure to deposit when required.
3622. Accounts.
3623. Distinct accounts required.
3624. Suits to recover moneys from officers.
3625. Distress-warrant.
3626. Contents of warrant.
3627. Execution against officer.
3628. Execution against surety.
3629. Levy to be a lien.
3630. Sale of lands, &c., on execution.
3631. Conveyance of lands sold.
3632. Disposal of surplus.
3633. Penalty on disbursing officer failing to account.
3634. Extent of application of provisions relating to distress-warrants.
3635. Postponement of proceedings for non-accounting, when allowed.
3636. Injunction to stay distress-warrant.
3637. Proceedings on distress-warrant in circuit court.
3638. Rights of United States reserved.
3639. Duties of officers as custodians of public money.
3640. Transfer of moneys from depositories to Treasury.
3641. Transfer of postal deposits.
3642. Accounts of postal deposits.
3643. Entry of deposits, transfers, and payments.
3644. Public money subject to draft of Treasurer.
3645. Regulations for presenting drafts.
3646. Duplicates for lost or stolen checks.
3647. Duplicate check when officer who issued is dead.
3648. Advance of public moneys prohibited.
3649. Examination of depositaries.
3650. Examination of accounts of custodians of public moneys.
3651. Exchange of funds restricted.
3652. Premium on sales of public money to be accounted for.
3653. Expenses of fiscal agents.
3654. Limit on extra compensation for making disbursements.
3655. Compensation of depositaries.
3656. Limit upon such compensation.
3657. Collectors to act as disbursing agents.
3658. Appointment of special dispursing agents where no collector is authorized.
3659. Investment of trust-funds.

The Treasury of the United States.

SEC. 3591. The rooms provided in the Treasury building at the seat of Government for the use of the Treasurer of the United States, his assistants, and clerks, and occupied by them, and the fire-proof vaults and safes erected therein for the keeping of the public moneys in the possession and under the immediate control of the Treasurer, and such other apartments as are provided as places of deposit of the public money, shall be the Treasury of the United States.

6 Aug., 1846, c. 90, s. 1, v. 9, p. 59.

Cooke et al. *v.* U. S., 91 U. S., 389.

Certain mints and assay-offices to be depositories.

SEC. 3592. The mints at Carson City, and at Denver, and the assay-office at Boisé City, shall be places of deposit for such public moneys as the Secretary of the Treasury may direct.

21 April, 1862, c. 59, s. 5, v. 12, p. 383. 3 Mar., 1863, c. 96, s. 5, v. 12, p. 770. 18 Feb., 1869, c. 33, s. 4, v. 15, p. 271. 12 Feb., 1873, c. 131, ss. 65, 66, v. 17, p. 435.

Public moneys subject to draft of the Treasurer.

SEC. 3593. All public moneys paid into any depository shall be subject to the draft of the Treasurer of the United States, drawn agreeably to appropriations made by law.

6 Aug., 1846, c. 90, s. 1, v. 9, p. 59.

Superintendent of mint at Carson and assay-office at Boisé City to be assistant treasurers.

21 April, 1862, c. 50, s. 5, v. 12, p. 383. 3 Mar., 1871, c. 271.

SEC. 3594. The superintendent of the mint at Carson City, and the superintendent of the assay-office at Boisé City, shall be assistant treasurers of the United States, and shall respectively have the custody and care of all public moneys deposited therein, and shall perform all the duties required of them in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, as provided by law.

3 Mar., 1863, c. 96, s. 5, v. 12, p. 770. 18 Feb., 1869, c. 33, s. 4, v. 15, p. 271. 3 Mar., 1871, c. 113, s. 1, v. 16, p. 485. 12 Feb., 1873, c. 131, ss. 65, 66, v. 17, p. 435.

Appointment, &c., of assistant treasurers.

6 Aug., 1846, c. 90, s. 5, v. 9, p. 60. 7 April, 1868, c. 28, s. 14, v. 14, p. 26. 15 June, 1870, c. 12, s. 1, v. 16, p. 152. 12 Feb., 1873, c. 131, s. 65, v. 17, p. 435. 3 Mar., 1873, c. 229, s. 5, v. 17, p. 543. *Repealed in part by* 15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 155.

SEC. 3595. There shall be assistant treasurers of the United States, appointed from time to time by the President, by and with the advice and consent of the Senate, to serve for the term of four years, as follows:

One at Boston.
One at New York.
One at Philadelphia.
One at Baltimore.
[*One at Charleston.*]
One at New Orleans.
One at Saint Louis.
One at San Francisco.
One at Cincinnati.
One at Chicago.

By statute of August 15, 1876, c. 287, v. 19, p. 155, so much of this section as authorizes the appointment of an assistant treasurer at Charleston was repealed.

Salaries of assistant treasurers.

6 Aug., 1846, c. 90, s. 22, v. 9, p. 65. 3 Mar., 1853, c. 98, s. 16, v. 10, p. 214. 3 Mar., 1855, c. 175, s. 1, v. 10, p. 656. 7 April, 1866, c. 28, s. 14, v. 14, p. 26. 20 July, 1868, c. 179, s. 1, v. 15, p. 107. 15 June, 1870, c. 129, s. 4, v. 16, p. 152. 12 Feb., 1873, c. 131, s. 65, v. 17, p. 435. 3 Mar., 1873, c. 229, s. 8, v. 17, p. 543.

SEC. 3596. The assistant treasurers shall be entitled to the following salaries, to be paid quarter-yearly at the Treasury of the United States, to wit:

First. The assistant treasurer at Boston, to five thousand dollars a year.

Second. The assistant treasurer at New York, to eight thousand dollars a year.

Third. The assistant treasurer at Philadelphia, to five thousand dollars a year.

Fourth. The assistant treasurer at Baltimore, to five thousand dollars a year.

Fifth. The assistant treasurer at Charleston, to four thousand dollars a year.

Sixth. The assistant treasurer at New Orleans, to four thousand five hundred dollars a year.

Seventh. The assistant treasurer at Saint Louis, to five thousand dollars a year.

Eighth. The assistant treasurer at San Francisco, to six thousand dollars a year.

Ninth. The assistant treasurer at Cincinnati, to five thousand dollars a year.

Tenth. The assistant treasurer at Chicago, to five thousand dollars a year.

Receipt of commissions and perquisites forbidden.

6 Aug., 1846, c. 90, s. 22, v. 9, p. 65.

SEC. 3597. The salaries named in the preceding section shall be in full for the services of the respective officers, and none of them shall charge or receive any commission, pay, or perquisite, for any official service of any character or description whatsoever. Every such officer who makes any such charge, or receives any such compensation, shall be deemed guilty of a misdemeanor, and shall be fined or imprisoned, or both.

Rooms for use of assistant treasurers.

6 Aug., 1846, c. 90, ss. 3, 4, v. 9, p. 59. 15 June, 1870, c. 129, s. 2, v. 16, p. 152.

SEC. 3598. The rooms assigned by law to be occupied by the assistant treasurers, together with the fire-proof vaults therein, or connected therewith, shall be appropriated to the use of the assistant treasurers, and for the safe-keeping of the public moneys deposited with them, respectively.

Their care and the use of the rooms.

6 Aug., 1846, c. 90, ss. 3, 4, v. 9, p. 59. 15 June, 1870, c. 129, s. 2, v. 16, p. 152.

SEC. 3599. The assistant treasurers shall have the charge and care of the rooms, vaults, and safes assigned to them, respectively, and shall there perform the duties required of them relating to the receipt, safe-keeping, transfer, and disbursement of the public moneys.

Bonds of assistant treasurers.

6 Aug., 1846, c. 90, ss. 5, 7, v. 9, p. 60.
7 April, 1868, c. 28, s. 14, v. 14, p. 26.
15 June, 1870, c. 12, s. 1, v. 16, p. 152.
12 Feb., 1873, c. 131, s. 65, v. 17, p. 435.
3 Mar., 1873, c. 229, s. 5, v. 17, p. 543.

SEC. 3600. All assistant treasurers, and all officers in any mint, or assay-office, authorized by law to act as assistant treasurers, shall, respectively, give bonds to the United States for the faithful discharge of the duties of their respective offices as assistant treasurers, according to law, and for such amounts as shall be directed by the Secretary of the Treasury, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds as the Secretary of the Treasury may direct.

Subordinate officers, &c., at Boston.

10 Mar., 1862, c. 48, s. 1, v. 12, p. 373.
23 July, 1866, c. 208, s. 1, v. 14, p. 202.
8 May, 1872, c. 140, s. 1, v. 17, p. 70.
3 Mar., 1873, c. 226, s. 1, v. 17, pp. 495, 496.

SEC. 3601. There shall be employed in the office of the assistant treasurer at Boston: One chief clerk, at two thousand seven hundred dollars a year; one paying-teller, at two thousand five hundred dollars; one chief interest-clerk, at two thousand five hundred dollars; one receiving teller, at one thousand eight hundred dollars; one first book-keeper, at one thousand seven hundred dollars; one second book-keeper, "depositors'" accounts, at one thousand five hundred dollars; one stamp and new fractional-currency clerk, at one thousand eight hundred dollars; one specie-clerk, at one thousand five hundred dollars; two coupon-clerks, at one thousand four hundred dollars each; one fractional-currency redemption clerk, at one thousand two hundred dollars; one receipt-clerk, at one thousand two hundred dollars; one assistant book-keeper, at eight hundred dollars; one money-clerk, at one thousand dollars; one assistant currency-redemption clerk, at one thousand one hundred dollars; one assistant currency-redemption clerk, at one thousand dollars; one messenger and chief watchman, at one thousand and sixty dollars; two watchmen, at eight hundred and fifty dollars each; one assistant specie-clerk, at one thousand four hundred dollars.

Deputy assistant treasurer at New York.

6 Mar., 1862, c. 37, s. 2, v. 12, p. 353.

SEC. 3602. The assistant treasurer at New York may, with the approval of the Secretary of the Treasury, appoint from among his clerks a competent person to be called the deputy assistant treasurer of the United States. Such deputy assistant treasurer, in addition to other duties performed by him, and the duties which he may be required to perform by the assistant treasurer, is authorized to witness the execution of all transfers of Government stock and powers of attorney, and to sign all bullion-receipts, with like effect as if the same were witnessed or signed by the assistant treasurer in person.

Appointment and salaries of subordinate officers, &c., at New York.

4 Aug., 1854, c. 242, s. 11, v. 10, p. 573.
6 Mar., 1862, c. 37, s. 1, v. 12, p. 353.
3 Mar., 1873, c. 226, s. 1, v. 17, p. 495.

SEC. 3603. There shall be employed in the office of the assistant treasurer at New York: One deputy assistant treasurer, at three thousand six hundred dollars a year; one cashier and chief clerk, at four thousand two hundred dollars; one chief of coin division, at four thousand dollars; one chief of note-paying division, at three thousand dollars; one chief of note-receiving division, at three thousand dollars; one chief of check-division, at three thousand dollars; one chief of registered-interest division, at two thousand eight hundred dollars; one chief of coupon-interest division, at two thousand five hundred dollars; one chief of fractional-currency division, at two thousand five hundred dollars; one chief of bond division, at two thousand four hundred dollars; one chief of canceled-check and record division, at two thousand dollars; two clerks, at two thousand four hundred dollars each; six clerks, at two thousand two hundred dollars each; ten clerks, at two thousand dollars each; nine clerks, at one thousand eight hundred dollars each; four clerks, at one thousand seven hundred dollars each; four clerks, at one thousand six hundred dollars each; ten clerks, at one thousand four hundred dollars each; three clerks, at one thousand two hundred dollars each; five messengers, at one thousand three hundred dollars each; one messenger, at one thousand two hundred dollars; one keeper of building, at one thousand eight hundred dollars; one chief detective, at one thousand eight hundred dollars; one assistant detective, at one thousand four hundred dollars; four hall-men, at one thousand dollars each; six watchmen, at seven hundred and thirty dollars each; one engineer, at one thousand dollars; one porter, at nine hundred dollars.

Appointment of other clerks, messengers, &c., at New York.

6 Mar., 1862, c. 37, s. 1, v. 12, p. 353.

SEC. 3604. The assistant treasurer at New York may appoint, from time to time, by and with the consent and approbation of the Secretary of the Treasury, such other clerks, messengers, and watchmen, in addition to those already employed by him, as the exigencies of the public business may require, at rates of compensation to be fixed by the Secretary of the Treasury, but such rates shall in no case exceed those allowed by law for the several persons similarly employed in the office of the said assistant treasurer.

Subordinate officers, &c., at Philadelphia.

3 Mar., 1863, c. 79, s. 12, v. 12, p. 753.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3605. There shall be employed in the office of the assistant treasurer at Philadelphia: One cashier and chief clerk, at two thousand seven hundred dollars a year; one chief book-keeper, at two thousand five hundred dollars; one chief interest-clerk, at one thousand nine hundred dollars; one assistant book-keeper, at one thousand eight hundred dollars; one coin-teller, at one thousand seven hundred dollars; one registered-interest clerk, at one thousand seven hundred dollars; one assistant coupon-clerk, at one thousand six hundred dollars; one fractional currency clerk, at one thousand six hundred dollars; one assistant registered-loan clerk, at one thousand five hundred dollars; one assistant registered-loan clerk, at one thousand four hundred dollars; one assistant coin-teller, at one thousand four hundred dollars; one assistant fractional-currency clerk, at one thousand four hundred dollars; one receiving-teller, at one thousand three hundred dollars; one assistant receiving-teller, at one thousand two hundred dollars; one superintendent of building, at one thousand one hundred dollars; seven female counters, at nine hundred dollars each; four watchmen, at nine hundred and thirty dollars each.

At Baltimore.

15 June, 1870, c. 129, s. 5, v. 16, p. 152.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3606. There shall be employed in the office of the assistant treasurer at Baltimore: One cashier, at two thousand five hundred dollars a year; three clerks, at one thousand eight hundred dollars each; three clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; one messenger, at eight hundred and forty dollars; five vault-watchmen, at seven hundred and twenty dollars each.

At Saint Louis.

20 May, 1862, c. 76, s. 2, v. 12, p. 394.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3607. There shall be employed in the office of the assistant treasurer at Saint Louis: One chief clerk and teller, at two thousand five hundred dollars a year; one assistant teller, at one thousand eight hundred dollars; one book-keeper, at one thousand five hundred dollars; one assistant book-keeper, at one thousand two hundred dollars; one messenger, at one thousand dollars; and four watchmen, at seven hundred dollars each.

At Charleston.

8 May, 1872, c. 140, s. 1, v. 17, p. 71.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3608. There shall be employed in the office of the assistant treasurer at Charleston, South Carolina: One clerk, at one thousand eight hundred dollars a year; one clerk, at one thousand six hundred dollars; one assistant messenger, at seven hundred and twenty dollars; and two watchmen, at seven hundred and twenty dollars each.

At New Orleans.

25 June, 1864, c. 148, s. 7, v. 13, p. 161.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3609. There shall be employed in the office of the assistant treasurer at New Orleans: One chief clerk and cashier, at two thousand five hundred dollars a year; one clerk, at two thousand dollars; two clerks, at one thousand five hundred dollars each; one porter, at nine hundred dollars; and two watchmen, at seven hundred and twenty dollars each.

At San Francisco.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3610. There shall be employed in the office of the assistant treasurer at San Francisco: One cashier, at three thousand dollars a year; one book-keeper, at two thousand five hundred dollars; one assistant cashier, at two thousand dollars; one assistant book-keeper, at two thousand dollars; one stamp-clerk, at two thousand four hundred dollars; one clerk, at one thousand eight hundred dollars; three night-watchmen, at one thousand five hundred dollars each; one day-watchman, at nine hundred and sixty dollars.

At Chicago.

3 Mar., 1873, c. 229, s. 9, v. 17, p. 543.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3611. There shall be employed in the office of the assistant treasurer at Chicago: One cashier, at two thousand five hundred dollars a year; one clerk, at one thousand eight hundred dollars; two clerks, at one thousand five hundred dollars each; one clerk, at one thousand two

hundred dollars; one messenger, at eight hundred and forty dollars; and one watchman, at seven hundred and twenty dollars.

At Cincinnati.

SEC. 3612. There shall be appointed in the office of the assistant treasurer at Cincinnati: One cashier, at two thousand dollars a year; one clerk, at one thousand eight hundred dollars; one clerk, at one thousand five hundred dollars; two clerks, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; one messenger, at six hundred dollars; two watchmen, one at seven hundred and twenty dollars, and one at two hundred and forty dollars.

Ibid.

Deputies in case of sickness or absence.

SEC. 3613. In case of the sickness or unavoidable absence of any assistant treasurer or depositary from his office, he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the assistant treasurer or depositary, respectively, for whom he acts.

13 Feb., 1865, c. 32, v. 13, p. 427.

Bond of special agents.

SEC. 3614. Whenever it becomes necessary for the head of any Department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the Department or office employing them may approve.

4 Aug., 1854, c. 242, s. 14, v. 10, p. 573.

Collectors of public moneys to pay over.

SEC. 3615. All collectors and receivers of public money of every description, within the District of Columbia, shall, as often as they may be directed by the Secretary of the Treasury or the Postmaster-General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them or in their hands. All such collectors and receivers of public moneys within the cities of New York, Boston, Philadelphia, New Orleans, San Francisco, Baltimore, Charleston, and Saint Louis shall, upon the same direction, pay over to the assistant treasurers in their respective cities, at their offices, respectively, all the public moneys collected by them, or in their hands; to be safely kept by the respective depositaries, until otherwise disposed of according to law. It shall be the duty of the Secretary and Postmaster-General, respectively, to direct such payments by the collectors and receivers at all the said places, at least as often as once in each week, and as much oftener as they may think proper. [See § 5490.]

6 Aug., 1846, c. 90, s. 9, v. 9, p. 61. 12 Feb., 1873, c. 131, s. 65, v. 17, p. 435.

How marshals and district attorneys may pay into Treasury.

SEC. 3616. All marshals, district attorneys, and other persons than those mentioned in the preceding section, having public money to pay to the United States, may pay the same to any depositary constituted by or in pursuance of law, which may be designated by the Secretary of the Treasury. [See §§ 5504, 5505.]

6 Aug., 1846, c. 90, s. 15, v. 9, p. 62. 8 July, 1870, c. 230, s. 111, v. 16, p. 216.

Moneys to be deposited without deduction.

SEC. 3617. The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post-Office Department.

3 Mar., 1849, c. 110, s. 1, v. 9, p. 398. 28 Sept., 1850, c. 78, s. 3, v. 9, p. 507.

Proceeds of sales of material.

SEC. 3618. All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue-cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, [or of materials, stores, or supplies sold to officers and soldiers of the Army] or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treas-

3 Mar., 1847, c. 48, s. 1, v. 9, p. 171. 20 April, 1866, c. 63, ss. 1, 2, v. 14, p. 40. 28 July, 1866, c. 299, s. 25, v. 14, p. 336.

3 May, 1872, c. 140, s. 5, v. 17, p. 83. 8 June, 1872, c. 348, v. 17, p. 337. 22 *June*, 1874, *c.* 413, *v.* 18, *p.* 200. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

ury as miscellaneous receipts, on account of "proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law.

Penalty for withholding money.

18 July, 1866, c. 201, s. 40, v. 14, p. 187.

SEC. 3619. Every officer or agent who neglects or refuses to comply with the provisions of section thirty-six hundred and seventeen shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled.

Duty of disbursing officers.

14 June, 1866, c. 122, s. 1, v. 14, p. 64. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

SEC. 3620. It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement, to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law [and draw for the same only in favor of the persons to whom payment is made;] and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors. [See § 5488.]

Penalty for failure to deposit money when required.

3 Mar., 1857, c. 114, s. 3, v. 11, p. 249.

SEC. 3621. Every person who shall have moneys of the United States in his hands or possession shall pay the same to the Treasurer, an assistant treasurer, or some public depositary of the United States, and take his receipt for the same, in duplicate, and forward one of them forthwith to the Secretary of the Treasury. [See § 5492.]

Accounts.

17 July, 1862, c. 199 s. 1, v. 12, p. 593. 2 Mar., 1867, Res. 48, v. 14, p. 571. 15 July, 1870, c. 295, s. 15, v. 16, p. 334. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

SEC. 3622. Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the Bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the proper accounting officer of the Treasury. In case of the non-receipt at the Treasury, or proper Bureau, of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. The Secretary of the Treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of [*Department*] [Departments], as the public interest may require. [See § 5491.]

Distinct accounts required.

3 Mar., 1809, c. 28, s. 1, v. 2, p. 535.

SEC. 3623. All officers, agents, or other persons, receiving public moneys, shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them.

Suits to recover money from officers, regulated.

3 Mar., 1797, c. 20, s. 1, v. 1, p. 512.

U. S. *v.* Gaussen, 19 Wall., 198.

SEC. 3624. Whenever any person accountable for public money, neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account, the First Comptroller of the Treasury shall institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per centum per annum, from the time of receiving the money until it shall be repaid into the Treasury.

Distress-warrant.

15 May, 1820, c. 107, s. 2, v. 3, p. 592. 29 May, 1830, c. 153, s. 1, v. 4, p. 414. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

SEC. 3625. Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the First Comptroller of the Treasury [or the Commissioner of Customs, as the case may be,] to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the Solicitor of the Treasury, who shall issue a warrant of distress against the delinquent officer and his sureties, directed to the marshal of the district in which such officer and his sureties reside. Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively.

U. S. *v.* Kirkpatrick, 9 Wh., 720; U. S. *v.* Van Zandt, 11 Wh., 184; U. S. *v.* Nicholl, 12 Wh., 505; Dox *v.* Postmaster-General, 1 Pet., 325; U. S. *v.* Nourse, 9 Pet., 8; Cary *v.* Curtis, 3 How., 246; Murray's Lessee *v.* Hoboken Co., 18 How., 272; U. S. *v.* Maurice, 2 Brock, 96; *Ex parte* Randolph, 2 Brock, 447; Armstrong *v.* U. S., Gilp., 399.

Contents of warrant.

15 May, 1820, c. 107, s. 2, v. 3, p. 592. 29 May, 1830, c. 153, s. 1, v. 4, p. 414.

SEC. 3626. The warrant of distress shall specify the amount with which such delinquent is chargeable, and the sums, if any, which have been paid.

Execution against officer.

15 May, 1820, c. 107, s. 2, v. 3, p. 593.

SEC. 3627. The marshal authorized to execute any warrant of distress shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside. If the goods and chattels be not sufficient to satisfy the warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law.

Execution against surety.

Ibid.

SEC. 3628. If the delinquent officer absconds, or if goods and chattels belonging to him cannot be found sufficient to satisfy the warrant, the marshal or his deputy shall proceed, notwithstanding the commitment of the delinquent officer, to levy and collect the sum which remains due by such delinquent, by the distress and sale of the goods and chattels of his sureties; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the goods or chattels were taken, or in the town or county where the owner resides.

Levy to be a lien.

Ibid.

SEC. 3629. The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law.

Sale of lands regulated.

Ibid.

SEC. 3630. For want of goods and chattels of a delinquent officer, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the foregoing provisions, the lands, tenements, and hereditaments of such officer and his sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, before the time of sale, shall be sold by the marshal of such district or his deputy.

Conveyance of lands.

Ibid.

SEC. 3631. For all lands, tenements, or hereditaments sold in pursuance of the preceding section, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his sureties.

Disposal of surplus.

Ibid.

SEC. 3632. All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be.

Failure of disbursing officer to account; penalty.

15 May, 1820, c. 107, s. 3, v. 3, p. 594.
29 May, 1830, c. 153, s. 1, v. 4, p. 414.

SEC. 3633. Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the Department to which he is accountable, any sum of money remaining in his hands, it shall be the duty of the First or Second Comptroller of the Treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified the account of such delinquent officer to the Solicitor of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the six preceding sections.

Extent of application of provision for distress-warrants.

15 May, 1820, c. 107, s. 3 v. 3, p. 594.

SEC. 3634. All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner and to the same extent as if they were herein described and enumerated.

Postponement of proceedings for non-accounting, allowed.

15 May, 1820, c. 107, s. 3, v. 3, p. 594.

SEC. 3635. With the approval of the Secretary of the Treasury, the institution of proceedings by a warrant of distress may be postponed, for a reasonable time, in cases where, in his opinion, the public interest will sustain no injury by such postponement.

Injunction to stay distress-warrant.

15 May, 1820, c. 107, ss. 4, 5, v. 3, p. 595.

SEC. 3636. Any person who considers himself aggrieved by any warrant of distress issued under the foregoing provisions may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge may grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires. But no injunction shall issue till the party applying for it gives bond, with sufficient security, in a sum to be prescribed by the judge, for the performance of such judgment as may be awarded against him; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of the warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it appears to the satisfaction of the judge that the application for the injunction was merely for delay, the judge may add to the lawful interest assessed on all sums found due against the complainant such damages as, with such lawful interest, shall not exceed the rate of ten per centum a year. Such injunction may be granted or dissolved by the district judge either in or out of court.

Proceedings on distress in circuit court.

15 May, 1820, c. 107, ss. 4, 6, v. 3, p. 595.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 3637. When the district judge refuses to grant an injunction to stay proceedings on a distress-warrant, as aforesaid, or dissolves such injunction after it is granted, any person who considers himself aggrieved by the decision in the premises may lay before the circuit justice, or circuit judge of the circuit within which such district lies, a copy of the proceeding had before the district judge; and thereupon the circuit justice or circuit judge may grant an injunction, or permit an appeal, as the case may be, if, in his opinion, the equity of the case requires it. The same proceedings, subject to the same conditions, shall be had upon such injunction in the circuit court as are prescribed in the district court.

Rights of United States reserved.

15 May, 1820, c. 107, s. 9, v. 3, p. 596.

SEC. 3638. Nothing contained in the provisions of this Title relating to distress-warrants shall be construed to take away or impair any right or remedy which the United States might have, by law, for the recovery of taxes, debts, or demands.

Duties of officers as custodians of public moneys.

6 Aug., 1846, c. 90, s. 6, v. 9, p. 60.
3 July, 1852, c. 54, s. 7, v. 10, p. 12.

SEC. 3639. The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land-offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money

collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all district attorneys, collectors of customs, naval officers, and surveyors of customs, navy agents, receivers and registers of public lands, paymasters in the Army, commissary-general, and by all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments. [See §§ 5489–5497.]

3 Mar., 1857, c. 114, s. 2, v. 11, p. 249.
21 April, 1862, c. 59, s. 5, v. 12, p. 382.
3 Mar., 1863, c. 96, s. 5, v. 12, p. 770.
4 July, 1864, c. 24, s. 5, v. 13, p. 383.
18 Feb., 1869, c. 33, s. 4, v. 15, p. 271.

Transfer of moneys from depositaries to Treasury authorized.

SEC. 3640. The Secretary of the Treasury may, except as provided in the next section, transfer the moneys in the hands of any depositary of public moneys to the Treasury of the United States to the credit of the Treasurer; and he may transfer moneys in the hands of one depositary to any other depositary, as the safety of the public moneys and the convenience of the public service shall seem to him to require.

6 Aug., 1846, c. 90, s. 10, v. 9, p. 61.

Transfer of postal deposits.

SEC. 3641. The Postmaster-General may transfer money belonging to the postal service between the Treasurer, assistant treasurers, and designated depositaries, at his discretion, and as the safety of the public money and the convenience of the service may require.

8 June, 1872, c. 335, s. 56, v. 17, p. 292.

Accounts of postal deposits.

SEC. 3642. Every depositary shall keep his account of the money paid to or deposited with him, belonging to the Post Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited.

6 Aug., 1846, c. 90, s. 10, v. 9, p. 61.

Entry of each deposit, transfer, and payment.

SEC. 3643. All persons charged by law with the safe-keeping, transfer, and disbursement of the public moneys, other than those connected with the Post-Office Department, are required to keep an accurate entry of each sum received and of each payment or transfer.

6 Aug., 1846, c. 90, s. 10, v. 9, p. 63.

Public moneys in Treasury and depositories subject to draft of Treasurer.

SEC. 3644. All moneys paid into the Treasury of the United States shall be subject to the draft of the Treasurer. And for the purpose of payments on the public account the Treasurer is authorized to draw upon any of the depositaries, as he may think most conducive to the public interest and to the convenience of the public creditors. Each depositary so drawn upon shall make returns to the Treasury and Post-Office Departments of all moneys received and paid by him, at such times and in such forms as shall be directed by the Secretary of the Treasury or the Postmaster-General.

6 Aug., 1846, c. 90, s. 10, v. 9, p. 61.

Regulations for presentment of drafts.

SEC. 3645. It shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts, for payment, at the place where payable, and to prescribe the time, according to the different distances of the depositaries from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper; but, in all these regulations and directions, it shall be his duty to guard, as far as may be, against those drafts being used or thrown into circulation as a paper currency or a medium of exchange. [See §§ 5495, 5496.]

Ibid., s. 31, p. 65.

Duplicates for lost or stolen checks authorized.

SEC. 3646. Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of one thousand dollars.

2 Feb., 1872, c. 12, s. 1, v. 17, p. 29.

Duplicate check when officer who issued is dead.

7 Feb., 1872, c. 12, s. 2, v. 17, p. 29.

SEC. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued, is dead, or no longer in the service of the United States, it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury shall prescribe, to state an account in favor of the owner of such original check for the amount thereof, and to charge such amount to the account of such officer or agent.

Advances of public moneys prohibited.

31 Jan., 1823, c. 9, s. 1, v. 3, p. 723.

Williams *v.* U.S., 1 How., 290; The Floyd Acceptances, 7 Wall., 666; U. S. *v.* Cutter, 2 Curt., 617.

SEC. 3648. No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected. [See § 1568.]

Examination of depositaries.

6 Aug., 1846, c. 90, s. 11, v. 9, p. 62.
3 *Mar.*, 1875, c. 129, *v.* 18, *p.* 355.

SEC. 3649. The Secretary of the Treasury is authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositaries; and for that purpose to appoint special agents, as occasion may require, with such compensation, not exceeding six dollars per day and traveling expenses, as he may think reasonable, to be fixed and declared at the time of each appointment. The agent selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby.

Examination of accounts of custodians of public moneys.

6 Aug., 1846, c. 90, s. 12, v. 9, p. 62.

SEC. 3650. In addition to the examinations provided for in the preceding section, it shall be the duty of each naval officer and surveyor, as a check upon the assistant treasurers, or the collector of the customs, of their respective districts; of each register of a land-office, as a check upon the receiver of his land-office; and of the director and superintendent of each mint and branch-mint, when separate officers, as a check upon the treasurers, respectively, of the mints, or the persons acting as such, at the close of each quarter of the year, and as much oftener as they are directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the assistant treasurers, collectors, receivers of land-offices, treasurers of the Mint and each branch-mint, and persons acting as such, and to make a full, accurate, and faithful return of their condition to the Secretary of the Treasury.

Exchange of funds restricted.

6 Aug., 1846, c. 90, s. 20, v. 9, p. 64.
22 Feb., 1862, c. 33, s. 1, v. 12, p. 345.
11 July, 1862, c. 142, s. 1, v. 12, p. 532.
3 Mar., 1863, c. 73, s. 3, v. 12, p. 710.
3 June, 1864, c. 106, s. 23, v. 13, p. 106.

U. S. *v.* City Bank, 6 McLean, 130.

SEC. 3651. No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper Department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust

and the performance of his duties, as the President may deem just and proper.

Premium on sales of public moneys to be accounted for.

SEC. 3652. No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.

6 Aug., 1846, c. 90, s. 21, v. 9, p. 65.

Expenses of fiscal agents.

SEC. 3653. The officers, respectively, whose duty it is made by this Title to receive, keep, or disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fire-proof chests or vaults, or other necessary expenses of safe-keeping, transferring, or disbursing the moneys; but all such expenses of every character shall be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, shall be strictly followed by all the officers.

6 Aug., 1846, c. 90, s. 13, v. 9, p. 62. 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 355.

Limit upon extra compensation for making disbursements.

SEC. 3654. No extra compensation exceeding one-eighth of one per centum shall in any case be allowed or paid to any officer, person, or corporation for disbursing moneys appropriated to the construction of any public building.

3 Mar., 1869, c. 123, v. 15, p. 312. 3 *Mar.*, 1875, *c.* 131, *v.* 18, *p.* 415.

Compensation of depositaries.

SEC. 3655. The depositaries which have been or may be designated by the Secretary of the Treasury to receive payments and give receipts or certificates of deposit for public money from miscellaneous sources, other than the transactions of the respective offices for which they are or may be commissioned, may be paid in full compensation for receiving, safely keeping, and paying out such public money, at the rate of one-half of one per centum for the first one hundred thousand dollars; one-fourth of one per centum for the second one hundred thousand dollars; and one-eighth of one per centum for all sums over two hundred thousand dollars. Any sum which may have been allowed to such depositary for rent or any other contingent expenses in respect to the custody of such public money shall be deducted from such compensation, before any payment shall be made therefor.

2 Mar., 1853, c. 89, s. 1, v. 10, p. 172. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 96. 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 355.

Bachelor's Case, 8 C. Cls., 235.

Limit upon compensation.

SEC. 3656. No compensation shall be allowed for the services mentioned in the preceding section, when the emoluments of the office of which the designated depositary is in commission amount to the maximum compensation fixed by law; nor shall the amount allowed to any of the designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law.

2 Mar., 1853, c. 89, s. 1, v. 10, p. 172. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 96. 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 355.

Collectors to act as disbursing agents.

SEC. 3657. The collectors of customs in the several collection-districts are required to act as disbursing agents for the payment of all moneys that are or may hereafter be appropriated for the construction of custom-houses, court-houses, post-offices, and marine hospitals; with such compensation, not exceeding one-quarter of one per centum, as the Secretary of the Treasury may deem equitable and just. [See § 255.]

12 June, 1858, c. 154, s. 17, v. 11, p. 327.

Appointment of special disbursing agents, where no collector is authorized.

SEC. 3658. Where there is no collector at the place of location of any public work specified in the preceding section, the Secretary of the Treasury may appoint a disbursing agent for the payment of all moneys appropriated for the construction of any such public work, with such compensation as he may deem equitable and just.

28 July, 1866, c. 302, v. 14, p. 341.

Investment of trust-funds.

SEC. 3659. All funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, shall be invested in stocks of the United States, bearing a rate of interest not less than five per centum per annum.

11 Sept., 1841, c. 25, s. 2, v. 5, p. 465.

TITLE XLI.

APPROPRIATIONS.

Sec.
3660. Manner of communicating estimates.
3661. Estimates for printing and binding.
3662. Estimates for salaries.
3663. Requisites of estimates for appropriations for public works.
3664. What additional explanations are required.
3665. Amount of outstanding appropriation to be designated.
3666. Items of expenditure to be specified in estimates and accounts.
3667. Estimates of claims, &c., on Navy pension-fund.
3668. Estimates by Postmaster-General.
3669. Estimates to be submitted to Congress.
3670. What statements shall accompany estimates.
3671. Estimates of expenses of collecting internal revenue.
3672. Sales of public property to be included in book of estimates.
3673. Drafts for War and Navy Departments.
3674. Restriction of payments on account of postal service.
3675. Form of drawing and charging warrants.
3676. Appropriations for Navy controlled by Secretary; for each Bureau to be kept separately.
3677. Appropriations for Department of Agriculture, how controlled.
3678. Application of moneys appropriated.
3679. No expenditures beyond appropriations.
3680. Restrictions on appropriations for contingent expenses of Congress.
3681. Expenses of commissions and inquiries.
3682. Contingent, &c., expenses.
3683. Restriction on purchasing from contingent fund.
3684. Buildings under Department of the Treasury.
3685. Light-houses.
3686. Foreign hydrographic surveys.
3687. Collecting revenue from customs.
3688. Public debt, interest on.
3689. Permanent indefinite appropriations.
3690. Expenditure of balances of appropriations.
3691. Disposal of balances after two years.
3692. Proceeds of certain sales of material.

Manner of communicating estimates.

26 Aug., 1842, c. 202, s. 14, v. 5, p. 525.
3 *Mar.*, 1875, *c.* 129, *s.* 3, *r.* 18, *p.* 370.

SEC. 3660. The heads of Departments, in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

Estimates for printing and binding.

8 May, 1872, c. 140, s. 2, v. 17, p. 82.

SEC. 3661. The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Congressional Printing-Office for the use of his Department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Congressional Printer."

Estimates for salaries.

3 Mar., 1855, c. 175, s. 8, v. 10, p. 670.

SEC. 3662. All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution.

Requisites for estimates for appropriation for public works.

17 June, 1844, c. 105, s 2, v. 5, p. 693.
3 Mar., 1855, c. 175, s. 8, v. 10, p. 670.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 249.

SEC. 3663. Whenever any estimate submitted to Congress by the head of a Department asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full [*plan*] [plans] and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the cur-

rent year for which such estimate is made. And if the amount asked is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated. [See § 3734.]

What additional explanations are required.

17 June, 1844, c. 105, s. 2, v. 5, p. 693.
3 Mar., 1855, c. 175, s. 8, v. 10, p. 670.

SEC. 3664. Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.

Amount of outstanding appropriations to be designated.

2 June, 1858, c. 82, s. 2, v. 11, p. 308.

SEC. 3665. The head of each Department, in submitting to Congress his estimates of expenditures required in his Department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure.

Items of expenditure to be specified in estimates and accounts.

22 June, 1860, c. 181, s. 1, v. 12, p. 81.

SEC. 3666. The estimates for expenditures required by the Department of the Navy for the following purposes shall be given in detail, and the expenditures made under appropriations therefor shall be accounted for so as to show the disbursements of each Bureau under each respective appropriation:

First. Freight and transportation.
Second. Printing and stationery.
Third. Advertising in newspapers.
Fourth. Books, maps, models, and drawings.
Fifth. Purchase and repair of fire-engines and machinery.
Sixth. Repairs of and attending to steam-engines in navy-yards.
Seventh. Purchase and maintenance of horses and oxen, and driving teams.
Eighth. Carts, timber-wheels, and the purchase and repair of workmen's tools.
Ninth. Postage of public letters.
Tenth. Fuel, oil, and candles for navy-yards and shore-stations.
Eleventh. Pay of watchmen and incidental labor not chargeable to any other appropriation.
Twelfth. Transportation to, and labor attending the delivery of provisions and stores on foreign stations.
Thirteenth. Wharfage, dockage, and rent.
Fourteenth. Traveling expenses of officers and others under orders.
Fifteenth. Funeral expenses.
Sixteenth. Store and office rent, fuel, commissions, and pay of clerks to navy-agents and store-keepers.
Seventeenth. Flags, awnings, and packing-boxes.
Eighteenth. Premiums and other expenses of recruiting.
Nineteenth. Apprehending deserters.
Twentieth. Per-diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law.
Twenty-first. Pilotage and towage of vessels, and assistance to vessels in distress.
Twenty-second. Bills of health and quarantine expenses of vessels of the United States Navy in foreign ports.

Estimate of claims, &c., on Navy pension fund.

17 July, 1870, c. 238, v. 16, p. 222.

SEC. 3667. The Secretary of the Navy shall annually submit to Congress estimates of the claims and demands chargeable upon and payable out of the naval pension fund.

Estimates by Postmaster-General.

8 June, 1872, c. 335, s. 9, v. 17, p. 286.

SEC. 3668. The Postmaster-General shall submit to Congress at each annual session an estimate of the amount that will be required for the ensuing fiscal year, under each of the following heads:

First. Transportation of the mails.
Second. Compensation of postmasters.

Third. Compensation of clerks in post-offices.
Fourth. Compensation of letter-carriers.
Fifth. Compensation of blank-agents and assistants.
Sixth. Mail depredations and special agents.
Seventh. Postage-stamps and envelopes.
Eighth. Ship, steamboat, and way letters.
Ninth. Dead letters.
Tenth. Mail-bags.
Eleventh. Mail locks, keys, and stamps.
Twelfth. Wrapping-paper.
Thirteenth. Office-furniture.
Fourteenth. Advertising.
Fifteenth. Balances to foreign countries.
Sixteenth. Rent, light, and fuel for post-offices.
Seventeenth. Stationery.
Eighteenth. Miscellaneous.

Such estimates shall show the sums paid under each head, and the names of the persons to whom payments are made out of the miscellaneous fund; but the names of persons employed in detecting depredations on the mail, and of other confidential agents, need not be disclosed.

Estimates to be submitted to Congress.

SEC. 3669. All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the book of estimates prepared under his direction.

2 Sept., 1789, c. 12, s. 2, v. 1, p. 65. 10 Mar., 1800, c. 58, v. 2, pp. 79, 80. 7 Jan., 1846, Res. 2, v. 9, p. 108. 4 Aug., 1854, c. 242, s. 15, v. 10, p. 573. 18 May, 1865, c. 85, s. 4, v. 14, p. 49. 20 *June*, 1874, c. 328, v. 18, *pp.* 96, 109, 111. 3 *Mar.*, 1875, c. 129, v. 18, *pp.* 355, 370. 15 *Aug.*, 1876, c. 289, s. 4, v. 19, *p.* 200.

What statements shall accompany estimates.

SEC. 3670. The Secretary of the Treasury shall annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year, which may have been made by former acts.

1 May, 1820, c. 52, s. 8, v. 3, p. 568. 20 *June*, 1874, c. 328, v. 18, *p.* 96.

Estimates of expenses of collecting internal revenue.

SEC. 3671. The Commissioner of Internal Revenue shall estimate in detail, by collection-districts, the expense of assessing and the expense of the collection of internal revenue, and submit the same to Congress at the commencement of each regular session.

3 May, 1869, c. 121, s. 1, v. 5, p. 290.

Statement of proceeds of sales of old material.

SEC. 3672. A detailed statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind [except materials, stores, or supplies sold to officers and soldiers of the Army, or to exploring or surveying expeditions authorized by law] shall be included in the appendix to the book of estimates

8 May, 1872, c. 140, s. 5, v. 17, p. 83. 27 *Feb.*, 1877, c. 69, v. 19, *p.* 249.

Drafts for War and Navy Departments.

SEC. 3673. All moneys appropriated for the use of the War and Navy Departments shall be drawn from the Treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those Departments, respectively, countersigned by the Second Comptroller of the Treasury, and registered by the proper Auditor. [See § 278, 277.]

3 Mar., 1817, c. 45, ss. 5, 9, v. 3, p. 367. 7 May, 1822, c. 90, 3, v. 3, p. 689. 4 *Mar.*, 1874, c. 44, v. 18, *p.* 19.

Restriction on payments on account of the postal service.

SEC. 3674. Payments of money out of the Treasury on account of the postal service shall be in pursuance of appropriations made by law, by warrants of the Postmaster-General, registered and countersigned by the Auditor for the Post-Office Department, and expressing on their face the appropriation to which they should be charged.

8 June, 1872, c. 355, s. 47, v. 17, p. 291.

Form of drawing and charging warrants.

SEC. 3675. All warrants drawn by the Secretary of the Treasury, upon the Treasurer of the United States, shall specify the particular appropriation to which the same should be charged; and the moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation in the books of the Secretary, First Comptroller, and Register.

2 Sept., 1789, c. 13, s. 6, v. 1, p. 67. 3 Mar., 1809, c. 28, s. 1, v. 2, p. 535.

Appropriation for Navy controlled by

SEC. 3676. All appropriations for specific, general, and contingent expenses of the Navy Department shall be under the control and ex-

pended by the direction of the Secretary of the Navy, and the appropriation for each Bureau shall be kept separate in the Treasury.

Secretary; for each Bureau to be kept separately.

5 July, 1862, c. 134, s. 5, v. 12, p. 511.

SEC. 3677. The Commissioner of Agriculture shall direct and superintend the expenditure of all money appropriated to the Department and render accounts thereof.

For Department of Agriculture, how controlled.

15 May, 1862, c. 72, s. 3, v. 12, p. 388.

SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

Applications of moneys appropriated.

3 Mar., 1809, c. 28, s. 1, v. 2, p. 535. 12 Feb., 1868, c. 8, s. 2, v. 15, p. 36.

SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations. [See §§ 3733, 5503, 3732.]

No expenditures beyond appropriations.

12 July, 1870, c. 251, s. 7, v. 16, p. 251.

22 *June*, 1874, *c.* 388, *v.* 18, *p.* 144.

The deficiency bill for 1874, c. 388, v. 18, p. 144, provided that thereafter no contract should be made for the rent of any building, or part of any building, in Washington, not now in use by the Government, to be used for the purposes of the Government until an appropriation therefor shall have been made in terms by Congress.

SEC. 3680. No part of the appropriations which may be at any time made for the contingent expenses of either House of Congress shall be applied as extra allowance to any clerk, messenger, or attendant of the two Houses, or either of them, or as payment or compensation to any clerk, messenger, or other attendant of the two Houses, or either of them, unless such clerk, messenger, or other attendant be so employed by a resolution of one of the Houses; or to any other than the ordinary expenditures of the Senate and House of Representatives.

Restrictions on use of appropriations for contingent expenses of Congress.

3 Mar., 1845, c. 71, s. 2, v. 5, p. 763.

12 June, 1858, c. 154, s. 5, v. 11, p. 326.

SEC. 3681. No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President.

Expenses of commissions and inquiries.

26 Aug., 1842, c. 202, s. 25, v. 5, p. 533.

SEC. 3682. No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation.

Restrictions, on contingent, &c., appropriations.

12 July, 1870, c. 251, s. 3, v. 16, p. 250.

SEC. 3683. No part of the contingent fund appropriated to any Department, Bureau, or office, shall be applied to the purchase of any articles except such as the head of the Department shall deem necessary and proper to carry on the business of the Department, Bureau, or office, and shall, by written order, direct to be procured.

Upon purchases from contingent funds.

26 Aug., 1842, c. 202, s. 19, v. 5, p. 527.

SEC. 3684. All appropriations for public buildings under the control of the Treasury Department shall be available immediately upon the approval of the act containing such appropriations. [See §§ 355, 3733, 5503.]

Buildings under control of Treasury Department.

10 June, 1872, c. 415, s. 1, v. 17, p. 352.

SEC. 3685. Appropriations for establishing light-houses shall be available for expenditure for two years after acts of State legislatures ceding jurisdiction over sites take effect. This section shall not, however, apply to general appropriations for light-house purposes. In no case shall any special appropriation be available for more than two years without further provision of law. [See § 355.]

Light-houses.

10 June, 1872, c. 415, s. 1, v. 17, p. 355.

SEC. 3686. All appropriations made for the preparation or publication of foreign hydrographic surveys shall only be applicable to their object, upon the approval by the Secretary of the Navy, after a report from three competent naval officers, to the effect that the original data for proposed charts are such as to justify their publication; and it is hereby made the

Foreign hydrographic surveys.

21 Feb., 1861, c. 49, s. 7, v. 12, p. 150.

duty of the Secretary of the Navy to order a board of three naval officers to examine and report upon the data, before he shall approve of any application of money to the preparation or publication of such charts or hydrographic surveys.

PERMANENT ANNUAL APPROPRIATIONS.

Collecting revenue from customs.

3 Mar., 1871, c. 115, s. 2, v. 16, p. 521.

SEC. 3687. There is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of two million seven hundred and fifty thousand dollars, for the expenses of collecting the revenue from customs for each half year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services.

Public debt.

14 July, 1870, c. 256, s. 6, v. 16, pp. 273, 274.

SEC. 3688 There is appropriated annually, out of the receipts for duties on imported merchandise, a sum, for the payment of the public debt, equal to the interest on all bonds belonging to the sinking fund.

Permanent indefinite appropriations.

SEC. 3689. There are appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes hereinafter specified, such sums as may be necessary for the same respectively; and such appropriations shall be deemed permanent annual appropriations.

MISCELLANEOUS.

3 Mar., 1871, c. 116, ss. 5, 6, v. 16, p. 525.

Salaries and expenses southern claims commission:

To pay the salaries and actual expenses of office-rent, furniture, fuel, stationery, and printing of the southern claims commission.

EXECUTIVE.

UNDER THE TREASURY DEPARTMENT.

12 Mar., 1863, c. 120, s. 3, v. 12, p. 820.

Return of the proceeds of captured and abandoned property:

For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts, to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property.

U. S. *v.* O'Grady, 22 Wall., 641; U. S. *v.* Villalonga, 23 Wall., 35; Spencer *v.* U. S., 91 U. S., 577; Lamar Ex. *v.* Browne et al., 92 U. S., 187.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Consular receipts:

For the proceeds of the personal estates of American citizens who die abroad, to be paid to the legal representatives of the said deceased party upon proper demand and proof.

9 May, 1872, c. 145, s. 2, v. 17, p. 89.

8 June, 1872, c. 337, s. 9, v. 17, p. 332.

10 June, 1872, c. 415, s. 7, v. 17, p. 369.

Payment for land sold for direct taxes:

To repay to purchasers evicted through failure of title from lands sold to them in insurrectionary districts for direct taxes.

Payment for coin, &c., destroyed at Chicago:

For the adjustment of the accounts of the collector of customs and ex-officio depositary at Chicago, to allow him a proper credit for moneys held by him and destroyed by fire in said city on the ninth and tenth days of October, eighteen hundred and seventy-one.

3 Mar., 1865, c. 87, s. 7, v. 13, p. 502.

Refunding money for lands redeemed, (direct-tax laws:)

For refunding the principal and interest of the purchase-money of lands redeemed after the sale of the same, under "An act further to amend an act entitled 'An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes,' approved June 7, 1862."

25 Feb., 1867, Res. 28, s. 4, v. 14, p. 568.

Refunding taxes illegally collected under the direct-tax laws:

To refund to persons money collected from them without warrant of law, as in payment of dues under the direct-tax laws.

25 Feb., 1871, c. 100, s. 66, v. 16, p. 458.

Salaries and expenses of steamboat inspectors:

Out of the revenues received into the Treasury from the inspection of steam-vessels and the licensing of the officers of such vessels; for the

payment of the salaries of all supervising inspectors, local inspectors, assistant inspectors, supervising inspector-general, and clerks, together with their traveling and other expenses when on official duty, and for all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of Title "REGULATION OF STEAM-VESSELS."

Interest on the public debt:

For payment of interest on the public debt, under the several acts authorizing the same. 9 Feb., 1847, c. 7, v. 9, p. 123.

Bonds issued to Pacific Railway:

For payment of interest on bonds issued by authority of law to Pacific Railway. Ibid. 1 July, 1862, c. 120, s. 5, v. 12, p. 492.

2 July, 1864, c. 216, ss. 7, 8, v. 13, p. 359.—U. S. *v.* U. P. Railway, 91 U. S., 72.

Expenses of national loan:

To pay the expenses of the issue, re-issue, transfer, delivery, redemption, and destruction of securities, legal-tender notes, fractional currency, checks, certificates, commissions, and for any plate and seal engraving and printing required by the Treasury Department, one per centum of the amount of legal-tender notes, fractional currency, and securities issued during each fiscal year. 23 May, 1872, c. 197, v. 17, p. 156. 20 *June*, 1874, *c.* 328, *v.* 18, *p.* 109.

Refunding the national debt:

Of one-half of one per centum of the amount of bonds authorized under the act of July fourteen, eighteen hundred and seventy, to pay the expenses of preparing, issuing, and disposing of the same. 14 July, 1870, c. 256, s. 2, v. 16, p. 272. 20 June, 1871, c. 23, v. 16, p. 399.

Sinking fund:

Of one per centum of the entire debt of the United States, to be set apart as a sinking fund for the purchase or payment of the public debt, in such manner as the Secretary of the Treasury shall from time to time direct. 25 Feb., 1862, c. 33, s. 5, v. 12, p. 346.

Refunding moneys erroneously received and covered:

To refund moneys received and covered into the Treasury before the payment of legal and just charges against the same. 23 July, 1866, c. 208, s. 12, v. 14, p. 208.

Compensation of persons employed in insurrectionary States, (internal revenue:) 15 July, 1870, c. 292, s. 11, v. 16, p. 310.

To pay such persons as were actually employed in the insurrectionary States, in connection with the Treasury Department, as officers of the United States, during the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

Allowances and drawbacks, (internal revenue:)

Indefinite appropriation to pay allowance or drawback on articles on which any internal duty or tax shall have been paid when said articles are exported under [*the act of July one, eighteen hundred and sixty-two, chapter one hundred and nineteen*] [section three thousand four hundred and forty-one.] [See §§ 3441, 5596.] 1 July, 1862, c. 117, s. 116, v. 12, p. 488. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

Refunding taxes illegally collected, (internal revenue:)

To refund and pay back duties erroneously or illegally assessed or collected under the internal-revenue laws. 30 June, 1864, c. 173, s. 44, v. 13, p. 239.

Clinkenbeard et al. *v.* U. S., 21 Wall., 65.

Redemption of stamps, (internal revenue:)

Of such sum of money as may be necessary to repay the amount or value paid for internal-revenue stamps which may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or which through mistake may have been improperly or unnecessarily used. Ibid., s. 161, v. 13, p. 294. 6 June, 1872, c. 315, s. 41, v. 17, p. 257.

Debentures and other charges, (customs:)

To pay debentures and other charges arising from duties, the revenue remaining in the hands of the collecting officers not being sufficient to pay said debentures. 16 Oct., 1837, c. 10, s. 2, v. 5, p. 207.

Debentures and drawbacks, (customs:)

For the payment of debentures or drawbacks, bounties, and allowances, which are or may be authorized and payable according to laws authorizing them: *Provided*, The collectors of customs shall be the disbursing agents to pay the same. 3 Mar., 1849, c. 110, s. 2, v. 9, p. 398.

2 Mar., 1867, c. 108, s. 1, v. 14, p. 546.
22 *June*, 1874, c. 391, *s.* 3, *v.* 18, *p.* 186.
30 June, 1864, c. 171, s. 16, v. 13, p. 215.

Distributive shares of fines, penalties, and forfeitures, (customs:)
For the payment, under the direction of the Secretary of the Treasury, of the distributive shares of fines, penalties, and forfeitures under the customs laws.

Repayment of excess of deposits for unascertained duties, (customs:)
To repay to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest.

28 Mar., 1854, c. 30, s. 8, v. 10, p. 273.
3 Mar., 1865, c. 80, s. 13, v. 13, p. 495.

Refunding duties on goods destroyed, (customs:)
For refunding duties paid or accruing on goods, wares, or merchandise injured or destroyed by accidental fire or other casualty, while in the custody of the officers of customs, in any public or private warehouse, or in the appraisers' stores undergoing appraisal, in pursuance of law or regulations of the Treasury Department, or after their arrival within the limits of any port of entry of the United States, and before the same have been landed under the supervision of the officers of the customs, or while in transportation under bond from the port of entry to any other port of the United States.

16 July, 1798, c. 77, s. 1, v. 1, p. 605.
2 Mar., 1799, c. 36, ss. 1, 2, v. 1, p. 729.
3 Mar., 1802, c. 51, s. 1, v. 2, p. 192.
1 Mar., 1843, c. 49, v. 5, p. 602. 20 July, 1846, c. 60, s. 1, v. 9, p. 38. 29 June, 1870, c. 169, ss. 5, 6, v. 16, p. 170.

Marine-hospital establishment, (customs:)
Of the moneys collected from masters or owners of vessels of the United States, at the rate of forty cents per month for every seaman employed, to constitute a general fund to be used for the benefit and convenience of sick and disabled American seamen.

20 April, 1866, c. 63, s. 1, v. 14, p. 40.

Of the proceeds of leases and sales of marine-hospital buildings, and lands appertaining thereto, for the marine-hospital establishment.

3 Mar., 1871, c. 114, s. 4, v. 16, p. 514.
6 June, 1872, c. 315, s. 11, v. 17, p. 238.
10 June, 1872, c. 425, v. 17, p. 381.

Refunding duties, (customs:)
To refund to parties entitled to refund of duties, under the twenty-sixth section of the act of July fourteen, eighteen hundred and seventy, and joint resolution approved January thirty, eighteen hundred and seventy-one.

2 April, 1844, c. 8, s. 2, v. 5, p. 653.

Refunding proceeds of goods seized and sold, (customs:)
To refund the proceeds of goods, wares, and merchandise seized and sold for having been illegally imported into the United States.

2 Mar., 1799, c. 22, s. 56, v. 1, p. 670.

Refunding proceeds of unclaimed merchandise, (customs:)
To repay to claimants the overplus received from the sale of unclaimed merchandise, on due proof of their property and entitlement.

1 May, 1872, c. 131, s. 1, v. 17, p. 59.

Refunding duty on tea and coffee, (customs:)
To refund the duties which may have been paid on all tea and coffee in bonded warehouses on the first day of July, eighteen hundred and seventy-two.

5 April, 1872, c. 88, s. 2, v. 17, p. 51.

Drawback on certain articles imported into the district of Chicago, (customs:)
For the payment of a drawback of the import duties paid on all materials, except lumber, imported to be and actually used in buildings erected on the site of buildings burned by the fire in Chicago.

14 Feb., 1873, c. 137, v. 17, p. 437.

Refunding certain discriminating duties, (customs:)
To refund the duties which may have been paid under the provisions of section twenty-five hundred and two on merchandise imported in French vessels from countries other than France, and which was on shipboard and bound to the United States on the fifth day of November, eighteen hundred and seventy-two.

UNDER THE WAR DEPARTMENT.

28 July, 1866, c. 296, s. 12, v. 14, p. 322.
22 April, 1872, c. 114, v. 17, p. 55.
18 *June*, 1874, c. 303, *r.* 18, *p.* 79.

Bounty to soldiers:
For payment of bounties to soldiers, or their widows or legal heirs, under the twelfth, thirteenth, fourteenth, fifteenth, and sixteenth sections of "An act making appropriations for sundry civil expenses of the Government for the year ending June thirty, eighteen hundred and sixty-seven, and for other purposes."

Philbrook *v.* U. S., 8 C. Cls., 523.

Support of National [*Asylum*] [Home] for Disabled Volunteer Soldiers: 21 Mar., 1866, c. 21, s. 5, v. 14, p. 10. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417. 18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 319.

Of all stoppages or fines adjudged against volunteer officers and soldiers by sentence of court-martial or military commission, over and above the amount necessary for the re-imbursement of the Government or individuals, all forfeitures on account of desertion from such service, and all moneys due such deceased officers and soldiers which are or may be unclaimed for three years after the death of such officers and soldiers, to be repaid upon the demand of the heirs or legal representatives of such deceased officers and soldiers, to be used for the establishment and support of the National [*Asylum*] [Home] for Disabled Volunteer Soldiers. [See § 4825.]

Soldiers' Home: 3 Mar., 1851, c. 25, s. 7, v. 9, p. 596. 5 July, 1862, c. 133, s. 2, v. 12, p. 508.

Of all stoppages or fines adjudged against soldiers by sentence of court-martials, over and above any amount that may be due for the re-imbursement of Government or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which now are or may hereafter be unclaimed for the period of three years subsequent to the death of said soldier or soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased.

Horses and other property lost in military service: 3 Mar., 1849, c. 129, ss. 2, 6, v. 9, pp. 415, 416. 3 Mar., 1863, c. 78, s. 5, v. 12, p. 743.

To pay for horses, mules, oxen, wagons, carts, sleighs, harness, steamboats, and other vessels, railroad-engines and railroad-cars, killed, lost, captured, destroyed, or abandoned while in the military service under the provisions of Title "DEBTS DUE BY OR TO THE UNITED STATES."

Payment to certain military organizations in Kansas: 12 April, 1871, c. 12, ss. 1, 2, v. 17, pp. 641, 642.

To pay to the members of the military organizations known as the Westport Police Guards, Hickman's Mills Company, and Companies A, B, C, D, and E, of the Kansas City Station Guards, under private act of April twelve, eighteen hundred and seventy-one, chapter twelve, the pay and allowances of volunteers in the service of the United States.

Tax on salaries: 2 Mar., 1867, c. 169, s. 13, v. 14, p. 480.

For the payment of the tax on salaries and compensation, where no other appropriation is available, in order to show the true receipts of the Government, under the operations of this section, upon the books of the Treasury Department.

Traveling expenses of California and Nevada volunteers: 2 Mar., 1867, c. 170, s. 7, v. 14, p. 487.

To pay for the traveling expenses of such California and Nevada volunteers as were discharged in New Mexico, Arizona, or Utah, and at points distant from the place or places of enlistment, such proportionate sum, according to the distance traveled, as has been paid to the troops of other States similarly situated.

Allowance for reduction of wages under eight-hour law: 18 May, 1872, c. 172, s. 2, v. 17, p. 134.

Of such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government, between the twenty-fifth day of June, eighteen hundred and sixty-eight, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the nineteenth day of May, eighteen hundred and sixty-nine, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages. [See § 3738.]

UNDER THE NAVY DEPARTMENT.

Indemnity to seamen and marines for lost clothing: 4 July, 1864, c. 248, ss. 2, 3, v. 13, p. 390.

To allow and pay to each person, not an officer, employed on a vessel of the United States, sunk or otherwise destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars. In the event of the death of the person, this sum is to be paid to his proper legal representatives.

30 June, 1864, c. 174, s. 16, v. 13, p. 311.

Prize-money to captors:

For one moiety of the proceeds of prizes captured by vessels of the United States, to be distributed to the officers and crews thereof, in conformity to the provisions of Title "PRIZE;" also, the proceeds of derelict and salvage cases adjudged by the courts of the United States to salvors.

UNDER THE INTERIOR DEPARTMENT.

30 May, 1862, c. 86, s. 10, v. 12, p. 410.
1 July, 1864, Res. 60, v. 13, p. 414.

Deposits by individuals for surveying public lands:

Of the amount deposited by individuals under the provisions of Title "THE PUBLIC LANDS," to pay the cost and expenses incident to the survey of lands, not mineral or reserved, upon which they have settled, any excess of the sums so deposited, over and above the actual cost of surveys, comprising all expenses incident thereto, for which they were severally deposited, to be repaid to the depositors, respectively.

6 Mar., 1820, c. 22, s. 6, v. 3, p. 547.
23 June, 1836, c. 121, s. 5, v. 5, p. 60.
3 Mar., 1845, c. 75, s. 1, v. 5, p. 788.
3 Mar., 1845, c. 76, s. 6, v. 5, p. 790.
6 Aug., 1846, c. 53, s. 3, v. 9, p. 179.
26 Feb., 1857, c. 60, s. 5, v. 11, p. 167.
14 Feb., 1859, c. 33, s. 4, v. 11, p. 384.
28 Feb., 1859, c. 65, s. 1, v. 11, p. 388.
21 Mar., 1864, c. 36, s. 10, v. 13, p. 32.

Five, three, and two per centum fund to States, (lands:)

To pay to the States of Missouri, Michigan, Florida, Iowa, Wisconsin, Minnesota, Oregon, and Nevada, five per centum of the net proceeds of sales of all public lands lying within their limits, for the purpose of education, or of making public roads and improvements, in pursuance of the acts of March sixth, eighteen hundred and twenty, chapter twenty-two; of June twenty-third, eighteen hundred and thirty-six, chapter one hundred and twenty-one; of March third, eighteen hundred and forty-five, chapter seventy-five; of March third, eighteen hundred and forty-five, chapter seventy-six; of August sixth, eighteen hundred and forty-six, chapter fifty-three; of February twenty-sixth, eighteen hundred and fifty-seven, chapter sixty; of February fourteenth, eighteen hundred and fifty-nine, chapter thirty-three; of February twenty-eighth, eighteen hundred and fifty-nine, chapter sixty-five; and of March twenty-first, eighteen hundred and sixty-four, chapter thirty-six.

2 Mar., 1855, c. 147, s. 2, v. 10, p. 634.

Indemnity for swamp-lands for States:

To pay to the States the proceeds of swamp-lands within their limits which may have been erroneously sold by the United States.

12 Jan., 1825, c. 5, s. 1, v. 4, p. 80.
25 Feb., 1825, c. 13, s. 3, v. 4, p. 91.
28 Feb., 1859, c. 64, s. 1, v. 11, p. 387.

Refunding money for lands erroneously sold:

To pay to the purchaser or purchasers the sum or sums of money received for lands erroneously sold by the United States.

25 Feb., 1869, c. 47, s. 2, v. 15, p. 275.

Survey of Vigil and Saint Vrain land-claims:

To pay the expenses for the survey of the Vigil and Saint Vrain land-claims.

23 Feb., 1865, c. 50, s. 2, v. 13, p. 436.

Instructing the blind:

To pay for the instruction of the indigent blind children formerly instructed in the "Columbia Institution for the Instruction of the Deaf, Dumb, and Blind," in Maryland, or some other State. [See § 4869.]

29 July, 1848, c. 118, s. 4, v. 9, p. 264.
3 Mar., 1875, c. 132, v. 18, p. 447.

Payment of interest to North Carolina Cherokees:

To pay each member of every family of the Cherokee Nation of Indians that remained in the State of North Carolina at the time of the treaty of New Echota, May twenty-third, eighteen hundred and thirty-six, interest at the rate of six per centum per annum on a sum equal to fifty-three dollars and thirty-three cents for each individual member, as aforesaid.

1 July, 1870, c. 202, s. 3, v. 16, p. 646.

Survey of the Nolan private land-claim in Colorado:

To pay the expenses for the survey of the Nolan land-claim.

10 Aug., 1846, c. 178, s. 2, v. 9, p. 102.

Smithsonian Institution:

To pay for the erection of buildings and expenses of the Smithsonian Institution, being six per centum on the fund derived from the bequest of James Smithson.

JUDICIAL.

SUPREME COURT OF THE UNITED STATES.

Salaries justices, &c., Supreme Court:
To pay the reporter of the Supreme Court for three hundred copies of the second volume of the decisions of the court. [See §§ 681, 682.]

2 Mar., 1867, c. 168, s. 10, v. 14, p. 471.

MISCELLANEOUS.

Fees of supervisors of elections:
To pay supervisors of elections compensation apart from and in excess of all fees allowed by law for the performance of any duty as circuit-court commissioner.

28 Feb., 1871, c. 99, s. 14, v. 16, p. 438.

Expenditure of balances of appropriations.

SEC. 3690. All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. [See § 3685.]

12 July, 1870, c. 251, s. 5, v. 16, p. 251

Disposal of balances after two years.

SEC. 3691. All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his Office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated.

Ibid., s. 6.
20 *June*, 1874, *c.* 328, *v.* 18, *p.* 110.

Proceeds of certain sales, &c., of material.

SEC. 3692. All moneys received from the leasing or sale of marine hospitals, or the sale of revenue-cutters, or from the sale of commissary stores to the officers and enlisted men of the Army, [or from the sale of materials, stores, or supplies sold to officers and soldiers of the Army,] or from sales of condemned clothing of the Navy, or from sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they are appropriated by law.

3 Mar., 1847, c. 48, s. 1, v. 9, p. 171.
20 April, 1866, c. 63, ss. 1, 2, v. 14, p. 40.
28 July, 1866, c. 299, s. 25, v. 14, p. 336.

8 May, 1872, c. 140, s. 5, v. 17, p. 83. 8 June, 1872, c. 348, v. 17, p. 337. 3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 388. 3 *Mar.*, 1875, *c.* 131, *v.* 18, *p.* 410. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

TITLE XLII.

THE PUBLIC DEBT.

Sec.
3693. Payment in coin.
3694. Application of coin paid for duties. Sinking-fund.
3695. Cancellation of bonds redeemed or paid.
3696. Addition to sinking-fund.
3697. Redemption of six per cent. bonds.
3698. Payment of interest.
3699. Anticipation of interest.
3700. Purchase of coin.
3701. Exemption from taxation.
3702. Duplicate for bonds destroyed, &c.
3703. Indemnity for destroyed, &c., bonds.
3704. Duplicate of lost registered bond may be issued.
3705. Indemnity for such missing bond.
3706. Exchange of registered for coupon bonds.
3707. Credit to officers for stolen notes.
3708. Imitating United States securities, or printing business cards, &c., on them; penalty.

Payment in coin.

18 Mar., 1869, c. 1, v. 16, p. 1.

SEC. 3693. The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of the interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. The faith of the United States is also solemnly pledged to make provisions at the earliest practicable period for the redemption of the United States notes in coin.

Application of coin paid for duties.

Payment of interest on public debt.

25 Feb., 1862, c. 33, s. 5, v. 12, p. 346.

SEC. 3694. The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Sinking-fund.

Second. To the purchase or payment of one per centum of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking-fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue to be paid into the Treasury.

Cancellation of bonds redeemed or paid.

14 July, 1870, c. 256, s. 6, v. 16, p. 273.

SEC. 3695. All bonds applied to the sinking-fund, and all other United States bonds redeemed or paid by the United States, shall be canceled and destroyed. A detailed record of the bonds so canceled and destroyed shall be first made in the books of the Treasury Department. The amount of the bonds of each class that have been canceled and destroyed shall be deducted respectively from the amount of each class of the outstanding debt of the United States.

Addition to sinking-fund.

Ibid.

SEC. 3696. In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the sinking-fund shall be applied, as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt.

Redemption of six per cent. bonds.

Ibid., s. 4.

SEC. 3697. The Secretary of the Treasury is authorized, with any coin in the Treasury which he may lawfully apply to such purpose, or which may be derived from the sale of any of the bonds which he may be authorized to dispose of for that purpose, to pay at par and cancel any six per centum bonds of the United States of the kind known as five-twenty bonds, which have become or shall hereafter become redeemable by the terms of their issue. But the particular bonds so to be paid and canceled shall in all cases be indicated and specified by class, date, and

number, in the order of their numbers and issue, beginning with the first numbered and issued, in a public notice to be given by the Secretary of the Treasury, and, in three months after the date of such public notice, the interest on the bonds so selected and advertised to be paid shall cease.

Payment of interest.

SEC. 3698. The Secretary of the Treasury shall cause to be paid, out of any money in the Treasury not otherwise appropriated, any interest falling due, or accruing, on any portion of the public debt authorized by law.

9 Feb., 1847, c. 7, v. 9, p. 123.

Anticipation of interest.

SEC. 3699. The Secretary of the Treasury may anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he is authorized to dispose of any gold in the Treasury of the United States, not necessary for the payment of interest of the public debt. The obligation to create the sinking-fund shall not, however, be impaired thereby.

17 Mar., 1864, Res. No. 20, v. 13, p. 404.

Purchase of coin.

SEC. 3700. The Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest.

17 Mar., 1862, c. 45, s. 1, v. 12, p. 370.

Exemption from taxation.

SEC. 3701. All stocks, bonds, Treasury notes, and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority.

25 Feb., 1862, c. 33, s. 2, v. 12, p. 346. 3 Mar., 1863, c. 73, s. 1, v. 12, p. 710. 3 Mar., 1864, c. 17, s. 1, v. 13, p. 13. 30 June, 1864, c. 172, s. 1, v. 13, p. 218. 28 Jan., 1865, c. 22, s. 1, v. 13, p. 425. 3 Mar., 1865, c. 77, s. 2, v. 13, p. 469. 14 July, 1870, c. 256, s. 1, v. 16, p. 272.—Bank *v.* Supervisors, 7 Wall., 26.

Duplicate for bonds destroyed.

SEC. 3702. Whenever it appears to the Secretary of the Treasury, by clear and unequivocal proof, that any interest-bearing bond of the United States has, without bad faith upon the part of the owner, been destroyed, wholly or in part, or so defaced as to impair its value to the owner, and such bond is identified by number and description, the Secretary of the Treasury shall, under such regulations and with such restrictions as to time and retention for security or otherwise as he may prescribe, issue a duplicate thereof, having the same time to run, bearing like interest as the bond so proved to have been destroyed or defaced, and so marked as to show the original number of the bond destroyed and the date thereof. But when such destroyed or defaced bonds appear to have been of such a class or series as has been or may, before such application, be called in for redemption, instead of issuing duplicates thereof, they shall be paid, with such interest only as would have been paid if they had been presented in accordance with such call.

1 June, 1872, c. 254, s. 1, v. 17, p. 196.

Indemnity for destroyed bond.

SEC. 3703. The owner of such destroyed or defaced bond shall surrender the same, or so much thereof as may remain, and shall file in the Treasury a bond in a penal sum of double the amount of the destroyed or defaced bond, and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim upon such destroyed or defaced bond.

Ibid., s. 2.

Duplicate of lost registered bond may be issued.

SEC. 3704. Whenever it is proved to the Secretary of the Treasury, by clear and satisfactory evidence, that any duly registered bond of the United States, bearing interest, issued for valuable consideration in pursuance of law, has been lost or destroyed, so that the same is not held by any person as his own property, the Secretary shall issue a duplicate of such registered bond, of like amount, and bearing like interest and marked in the like manner as the bond so proved to be lost or destroyed.

3 Mar., 1871, Res. 49, v. 16, p. 600.

Indemnity for missing bond.

SEC. 3705. The owner of such missing bond shall first file in the Treasury a bond in a penal sum equal to the amount of such missing bond, and the interest which would accrue thereon, until the principal thereof becomes due and payable, with two good and sufficient sureties,

Ibid.

residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost or destroyed bond.

Exchange of registered for coupon bonds.

30 June, 1864, c. 172, s. 7, v. 13, p. 220.

SEC. 3706. The Secretary of the Treasury is hereby authorized to issue, upon such terms and under such regulations as he may from time to time prescribe, registered bonds in exchange for and in lieu of any coupon-bonds which have been or may be lawfully issued; such registered bonds to be similar in all respects to the registered bonds issued under the acts authorizing the issue of the coupon-bonds offered for exchange.

Credit to officers for stolen notes.

10 Aug., 1846, c. 180, s. 2, v. 9, p. 107.

SEC. 3707. When any officer or agent duly authorized to receive, redeem, or cancel any Treasury notes issued by authority of law, shall receive, or pay, any Treasury note which has been previously received or redeemed by any officer or agent having authority to receive or redeem such note, and which has subsequently thereto been purloined and put into circulation, the Secretary of the Treasury, upon full and satisfactory proof that the same has been received or paid in good faith, and in the exercise of ordinary prudence, may allow a credit for the amount of such note, to the officer or agent so receiving or paying the same.

Imitating United States securities, or printing business cards, &c., on them; penalty.

5 Feb., 1867, c. 26, ss. 2, 3, v. 14, p. 383.

SEC. 3708. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, fractional note, or other obligation or security of the United States which has been or may be issued under or authorized by any act of Congress heretofore passed or which may hereafter be passed; or to write, print, or otherwise impress upon any such instrument, obligation, or security, any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Any person violating this section shall be liable to a penalty of one hundred dollars, recoverable one-half to the use of the informer. [See §§ 5413, 5414.]

TITLE XLIII.

PUBLIC CONTRACTS.

Sec.
3709. Advertisement for proposals.
3710. Opening bids.
3711. Inspection of fuel in District of Columbia.
Appointment of inspectors, &c.
3712. Appointment of inspectors, &c., to be notified to accounting officers.
3713. No payment without certificates.
3714. Contracts for the military or naval service, how controlled.
3715. Contracts for Army subsistence.
3716. Advertisements for contracts for supplies for Quartermaster's Department.
3717. Separate proposals for works, &c., required.
3718. Naval supplies to be furnished by contract.
3719. Guarantee.
3720. Record of bid and report to Congress.
3721. Purchase without advertisements.
3722. What bids may be rejected, &c.
Opening bids.
3723. Contracts for foreign supplies for the Navy.
3724. Rejection of excessive bids.
3725. Hemp.
3726. Preserved meats, &c.
3727. Flour and bread.
3728. Home manufactures to be preferred.
3729. Bunting.
3730. Relinquishment of reservations on deliveries.
3731. Name of contractor to appear on supplies.
3732. Unauthorized contracts prohibited.
3733. No contract to exceed appropriation.
3734. Restrictions on commencement of new buildings.
3735. Contracts limited to one year.
3736. Restriction on purchases of land.
3737. No transfer of contract.
3738. Eight hours to be a day's work.
3739. Members of Congress not to be interested in contracts.
3740. What interest members of Congress may have.
3741. Stipulation that no member of Congress has an interest.
3742. Penalty against officer for making contract with a member of Congress.
3743. Deposit of contracts.
3744. Contracts to be in writing.
3745. Oath to contract.
3746. Penalty for omitting returns.
3747. Instructions.

Advertisements for proposals.

2 Mar., 1861, c. 84, s. 10, v. 12, p. 220.
22 *June*, 1874, c. 389, *r.* 18, *p.* 177.

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

U. S. *v.* Speed, 8 Wall., 77; Childs *v.* U. S., 4 C. Cls., 176;

Mason *v.* U. S., 4 C. Cls., 495; Wentworth *v.* U. S., 5 C. Cls., 302; Harvey *v.* U. S., 8 C. Cls., 501; Thompson's Case, 9 C. Cls., 187.

Opening bids.

31 Jan., 1868, Res. 8, v. 15, p. 246.

SEC. 3710. Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.

Inspection of fuel in District of Columbia.

11 July, 1870, c. 243, s. 1, v. 16, p. 229.

SEC. 3711. It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made. The person so appointed shall, before entering upon the duty of inspector, weigher, and measurer, and to the satisfaction of the appointing officer, give bond, with not less than two sureties, in the penal sum of five thousand dollars, and with condition that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. The inspector, weigher, and measurer so appointed

Appointment of inspectors, &c.

shall be entitled to receive from the venders of fuel weighed and measured by him twenty cents for each ton of coal weighed, and nine cents for each cord of wood measured by him. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.

Appointments to be notified to accounting officer.

Ibid., s. 2.

SEC. 3712. The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section.

No payment without certificate.

Ibid.

SEC. 3713. It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer.

Contracts for the military or naval service, how controlled.

16 July, 1798, c. 85, s. 3, v. 1, p. 610. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 249.

U. S. *v.* Adams, 7 Wall., 463; Parish *v.* U. S., 8 Wall., 489.

SEC. 3714. All purchases and contracts for supplies or services for the military and naval service shall be made by or under the direction of the chief officers of the Departments of War and of the Navy, respectively. [And all agents or contractors for supplies or service as aforesaid shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject, nevertheless, to the inspection and revision of the officers of the Treasury in the manner before prescribed.] [See §§ 512-515.]

Contracts for Army subsistence.

14 April, 1818, c. 61, s. 7, v. 3, p. 427. 3 Mar., 1835, c. 49, s. 1, v. 4, p 780.

2 Mar., 1861, c. 84, s. 10, v. 12, p. 220; Harvey *v.* U. S., 8 C. Cls., 501.

SEC. 3715. Contracts for subsistence supplies for the Army, made by the Commissary-General, on public notice, shall provide for a complete delivery of such articles, on inspection, at such places as shall be stipulated.

Advertisements for supplies for Quartermaster's Department.

13 July, 1866, c. 176, s. 4, v. 14, p. 92.

McKee's Case, 12 C. Cls., 504.

SEC. 3716. The Quartermaster's Department of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal, and that such preference shall be given to articles of American production and manufacture produced on the Pacific coast, to the extent of the consumption required by the public service there. In advertising for Army supplies the Quartermaster's Department shall require all articles which are to be used in the States and Territories of the Pacific coast to be delivered and inspected at points designated in those States and Territories; and the advertisements for such supplies shall be published in newspapers of the cities of San Francisco, in California, and Portland, in Oregon.

Separate proposals required for works, &c.

23 June, 1866, c. 138, s. 3, v. 14, p. 73.

SEC. 3717. Whenever the Secretary of War invites proposals for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work.

Naval supplies to be furnished by contract.

3 Mar., 1843, c. 83, v. 5, p. 617. 28 Sept., 1850, c. 80, s. 1, v. 9, p. 513. 5 Aug., 1854, c. 268, s. 1, v. 10, p. 585. 17 April, 1866, c. 45, s. 4, v. 14, p. 38.

SEC. 3718. All provisions, clothing, hemp, and other materials of every name and nature, for the use of the Navy, and the transportation thereof, when time will permit, shall be furnished by contract, by the lowest bidder, as follows: In the case of provisions, clothing, hemp, and other materials, the Secretary of the Navy shall advertise, once a week, for at least four weeks, in one or more of the principal papers published in the place where such articles are to be furnished, for sealed proposals for furnishing the same, or the whole of any particular class thereof, specifying the classes of materials and referring bidders to the several chiefs of Bureaus, who will furnish them with printed schedules, giving a full description of each and every article, with dates of delivery, and so forth. In the case of transportation of such articles, he shall advertise for a period of not less than five days. All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened by or under the direc-

tion of the officer making such advertisement, in the presence of at least two persons. The person offering to furnish any class of such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for furnishing the same.

Guarantee of bid.

10 Aug., 1846, c. 176, s. 6, v. 9, p. 101.

SEC. 3719. Every proposal for naval supplies invited by the Secretary of the Navy, under the preceding section, shall be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of the Navy, give bond, with good and sufficient sureties, to furnish the supplies proposed; and no proposal shall be considered, unless accompanied by such guarantee. If, after the acceptance of a proposal, and a notification thereof to the bidder, he fails to give such bond within the time prescribed by the Secretary of the Navy, the Secretary shall proceed to contract with some other person for furnishing the supplies; and shall forthwith cause the difference between the amount contained in the proposal so guaranteed and the amount for which he may have contracted for furnishing the supplies, for the whole period of the proposal, to be charged up against the bidder and his guarantor; and the same may be immediately recovered by the United States, for the use of the Navy Department, in an action of debt against either or all of such persons.

Record of bid and report to Congress.

3 Mar., 1843, c. 83, v. 5, p. 617.

SEC. 3720. All such proposals for naval supplies shall be preserved and recorded, and reported by the Secretary of the Navy to Congress at the commencement of every regular session. The report shall contain a schedule embracing the offers by classes, indicating such as have been accepted. In case of a failure to supply the articles or to perform the work by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States.

Purchases without advertisements.

3 Mar., 1845, c. 77, s. 3, v. 5, p. 794.
3 Mar., 1847, c. 48, s. 2, v. 9, p. 172.
3 Aug., 1848, c. 121, s. 11, v. 9, p. 272.
2 Mar., 1865, c. 74, s. 7, v. 13, p. 467.

SEC. 3721. The provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder, after advertisement, shall not apply to ordnance, gunpowder, or medicines, or the supplies which it may be necessary to purchase out of the United States for vessels on foreign stations, or bunting delivered for the use of the Navy, or tobacco, or butter or cheese destined for the use of the Navy, or things contraband of war. Contracts for butter and cheese for the use of the Navy may be made for periods longer than one year, if, in the opinion of the Secretary of the Navy, economy and the quality of the ration will be promoted thereby. The Secretary of the Navy may enter into contracts for tobacco, from time to time, as the service requires, for a period not exceeding four years; and in making such contracts he shall not be restricted to the lowest bidder, unless, in his opinion, economy and the best interests of the service will be thereby promoted.

What bids may be rejected.

3 Mar., 1863, Res. 32, s. 2, v. 12, p. 828.

SEC. 3722. The chief of any Bureau of the Navy Department, in contracting for naval supplies, shall be at liberty to reject the offer of any person who, as principal or surety, has been a defaulter in any previous contract with the Navy Department. Parties who have made default as principals or sureties in any former contract shall not be received as sureties on other contracts; nor shall the copartners of any firm be received as sureties for such firm or for each other; nor, in contracts with the same Bureau, shall one contractor be received as surety for another. Every contract shall require the delivery of a specified quantity, and no bids having nominal or fictitious prices shall be considered. If more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids may be rejected; and no person shall be received as a contractor who is not a manufacturer of, or regular dealer in, the articles which he offers to supply. All persons offering bids shall have the right to be present when the bids are opened and inspect the same.

Opening bids.

Contracts for foreign supplies for the Navy.

SEC. 3723. No chief of a Bureau shall make any contract for supplies for the Navy, to be executed in a foreign country, except it be on first advertising for at least thirty days in two daily newspapers of the city

3 Mar., 1871, c. 117, s. 3, v. 16, p. 535.

of New York, inviting sealed bids for furnishing the supplies desired; which bids shall be opened in the presence of the Secretary of the Navy and the heads of two Bureaus; and contracts shall in all cases be awarded to the lowest bidder; and paymasters for the Navy on foreign stations shall render, when practicable, with their accounts, an official certificate from the resident consul, or commercial or consular agent of the United States, if there be one, to be furnished gratuitously, vouching that all purchases and expenditures made by the paymasters were made at the ruling market-prices of the place at the time of purchase or expenditure.

Rejection of excessive bids.

4 July, 1864, c. 252, s. 7, v. 13, p. 394.

SEC. 3724. Where articles are advertised and bid for in classes, and in the judgment of the Secretary of the Navy any one or more articles appear to be bid for at excessive or unreasonable prices, exceeding ten per centum above their fair market-value, he shall be authorized to reject such bid.

Hemp.

14 July, 1862, c. 163, s 11, v. 12, p. 554.

SEC. 3725. All hemp, or preparations of hemp, used for naval purposes by the Government of the United States, shall be of American growth or manufacture, when the same can be obtained of as good quality and at as low a price as foreign hemp.

Preserved meats, &c.

18 July, 1861, c. 7, s. 7, v. 12, p. 265.

SEC. 3726. The Secretary of the Navy is authorized to procure the preserved meats, pickles, butter, and desiccated vegetables, in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles.

Flour and bread.

3 Mar., 1863, c. 118, s. 4, v. 12, p. 818.

SEC. 3727. The Secretary of the Navy is authorized to purchase, in such manner as he shall deem most advantageous to the Government, the flour required for naval use; and to have the bread for the Navy baked from this flour by special contract under naval inspection.

Home manufactures to be preferred

28 Sept., 1850, c. 80, s. 1, v. 9, pp. 513, 515.

SEC. 3728. The Secretary of the Navy, in making contracts and purchases of articles for naval purposes, shall give the preference, all other things, including price and quality, being equal, to articles of the growth, production, and manufacture of the United States. In purchasing fuel for the Navy, or for naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel which is best adapted to the purpose for which it is to be used.

Bunting.

2 Mar., 1865, c. 74, s 7, v. 13, p. 467.

SEC. 3729. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may enter into contract, in open market, for bunting of American manufacture, as their respective services require, for a period not exceeding one year, and at a price not exceeding that at which an article of equal quality can be imported.

Relinquishment of reservations on deliveries.

17 June, 1844, c. 107, s. 5, v. 5, p. 703.

SEC. 3730. The Secretary of the Navy may relinquish and pay all reservations of the ten per centum upon deliveries made under contracts with the Navy Department, where these reservations have arisen and the contracts have been afterward extended, or where the contracts have been completed after the time of delivery, by and with the consent of the Department, or where the contracts have been dissolved by the like consent, or have been terminated, or an extension thereof has been prevented by operation of law, where no injury has been sustained by the public service.

Name of contractor to appear on supplies.

17 July, 1862, c. 200, s. 15, v. 12, p. 596.

SEC. 3731. Every person who shall furnish supplies of any kind to the Army or Navy shall be required to mark and distinguish the same with the name of the contractor furnishing such supplies, in such manner as the Secretary of War and the Secretary of the Navy may, respectively, direct; and no supplies of any kind shall be received, unless so marked and distinguished.

Unauthorized contracts prohibited.

2 Mar., 1861, c. 84, s. 10, v. 12, p. 220.

SEC. 3732. No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. [See § 3679.]

The Floyd Acceptances, 7 Wall., 666; Harvey *v.* U. S., 8 C. Cls., 501.

No contract to exceed appropriation.

SEC. 3733. No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which

shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. [See § 5503.]

25 July, 1868, c. 233, s. 3, v. 15, p. 177.

Restrictions on commencement of new buildings.

SEC. 3734. Before any new buildings for the use of the United States are commenced, the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; and the cost of each building shall not exceed the amount of such estimate. [See § 3663.]

15 July, 1870, c. 292, v. 16, p. 296.

Contracts limited to one year.

SEC. 3735. It shall not be lawful for any of the Executive Departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made.

31 Jan., 1868, Res. No. 8, v. 15, p. 246. 24 *Mar.*, 1874, *Res. No.* 6, *v.* 18, *p.* 286.

Restriction on purchases of land.

SEC. 3736. No land shall be purchased on account of the United States, except under a law authorizing such purchase.

1 May, 1820, c. 52, s. 7, v. 3, p. 568.—Neilson *v.* Lagow, 12 How., 98.

No transfer of contract.

SEC. 3737. No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

17 July, 1862, c. 200, s. 14, v. 12, p. 596.

Wheelan *v.* U. S., 5 C. Cls., 504; McCord's Case, 9 C. Cls., 155; Francis's Case, 11 C. Cls., 638.

Eight hours to be a day's work.

SEC. 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States. [See § 3689.]

28 June, 1808, c. 72, v. 15, p. 77.—U. S. *v.* Martin, 94 U. S., 400; Martin's Case, 10 C. Cls., 276.

Members of Congress not to be interested in contracts.

SEC. 3739. No member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced.

21 Apr., 1868, c. 48, s. 1, v. 2, p. 484. 22 *June*, 1874, *c.* 389, *v.* 18, *p.* 177.

What interest members of Congress may have.

SEC. 3740. Nothing contained in the preceding section shall extend, or be construed to extend, to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of [or delegate to] Congress, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

21 Apr., 1808, c. 48, s. 2, v. 2, p. 484. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

Stipulation that no member of Congress has an interest.

SEC. 3741. In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no member of [or delegate to] Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

21 April, 1808, c. 48, s. 3, v. 2, p. 484. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

Penalty against officer for making contract with a member of Congress.

SEC. 3742. Every officer who, on behalf of the United States, directly or indirectly makes or enters into any contract, bargain, or agreement in writing or otherwise, other than such as are hereinbefore excepted, with any member of [or delegate to] Congress, shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars.

21 April, 1808, c. 48, s. 4, v. 2, p. 484. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 249.

Deposit of contracts.

16 July, 1798, c. 85, s. 6, v. 1, p. 610. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 249.

SEC. 3743. All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited in the office of the First Comptroller of the Treasury of the United States, [the Second Comptroller of the Treasury of the United States, or the Commissioner of Customs, respectively, according to the nature thereof,] within ninety days after their respective dates.

Contracts to be in writing.

2 June, 1862, c. 93, s. 1, v. 12, p. 411. Lindsley *v.* U. S., 4 C. Cls., 359; Burchiel *v.* U. S., 4 C. Cls., 549; Bernheimer *v.* U. S., 5 C. Cls., 65; Salamon *v.* U. S., 19 Wall., 17; Jones's Case, 11 C. Cls., 733.

SEC. 3744. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, to cause and require every contract made by them severally on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof; a copy of which shall be filed by the officer making and signing the contract in the Returns Office of the Department of the Interior, as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal, and marked by numbers in regular order, according to the number of papers composing the whole return. [See §§ 512–515.]

Oath to contract.

Ibid., s. 2.

SEC. 3745. It shall be the further duty of the officer, before making his return, according to the preceding section, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ———; that I made the same fairly without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ———, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided."

Penalty for omitting returns.

Ibid., s. 3.

SEC. 3746. Every officer who makes any contract, and fails or neglects to make return of the same, according to the provisions of the two preceding sections, unless from unavoidable accident or causes not within his control, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred, and imprisoned not more than six months.

Instructions.

Ibid., s. 5.

SEC. 3747. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to furnish every officer appointed by them with authority to make contracts on behalf of the Government with a printed letter of instructions, setting forth the duties of such officer, under the two preceding sections, and also to furnish therewith forms, printed in blank, of contracts to be made, and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.

TITLE XLIV.

THE PUBLIC PROPERTY.

Sec.
3748. Uniforms and equipments.
3749. Solicitor of Treasury may rent or sell unproductive lands or property.
3750. To have charge of property transferred to the United States.
3751. To release land in certain cases.
3752. Power to obtain releases.
3753. Releasing property from attachment.
3754. Payment.
3755. Preservation, sale, &c., of abandoned property.

Uniforms and equipments.

3 Mar., 1863, c. 75, s. 23, v. 12, p. 735.

SEC. 3748. The clothes, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accouterments, so furnished, and which have been the subjects of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or other officer authorized to receive the same. The possession of any such clothes, arms, military outfits, or accouterments by any person not a soldier or officer of the United States shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift.

Solicitor of Treasury may rent or sell unproductive lands or property.

3 Mar., 1863, c. 76, s. 9, v. 12, p. 740.

U. S. *v.* Jones, 19 Wall., 598.

SEC. 3749. The Solicitor of the Treasury is authorized, with the approval of the Secretary of the Treasury, to rent, for a period not exceeding three years, or to sell, at public sale, any unproductive lands, or other property of the United States acquired under judicial process or otherwise in the collection of debts, after advertising the time, place, and conditions of such sale for three months preceding the same in some newspaper published in the vicinity thereof, in such manner and upon such terms as may, in his judgment, be most advantageous to the public interest. [See § 3208, 3740.]

To have charge of property transferred to the United States.

29 May, 1830, c. 153, s. 1, v. 4, p. 414.

2 Mar., 1867, c. 169, s. 4, v. 14, p. 472.

U. S. *v.* Jones, 19 Wall., 598.

SEC. 3750. The Solicitor of the Treasury shall have charge of all lands and other property which have been or may be assigned, set off, or conveyed to the United States in payment of debts, and of all trusts created for the use of the United States in payment of debts due them; and of the sale and disposal of lands assigned or set off to the United States in payment of debts, or vested in them by mortgage or other security for the payment of debts: *Provided*, That this section shall not apply to real estate which has been or shall be assigned, set off, or conveyed to the United States, in payment of debts arising under the internal-revenue laws, nor to trusts created for the use of the United States, in payment of such debts due them. [See § 3208.]

To release lands in certain cases.

Ibid.

SEC. 3751. In cases where real estate has become the property of the United States, by conveyance, extent, or otherwise, in payment of a debt, and such debt is afterward fully paid in money, and the same has been received by the United States, the Solicitor of the Treasury may release by deed or otherwise convey the same real estate to the debtor from whom it was taken, if he is living, or, if such debtor is dead, to his heirs or devisees, or such person as they may appoint: *Provided*, That this section shall not apply to real estate so acquired by the United States in payment of any debt arising under the internal-revenue laws.

Power to obtain releases.

28 April, 1828, c. 41, s. 3, v. 4, p. 264.

SEC. 3752. Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.

Releasing property from attachment.

SEC. 3753. Whenever any property owned or held by the United States, or in which the United States have or claim an interest, shall, in any judicial proceeding under the laws of any State, district, or Terri-

11 June, 1864, c. 117, v. 13, p. 122.

tory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against such property, the Secretary of the Treasury, in his discretion, may direct the Solicitor of the Treasury to cause a stipulation to be entered into by the proper district attorney for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this and the following section. Nothing herein contained shall, however, be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any Department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim.

Payment.

Ibid.

SEC. 3754. In all cases where a stipulation is entered into under the preceding section, and, in consequence thereof, the property is discharged, and final judgment is afterward given in the court of last resort to which the Secretary of the Treasury may deem proper to cause such proceedings to be carried, affirming the claim for the security or satisfaction of which such proceedings have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judgment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of such property had not been changed. Whenever such claim is for the payment of money, and the same is by such judgment found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the Treasury not otherwise appropriated. The amount so to be allowed and paid shall not, however, exceed the value of the interest of the United States in the property in question.

Preservation, sale, &c., of abandoned property.

21 June, 1870, Res. No. 75, v. 16, p. 380.

SEC. 3755. The Secretary of the Treasury is authorized to make such contracts and provisions as he may deem for the interest of the Government, for the preservation, sale, or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, and which ought to come to the United States, or of any moneys, dues, and other interests lately in the possession of or due to the so-called Confederate States, or their agents, and now belonging to the United States, which are now withheld or retained by any person, corporation, or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by, the United States; and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Secretary of the Treasury may deem just and reasonable. No costs or claim shall, however, become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, dues, or interests, which shall not be paid from such moneys as shall be realized and received from the property so collected, under each specific agreement.

TITLE XLV.

PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS.

Sec.
3756. Joint Committee on Public Printing.
3757. Removal of delays.
3758. Congressional Printer.
3759. Salary, bond.
3760. Duties.
3761. Foremen.
3762. Clerks.
3763. Employés.
3764. Work at night.
3765. Interest in printing and contracts prohibited.
3766. Estimates for paper.
3767. Advertisements for paper.
3768. Specifications of advertisements.
3769. Samples.
3770. Award of contracts.
3771. Time for performing contracts.
3772. Approval of contract.
3773. Comparison of paper with standard.
3774. Disputes as to quality.
3775. Default of contractor.
3776. Contractor charged with increased cost.
3777. Report of default, suit on bond.
3778. Purchase in open market.
3779. Engraving for Congress.
3780. Engraving when to be advertised.
3781. Lithographing for Land-Office.
3782. Engraving; execution of contracts; payment.
3783. Accountability for and issue of material.
3784. Frauds of Congressional Printer.
3785. Only Government printing and binding allowed.
3786. Printing required to be done at Government Printing-Office.
3787. Binding at Treasury Department.
3788. Heads of Bureaus not to print reports, except, &c.
3789. Orders and requisitions for printing.
3790. Style and form of work for Departments.
3791. Bills and joint resolutions, number of.
3792. Documents, usual number.
3793. Extra copies, motion to print.
3794. Notice of order to print.
Sec.
3795. Extra copies costing more than five hundred dollars.
3796. Extra copies for the Library.
3797. Mail contracts and bids, when to be printed.
3798. Number of copies of certain documents to be printed and bound.
3799. Documents for foreign exchange.
3800. Biennial Register.
3801. Congressional Directory.
3802. Accounts with Departments for printing.
3803. Copies of statutes for printing.
3804. Copy of postal conventions for printing.
3805. Printing of laws and resolutions.
3806. Printing of postal conventions.
3807. Laws, number to be printed for use of Senate and House.
3808. Number to be printed for distribution.
3809. Extra copies of any document, how sold.
3810. Printed documents, when to be delivered.
3811. Report on national banks.
3812. Statement of exports and imports.
3813. Documents to be delivered at Interior Department.
3814. Annual estimates for Register of the Treasury.
3815. Quarterly account.
3816. Advances to Congressional Printer.
3817. Settlement of accounts.
3818. Moneys from sales.
3819. Foremen's monthly statement.
3820. Report to Secretary of the Interior.
3821. Report to Congress.
3822. Estimates submitted to Congress.
3823. Clerk of House to select newspapers in certain States, &c.
3824. Heads of Departments and judges to be notified and to publish only in such papers.
3825. Rates of pay in all the States for publishing the laws.
3826. Advertisements in Washington, D. C.
3827. Mail-route advertisements in D. C.
3828. No advertisement without authority.

Joint Committee on Public Printing.

SEC. 3756. There shall be a Joint Committee on Public Printing, consisting of three members of the Senate, appointed by the President of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House, who shall have the powers hereinafter stated.

26 Aug., 1852, c. 91, s. 12, v. 10, pp. 34, 35.

Removal of delays.

SEC. 3757. The Joint Committee on Public Printing shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, but no arrangement entered into by them shall take effect until it has been approved by that House of Congress to which the printing belongs, or by both Houses when the printing delayed relates to the business of both.

Ibid.

Congressional Printer.

SEC. 3758. The Senate shall elect a person, who must be a practical printer, and versed in the art of book-binding, to take charge of and

26 Aug., 1852, c. 91, s. 2, v. 10, p. 30. 22 Feb., 1867, c. 59, ss. 1, 2, v. 14, p. 398.

manage the Government Printing Office. He shall be deemed an officer of the Senate, and shall be called the "Congressional Printer."

20 *June*, 1874, *c.* 328, *v.* 18, *p.* 88. *Section repealed in part by stat.* 31 *July*, 1876, *c.* 246, *v.* 19, *p.* 105. 15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 146.

Salary, bond.

26 Aug., 1852, c. 91, s. 2, v. 10, p. 30. 12 Jan., 1866, Res. No. 2, s. 1, v. 14, p. 347. 22 Feb., 1867, c. 59, ss. 1, 2, v. 14, p. 398.

SEC. 3759. The Congressional Printer shall receive a salary at the rate of four thousand dollars a year, and shall give bond, for the faithful discharge of his duties, in the penal sum of eighty thousand dollars, with two sureties to be approved by the Secretary of the Interior.

31 *July*, 1876, *c.* 246, *v.* 19, *p.* 105.

Duties.

23 June, 1860, Res. No. 25, ss. 2, 3, 6, v. 12, pp. 117, 118. 22 Feb., 1867, c. 59, s. 2, v. 14, p. 398. 20 *June*, 1874, *Res. No.* 12, *v.* 18, *p.* 288.

SEC. 3760. It shall be the duty of the Congressional Printer to purchase all materials and machinery which may be necessary for the Government Printing Office; to take charge of all matter which is to be printed, engraved, lithographed, or bound; to keep an account thereof in the order in which it is received, and to cause the work to be promptly executed; to superintend all printing and binding done at the Government Printing Office, and to see that the sheets or volumes are promptly delivered to the officer who is authorized to receive them. The receipt of such officer shall be a sufficient voucher of their delivery.

Foremen.

23 June, 1860, Res. No. 25, s. 2, v. 12, p. 117. 8 May, 1872, c. 140, s. 1, v. 17, p. 64.

SEC. 3761. There shall be a foreman of printing and a foreman of binding, who must be practically and thoroughly acquainted with their respective trades. They shall be appointed by the Congressional Printer, and shall each receive a salary at the rate of two thousand one hundred dollars a year.

Clerks.

23 June, 1860, c. 205, s. 1, v. 12, p. 93. 26 April, 1866, c. 68, v. 14, p. 41. 8 May, 1872, c. 140, s. 3, v. 17, p. 83.

SEC. 3762. The Congressional Printer may employ four clerks at an annual salary of eighteen hundred dollars each; and one clerk at an annual salary of fourteen hundred dollars, to have charge of the accounts with the Departments and public offices.

Employés.

3 Mar., 1853, c. 96, s. 1, v. 10, p. 183. 3 Mar., 1855, c. 175, s. 1, v. 10, p. 651. 23 June, 1860, c. 205, s. 1, v. 12, p. 93. 23 June, 1860, Res. No. 25, s. 2, v. 12, p. 117. 26 April, 1866, c. 68, s. 1, v. 14, p. 41. 20 July, 1868, c. 176, s. 1, v. 15, p. 95. 31 *July*, 1876, *c.* 246, *v.* 19, *p.* 105. 15 *Aug.*, 1876, *c.* 287, *v.* 19, *p.* 146.

SEC. 3763. The Congressional Printer may employ, at such rates of wages as he may deem for the interest of the Government and just to the persons employed, such proof-readers, compositors, pressmen, binders, laborers, and other hands, as may be necessary for the execution of the orders for public printing and binding authorized by law; but he shall not, at any time, employ in the office more hands than the absolute necessities of the public work may require.

Work at night.

26 Aug., 1852, c. 91, s. 10, v. 10, p. 34.

SEC. 3764. The Congressional Printer shall cause work to be done on the public printing, in the Government Printing Office, at night as well as through the day, during the session of Congress, when the exigencies of the public service require it.

Interest in printing and contracts prohibited.

23 June, 1860, Res. No. 25, s. 10, v. 12, pp. 119, 120.

SEC. 3765. Neither the Congressional Printer, nor the foreman of printing, nor the foreman of binding, shall, during his continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving; and for every violation of this section, the party offending shall, on conviction before any court of competent jurisdiction, be imprisoned in the penitentiary for a term of not less than one nor more than five years, and shall be fined in the sum of five hundred dollars.

Estimates for paper.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

SEC. 3766. The Congressional Printer shall, at the beginning of each session of Congress, submit to the Joint Committee on Public Printing estimates of the quantity of paper of all descriptions which will be required for the public printing during the ensuing year.

Advertisements for paper.

27 July, 1866, c. 287, s. 4, v. 14, p. 305. 25 *Jan.*, 1876, *c.* 4, *v.* 19, *p.* 2.

SEC. 3767. The Joint Committee on Public Printing shall fix upon standards of paper for the different descriptions of public printing, and the Congressional Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington and Cincinnati, for sealed proposals to furnish the Government with paper [*of the quality and in the quantity*

specified in the advertisement][, as specified in the schedule to be furnished to applicants by the Congressional Printer, setting forth in detail the quality and quantities required for the public printing.]

Specifications of advertisements.

SEC. 3768. The advertisement shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Public Printing may determine; but when the minimum portion so specified exceeds, in any case, one thousand reams, it shall state that proposals will be received for one thousand reams or more.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Samples.

SEC. 3769. The Congressional Printer shall furnish samples of the standard papers to applicants therefor.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Award of contracts.

SEC. 3770. The sealed proposals to furnish paper shall be opened in presence of the Joint Committee on Public Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by satisfactory evidence that the person making it is a manufacturer of or dealer in the description of paper which he proposes to furnish

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Time for performing contracts.

SEC. 3771. The award of each contract for furnishing paper shall designate a reasonable time for filling it.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Approval of contract.

SEC. 3772. No contract for [*furnising*] [furnishing] paper shall be valid until it has been approved by the joint committee, if made under their direction, or by the Secretary of the Interior, if made under his direction, according to the provisions of section thirty-seven hundred and seventy-five.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

27 *Feb.*, 1877, c. 69, v. 19, *p.* 249.

Comparison of paper with standard.

SEC. 3773. The Congressional Printer shall compare every lot of paper delivered by any contractor with the standard of quality, and shall not accept any paper which does not conform to it or is not of the stipulated weight.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Disputes as to quality.

SEC. 3774. In case of difference of opinion between the Congressional Printer and any contractor for paper, respecting its quality, the matter of difference shall be determined by the Joint Committee on Public Printing.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Default of contractor.

SEC. 3775. If any contractor shall fail to comply with his contract, either as to time of delivery, or as to quantity, quality, or weight of paper, the Congressional Printer shall report such default to the Joint Committee on Public Printing, when Congress is in session, or to the Secretary of the Interior, when Congress is not in session; and he shall, under the direction of the committee, or of the Secretary of the Interior, as the case may be, enter into a new contract with the lowest and best bidder for the interest of the Government, among those whose proposals were rejected at the last opening of bids; or he shall advertise for new proposals, under the regulations hereinbefore stated; and, during the interval which may thus occur, he shall, under the direction of the Joint Committee on Public Printing, or of the Secretary of the Interior, as above provided, purchase in open market, at the lowest market-price, all paper necessary for the public printing.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Contractor charged with increased cost.

SEC. 3776. In case of the default of any contractor to furnish paper, he and his securities shall be responsible for any increase of cost to the Government in procuring a supply of such paper, which may be consequent upon such default.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Report of default; suit on bond.

SEC. 3777. The Congressional Printer shall report every such default, with a full statement of all the facts in the case, to the Solicitor of the Treasury, who shall prosecute the defaulting contractor and his securities upon their bond, in the circuit court of the United States, in the district in which such defaulting contractor resides.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Purchases in open market.

SEC. 3778. The Joint Committee on Public Printing, or, during the recess of Congress, the Secretary of the Interior, may authorize the Con-

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

gressional Printer to make purchases of paper in open market, whenever they may deem the quantity required so small, or the want so immediate, as not to justify advertisement for proposals.

Engraving for Congress.

23 June, 1860, Res. No. 25, s. 8, v. 12, p. 119. 23 *June*, 1874, *c.* 455, *v.* 18, *p.* 204.

SEC. 3779. Whenever any charts, maps, diagrams, views, or other engravings are required, to illustrate any document ordered to be printed by either House of Congress, such engravings shall be procured by the Congressional Printer, under the direction and supervision of the committee on printing of the House ordering the same.

Engraving, when to be advertised.

25 June, 1864, c. 155, s. 9, v. 13, p. 186.

SEC. 3780. When the probable total cost of the maps or plates accompanying one work or document exceeds two hundred and fifty dollars, the lithographing or engraving thereof shall be awarded to the lowest and best bidder, after advertisement by the Congressional Printer, under the direction of the Joint Committee on Public Printing. But the committee may authorize him to make immediate contracts for lithographing or engraving whenever, in their opinion, the exigencies of the public service do not justify advertisement for proposals.

Lithographing for Land-Office.

6 Jan., 1863, Res. No. 2, s. 1, v. 12, p. 822.

SEC. 3781. The Congressional Printer may contract for the lithographing of the maps of the several States and Territories accompanying the annual report of the Commissioner of the General Land-Office, except the connected map of the public lands east and west of the Mississippi River, accompanying the annual report of the Commissioner for the year eighteen hundred and sixty-two, with the additions thereto which may be made from time to time.

Engraving; execution of contracts; payment.

3 Mar., 1853, c. 97, s. 1, v. 10, p. 190.

SEC. 3782. The Congressional Printer shall preserve in his office samples of the paper on which any engravings or lithographs are to be furnished by contract, and he shall not receive any engraving or lithograph which is not printed on paper equal to the sample, or which is not executed in the proper manner or in the quantity contracted for, or within the time specified in the contract, unless, for special reasons, he may have extended the time. The contractor shall not be paid except upon the certificate of the Congressional Printer that the requisites have been complied with.

Accountability for and issue of material.

23 June, 1860, Res. No. 25, ss. 2, 4, v. 12, pp. 117, 118.

SEC. 3783. The Congressional Printer shall charge himself with, and be accountable for, all material received for the public use. The foremen of printing and binding shall make out estimates of the amount and kind of material required for their respective departments, and file written requisitions therefor when it is needed. The Congressional Printer shall furnish the same to them on these requisitions, as it may be required for the public service, and they shall receipt to him and be held accountable for all material so received.

Frauds of Congressional Printer.

23 June, 1860, Res. No. 25, s. 11, v. 12, p. 120.

SEC. 3784. If the Congressional Printer shall, by himself or through others, corruptly collude or have any secret understanding with any person to defraud the United States, or whereby the United States shall be made to sustain a loss, contrary to the intent of the provisions of this Title, he shall, on conviction thereof before any court of competent jurisdiction, forfeit his office, and be imprisoned in the penitentiary for a term of not less than three nor more than seven years, and fined in the sum of three thousand dollars.

Only public printing and binding allowed.

23 June, 1860, Res. No. 25, s. 5, v. 12, p. 118.

SEC. 3785. No printing or binding which is not provided for by law shall be executed at the Government Printing Office.

Printing required to be done at Government Printing Office.

23 June, 1860, Res. No. 25, s. 5, v. 12, p. 118. 2 Mar., 1867, c. 167, s. 10, v. 14, p. 467. 20 July, 1868, c. 177, s. 1, v. 15, p. 111.

SEC. 3786. All printing, binding, and blank-books for the Senate or House of Representatives, and the Executive and Judicial Departments, shall be done at the Government Printing Office, except in cases otherwise provided by law.

Binding at Treasury Department.

20 July, 1868, c. 177, s. 1, v. 15, p. 111.

SEC. 3787. Registered bonds and written records may be bound at the Treasury Department.

Heads of Bureaus not to print reports, except, &c.

SEC. 3788. No officer in charge of any Bureau or office in any Department shall cause to be printed, at the public expense, any report he may make to the President or to the head of the Department, except as provided for in this Title.

31 Aug., 1852, c. 108, s. 8, v. 10, p. 98.

Orders and requisitions for printing.

SEC. 3789. No printing or binding shall be done, or blank-books furnished, for either House of Congress, except on the written order of the Secretary of the Senate, or of the Clerk of the House of Representatives, respectively; or for any of the Executive Departments, except on a written requisition by the head of such Department, or one of his assistants.

14 Mar., 1864, c. 30, s. 1, v. 13, p. 25.
3 June, 1864, c. 107, s. 1, v. 13, p. 118.
3 Mar., 1871, c. 115, v. 16, p. 517.

Style and form of work for Departments.

SEC. 3790. The forms and style in which the printing or binding ordered by any of the Departments shall be executed, the materials and size of type to be used, shall be determined by the Congressional Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed.

25 June, 1864, c. 155, s. 12, v. 13, p. 184. 23 *June*, 1874, *c.* 455, *r.* 18, *p.* 204.

Bills and joint resolutions.

SEC. 3791. There shall be printed seven hundred and fifty copies of every bill or joint resolution ordered by either House of Congress, or required by any rule thereof to be printed, unless a different number shall be specifically ordered.

3 Feb., 1864, Res. No. 11, v. 13, p. 402.

Documents, usual number.

SEC. 3792. Fifteen hundred and fifty copies of any document ordered by Congress shall be printed, and that number shall be known as the usual number. No greater number shall be printed unless ordered by either House, or as hereinafter provided.

3 Mar., 1859, c. 80, s. 3, v. 11, p. 422. 25 July, 1868, Res. No. 72, v. 15, p. 260.

Extra copies, motion to print.

SEC. 3793. All motions to print extra copies of any bill, report, or other public document, shall be referred to the Committee on Printing of the House in which such motion is made.

26 Aug., 1852, c. 91, s. 12, v. 10, p. 35.

Notice of order to print.

SEC. 3794. The House first ordering a document to be printed shall immediately notify the other House of such order.

3 Mar., 1859, c. 80, s. 3, v. 11, p. 422.

Extra copies costing more than five hundred dollars.

SEC. 3795. All propositions in either House of Congress for printing extra copies of documents, the cost of which exceeds five hundred dollars, shall be by concurrent resolution, which shall, upon its transmission from either House, be immediately referred to the Committee on Printing of the House to which it is sent.

12 July, 1870, c. 251, s. 1, v. 16, p. 233.

Extra copies for the Library.

SEC. 3796. The Congressional Printer shall, when so directed by the Joint Committee on the Library, print, in addition to the usual number, either fifty or one hundred copies, as he may be directed, of all documents printed by order of either House of Congress, or of any Department or Bureau of the Government.

25 July, 1868, Res. No. 72, v. 15, p. 260.

Mail contracts and bids, when to be printed.

SEC. 3797. The annual report of the Postmaster-General of offers received and contracts for conveying the mail shall not be printed, unless specially ordered by either House of Congress.

25 June, 1864, c. 155, s. 6, v. 13, p. 185.

Number of copies of certain documents to be printed and bound.

SEC. 3798. Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, the following numbers of copies, namely:

Ibid., s. 1, p. 184.

First. Of the documents accompanying the annual reports of the Executive Departments, one thousand copies for the use of the members of the Senate, and two thousand copies for the use of the members of the House of Representatives.

Ibid., s. 4, p. 185.

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, ten thousand copies for the use of the members of the Senate, and twenty-five thousand copies for the use of the members of the House of Representatives. [See § 75.]

27 July, 1866, c. 287, s. 2, v. 14, p. 305.

Third. Of papers relating to foreign affairs, accompanying the annual message of the President, two thousand copies for the use of the members of the Senate and four thousand copies for the use of the members of the House of Representatives.

25 June, 1864, c. 154, s. 5, v. 13, p. 185

Fourth. Of the "Commercial Relations," annually prepared under the directions of the State Department, two thousand copies for the use of the members of the Senate, and three thousand copies for the use of the members of the House of Representatives. [See § 208.]

3 Mar., 1863, Res. No. 27, s. 3, v. 12, p. 826.
18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 319.

Fifth. Of the annual report on the statistics of commerce and navigation, exports and imports, merchandise in transit, manufactures, and registered and enrolled vessels, prepared by the [*Special Commissioner of the Revenue,*] [Chief of the Bureau of Statistics,] two thousand copies for the use of the members of the Senate, and six thousand one hundred and fifty copies for the use of the members of the House of Representatives. [See §§ 336, 340.]

27 Dec., 1813, Res. No. 1, v. 3, p. 140.
30 April, 1844, Res. No. 5, v. 5, p. 717.

Sixth. Of the public journals of the Senate and of the House of Representatives, fifteen hundred and fifty copies.

28 Jan., 1857, Res. 5, s. 2, v. 11, p. 253.

Documents for foreign exchange.

SEC. 3799. Of the documents printed by order of either House, there shall be printed and bound fifty additional copies for the purpose of exchange in foreign countries. [See § 87.]

20 July, 1840, Res. No. 5, v. 5, p. 409.

Biennial Register.

SEC. 3800. Of the Biennial Register, compiled under the direction of the Secretary of the Interior, there shall be printed and bound seven hundred and fifty copies. [See §§ 510, 511.]

27 April, 1816, Res. No. 6, v. 3, p. 342.
2 Mar., 1861, c. 87, s. 4, v. 12, p. 245. 23 *Jan.*, 1874, *c.* 15, *r.* 18, *p.* 5.

Congressional Directory.

SEC. 3801. The first edition of the Congressional Directory for each session shall be printed and ready for distribution within one week after the commencement thereof. [See § 77.]

14 Feb., 1865, Res. No. 15, v. 13, p. 568.

Accounts with Departments for printing.

SEC. 3802. Whenever Congress makes an [*appropriation*] [appropriation] for any Department or public office, to be expended "for printing and binding to be executed under the direction of the Congressional Printer," the Congressional Printer shall cause an account to be opened with such Department or public office, on which he shall charge for all printing and binding ordered by the head thereof, at prices established in pursuance of law; and it shall not be lawful for him to cause to be executed any printing or binding the value of which exceeds the amount appropriated for such purpose.

8 May, 1872, c. 140, s. 3, v. 17, p. 83.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 250.

Copies of statutes for printing.

SEC. 3803. The Secretary of State shall furnish the Congressional Printer with a correct copy of every act and joint resolution as soon as possible after its approval by the President of the United States, or after it shall have become a law in accordance with the Constitution without such approval; and also of every treaty between the United States and any foreign government after it shall have been duly ratified and proclaimed by the President, and of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States, and equivalent officers of foreign governments on the part of their respective countries.

9 Mar., 1868, c. 22, s. 1, v. 15, p. 40.

Copies of postal conventions for printing.

SEC. 3804. The Postmaster-General shall transmit a copy of every postal convention to the Secretary of State for the purpose of being printed, and the printed copy thereof shall be revised by the Post Office Department instead of by the Secretary of State.

9 Mar., 1868, c. 22, s. 4, v. 15, p. 40.

Printing of laws and resolutions.

SEC. 3805. The Congressional Printer on receiving from the Secretary of State a copy of any act or joint resolution, or treaty, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Secretary of State for revision. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed, and sent to the Secretary of State, any number of copies which he may order, not exceeding five hundred, and to be printed separately, and sent to the two Houses of Congress, the usual number.

Ibid., s. 2.

Printing of postal conventions.

SEC. 3806. The Congressional Printer, on receiving from the Postmaster-General a copy of any postal convention between the Postmaster-General, on the part of the United States, and an equivalent officer of any

Ibid., s. 4.

foreign government, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Postmaster-General. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed, and sent to the Postmaster-General, any number of copies which he may order, not exceeding five hundred, and to be printed separately, and sent to the two Houses of Congress, the usual number.

Laws, number to be printed for Senate and House.

SEC. 3807. At the close of each session of Congress there shall be printed and bound for the use of the Senate three thousand, and for the use of the House of Representatives ten thousand copies of all acts and resolutions so furnished, with a complete alphabetical index, prepared under the direction of the Joint Committee on Public Printing.

25 June, 1864, c. 155, s. 7, v. 13, p. 185.

3 *Mar.*, 1875, *c.* 130, *s.* 9, *v.* 18, *p.* 401.

Number printed for distribution.

SEC. 3808. The Secretary of the Interior shall cause to be published, at the close of every session of Congress, and as soon as practicable, eleven thousand copies of the acts and resolutions passed by Congress, the amendments to the Constitution adopted, and all public treaties and postal conventions made and ratified since the then last publication of the laws.

20 April, 1818, c. 80, s. 4, v. 3, p. 439.
5 Feb., 1859, c. 22, s. 1, v. 11, p. 379.

Extra copies of any document, how sold.

SEC. 3809. If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, and ten per centum thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.

25 June, 1864, c. 155, s. 10, v. 13, p. 186.
3 Mar., 1871, c. 113, s. 1, v. 16, p. 478.

Printed documents, when to be delivered.

SEC. 3810. The annual reports of the Executive Departments and the accompanying documents shall be delivered by the printer to the proper officers of each House of Congress at the first meeting thereof; and the President's message, the reports of the Executive Departments, and the abridgment of accompanying documents, shall be so delivered on or before the third Wednesday in December next after the meeting of Congress, or as soon thereafter as may be practicable.

25 June, 1864, c. 155, s. 4, v. 13, p. 185.

Report on national banks.

SEC. 3811. When the annual report of the [*Secretary of the Treasury*] [Comptroller of the Currency] upon the national banks [and banks under State and territorial laws] is completed, or while it is in process of completion, if thereby the business may be sooner dispatched, the work of printing shall be commenced, under the superintendence of the Secretary, and the whole shall be printed and ready for delivery on or before the first day of December next after the close of the year to which the report relates.

30 Jan., 1863, c. 14, s. 2, v. 12, p. 637.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.

Statement of exports and imports.

SEC. 3812. The Secretary of the Treasury shall furnish a condensed statement of the aggregate amount of the exports to and imports from foreign countries to the Congressional Printer, on or before the first day of November of each year.

3 Mar., 1863, Res. No. 27, s. 3, v. 12, p. 826.

Documents to be delivered at Interior Department.

SEC. 3813. The Congressional Printer shall deliver to the Secretary of the Interior, at the room in the Interior Department set apart for that purpose, all books and documents directed by law to be printed for the use of the Government, except such as are directed to be printed for the particular use of Congress, or of either House thereof, or of the President, or of any of the Departments.

5 Feb., 1859, c. 22, s. 1, v. 11, p. 379.

Annual estimates for Register of the Treasury.

SEC. 3814. The Congressional Printer shall prepare and submit to the Register of the Treasury, annually, in time to have the same embraced in the estimates from that Department, detailed estimates of the amount which will be required for salaries, wages, engraving, lithographing, binding, materials, and any other necessary expense of said printing-office for the ensuing fiscal year.

23 June, 1860, Res. No. 25, s. 9, v. 12, p. 119.
3 *Mar.*, 1875, *c.* 129, *s.* 3, *v.* 18, *p.* 370.

Quarterly account.

SEC. 3815. The Congressional Printer shall render to the Secretary of the Treasury, quarterly, a full account of all purchases made by him,

23 June, 1860, Res. No. 25, s. 3, v. 12, p. 118.

and of all printing and binding done in the Government Printing-Office for each House of Congress and for each of the executive and judicial departments.

Advances to Congressional Printer.

SEC. 3816. There shall be advanced to the Congressional Printer, from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money not exceeding, at any time, two-thirds of the penalty of his bond, to enable him to pay for work and material.

Ibid.

Settlement of accounts.

SEC. 3817. The Congressional Printer shall settle the account of his receipts and disbursements in the manner required of other disbursing officers.

Ibid.

Moneys from sales, &c.

SEC. 3818. The moneys received from sales of extra copies of documents, and from sales of paper-shavings and imperfections, shall be deposited by the Congressional Printer in the Treasury of the United States, to the credit of the appropriations for public printing, binding, and paper, respectively, as designated by him, and shall be subject to his requisition in the manner prescribed by law.

23 June, 1864, c. 155, s. 10, v. 13, p. 186.

Foremen's monthly statements.

SEC. 3819. The foremen of printing and binding shall make out and deliver to the Congressional Printer monthly statements of the work done in their respective offices, together with monthly pay-rolls, which shall contain the names of the persons employed, the rate of compensation of and amount due to each, and the service for which it is due.

23 June, 1860, Res. No. 25, s. 2, v. 12, p. 117.

Report to the Secretary of the Interior.

SEC. 3820. The Congressional Printer shall keep a true account of all paper received from contractors, and of all paper used in the Public Printing-Office, and shall, at the end of each fiscal year, report to the Secretary of the Interior the amount of each class consumed in said office, and the works or publications in which the same was used.

Ibid., s. 7.

Report to Congress.

SEC. 3821. The Congressional Printer shall, on the first day of each session, or as soon thereafter as may be practicable, report to Congress the exact condition, and the amount and cost of the public printing, binding, lithographing, and engraving; the amount and cost of all paper purchased for the same; a detailed statement of proposals made and contracts entered into for the purchase of paper and other materials, and for lithographing and engraving; of all payments made, during the preceding year, under his direction; of the amount of work ordered and done, with a general classification thereof, for each Department, and a detailed statement of each account with the Departments or public officers; a detailed statement of the number of hands employed in the establishment, and the time each has been employed; and such further information, touching all matters connected with the printing-office, as may be in his possession.

22 June, 1860, Res. No. 25, ss. 2, 9, v. 12, pp. 117, 119. 20 Feb., 1861, c. 44, s. 1, v. 12, p. 135. 14 Mar., 1864, c. 30, s. 1, v. 13, p. 25. 3 Mar., 1865, Res. No. 32, v. 13, p. 572. 27 July, 1866, c. 287, s. 4, v. 14, p. 305. 8 May, 1872, c. 140, s. 3, v. 17, p. 83.

Estimates submitted to Congress.

SEC. 3822. The Congressional Printer shall also submit to Congress, at the beginning of each session, detailed estimates of the sums required for the support of the Government Printing-Office.

20 Feb., 1861, c. 44, s. 1, v. 12, p. 135. 3 *Mar.*, 1875, *c.* 129, *s.* 3, *v.* 18, *p.* 370.

Clerk of House to select newspapers in certain States to publish laws, &c.

SEC. 3823. The Clerk of the House of Representatives shall select in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, one or more newspapers, not exceeding the number allowed by law, in which such treaties and laws of the United States as may be ordered for publication in newspapers according to law shall be published, and in some one or more of which so selected all such advertisements as may be ordered for publication in said districts by any United States court or judge thereof, or by any officer of such courts, or by any executive officer of the United States, shall be published, the compensation for which and other terms of publication, shall be fixed by said Clerk at a rate not exceeding two dollars per page for the publication of treaties and laws, and not exceeding one dollar per square of eight lines of space, for the publication of advertisements, the accounts for which shall be adjusted by the proper accounting officers, and paid in the manner now authorized by law in the like cases. [See §§ 79, 204.]

2 Mar., 1867, c. 167, s. 7, v. 14, p. 466. 29 Mar., 1867, c. 13, s. 2, v. 15, p. 7. 18 *Feb.*, 1875, *c.* 80, *c.* 18, p. 316.

Heads of Departments and judges to be notified, and to publish only in such newspapers.

SEC. 3824. The Clerk shall notify each head of the several Executive Departments, and each judge of the United States courts therein, of the papers selected by him in accordance with the provisions of the preceding section, and thereafter it shall be the duty of the several executive officers charged therewith to furnish to such selected papers only, an authentic copy of the publications to be made as aforesaid; and no money appropriated shall be paid for any publications or advertisements hereafter to be made in said districts, nor shall any such publication or advertisement be ordered by any department or public officer otherwise than as herein provided. [See § 853.]

2 Mar., 1867, c. 167, s. 7, v. 14, p. 466.

29 Mar., 1867, c. 13, s. 2, v. 15, p. 7.

Rates of pay in all the States for publishing laws.

SEC. 3825. The rates fixed in section thirty-eight hundred and twenty-three, to be paid for the publication of the treaties and laws of the United States in the States therein designated, shall also be paid for the same publications in all the States not designated in that section. [See § 79.]

29 Mar., 1867, c. 13, s. 3, v. 15, p. 8.

Advertisements in Washington, D. C.

SEC. 3826. All advertisements, notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress and executive proclamations and treaties to be published in the District of Columbia, Maryland, and Virginia, shall hereafter be advertised by publication in the three daily papers published in the District of Columbia having the largest circulation, one of which shall be selected by the Clerk of the House of Representatives, and in no others. The charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers, and the same publications shall be made in each of the said papers equally as to frequency: *Provided*, That no advertisement to any State, district, or Territory, other than the District of Columbia, Maryland, or Virginia, shall be published in the papers designated, unless at the direction first made of the proper head of a Department: *And provided further*, That this section shall not be construed to allow a greater compensation for the publication of the laws passed by Congress and executive proclamations and treaties in the papers of the District of Columbia than is provided by law for such publications in other papers.

2 Mar., 1867, c. 167, s. 10, v. 14, p. 467.

29 Mar., 1867, c. 13, s. 2, v. 15, p. 7.

20 July, 1868, c. 176, ss. 2, 4, v. 15, p. 110.

18 *Feb.*, 1875, c. 18, *v.* 18, *p.* 316.

Repealed in part by stat. 3 *Mar.*, 1875, *c.* 128, *v.* 18, *p.* 342.

31 *July*, 1876, *c.* 246, *v.* 19, *p.* 105.

By statute of March 3, 1875, c. 128, s. 1, v. 18, p. 342, it is provided "that hereafter the mail lettings for the States of Maryland and Virginia and for the District of Columbia shall be advertised in not more than one newspaper published in the District of Columbia, and at prices satisfactory to the Postmaster-General, not exceeding the customary rates paid in the city of Washington for ordinary commercial advertisements;" and so much of this section as refers to the publication of advertisements in newspapers was repealed by the act above mentioned. (See Rev. Stats., s. 3941.)

Mail-route advertisements in D. C.

SEC. 3827. No payment shall be made to any newspaper published in the District of Columbia for advertising any other mail-routes than those in Virginia and Maryland.

3 Mar., 1873, c. 231, s. 1, v. 17, p. 557.

No advertisement without authority.

SEC. 3828. No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for any advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of such written authority.

15 July, 1870, c. 292, s. 2, v. 16, p. 308.

TITLE XLVI.

THE POSTAL SERVICE.

CHAPTER ONE.

POST-OFFICES AND POSTMASTERS.

Sec.
3829. Establishment of post-offices.
3830. Appointment and removal of postmasters.
3831. Residence of postmaster.
3832. Effect of omission to take oath.
3833. Suits and prosecutions in State courts.
3834. Bond of postmaster.
3835. Application of payments made after giving new bond.
3836. Limit of time of sureties' liability.
3837. Renewing bond.
3838. Sureties on bond, how released.
3839. Post-offices to be kept open.
3840. Making up the mail.
3841. Arrival and departure of the mail.
3842. Records at post-offices.
3843. Quarterly accounts of receipts.
3844. Quarterly accounts to be sworn to.
3845. Neglect to render accounts; penalty.
3846. Money to be safely kept.
3847. Custody of Government money in the hands of postmasters.
3848. Frequent deposits of revenue.
3849. Report of delinquencies.
3850. Postmasters not to be contractors.
3851. Postmasters not to be lottery-agents.
3852. Salaries of postmasters.
3853. Salaries at new offices.
3854. Re-adjusting salaries.
3855. Basis for re-adjusting salaries.
3856. Orders changing salaries.
3857. Limit of pay of postmasters.
3858. No employé to receive fees.
3859. Allowances at distributing-offices.
3860. Expenses at post-offices.
3861. Deductions out of receipts.
3862. Deductions to be audited.
3863. Extra labor at offices.
3864. Discontinuing offices.

Establishment of post-offices.

8 June, 1872, c. 335, ss. 61, 62, v. 17, p. 292.

12 *July*, 1876, *c.* 179, *s.* 11, *v.* 19, *p.* 82.

Ware *v.* U. S., 4 Wall., 633.

SEC. 3829. The Postmaster-General shall establish post-offices at all such places on post-roads established by law as he may deem expedient, and he shall promptly certify such establishment to the Sixth Auditor. And every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post-office, shall, for every such offense, be liable to a penalty of not more than five hundred dollars.

Appointment and removal of postmasters.

8 June, 1872, c. 335, s. 63, v. 17, p. 292.

18 *Mar.*, 1874, *c.* 57, *v.* 18, *p.* 23.

23 *June*, 1874, *c.* 456, *s.* 11, *v.* 18, *p.* 233. 12 *July*, 1876, *c.* 179, *s.* 6, *v.* 19, *p.* 80.

SEC. 3830. Postmasters of the fourth and fifth class shall be appointed and may be removed by the Postmaster-General, and all others shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law. All appointments and removals shall be notified to the Sixth Auditor.

Residence of postmaster.

8 June, 1872, c. 335, s. 64, v. 17, p. 293.

SEC. 3831. Every postmaster shall reside within the delivery of the office to which he is appointed.

Effect of omission to take oath.

Ibid., s. 16, p. 287.

SEC. 3832. Every person employed in the postal service shall be subject to all penalties and forfeitures for violation of the laws relating to such service whether he has taken the oath of office or not.

Suits and prosecutions in State courts.

Ibid., s. 305, p. 323.

SEC. 3833. All causes of action arising under the postal laws may be sued, and all offenders against the same may be prosecuted, before the justices of the peace, magistrates, or other judicial courts of the several States and Territories having competent jurisdiction by the laws thereof, to the trial of claims and demands of as great value, and of prosecutions where the punishments are of as great extent; and such justices, magistrates, or judiciary shall take cognizance thereof, and proceed to judgment and execution as in other cases. [See §§ 5463–5480.]

Bond of postmaster.

Ibid., s. 65, p. 293.

SEC. 3834. Every postmaster, before entering upon the duties of his office, shall give bond, with good and approved security, and in such penalty as the Postmaster-General shall deem sufficient, conditioned for

the faithful discharge of all duties and trusts imposed on him either by law or the rules and regulations of the Department; and where an office is designated as a money-order office, the bond of the postmaster shall contain an additional condition for the faithful performance of all duties and obligations in connection with the money-order business. On the death, resignation, or removal of a postmaster, his bond shall be delivered to the Sixth Auditor. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office as if she were sole.

3 *Mar.*, 1877, *c.* 103, *s.* 2, *v.* 19, *p.* 335.

SEC. 3835. Whenever any postmaster is required to execute a new bond, all payments made by him after the execution of such new bond may, if the Postmaster-General or the Sixth Auditor deem it just, be applied first to discharge any balance which may be due from such postmaster under his old bond.

Application of payments made after giving new bond.

8 June, 1872, *c.* 335, *s.* 60, *v.* 17, *p.* 292.

SEC. 3836. Whenever the office of any postmaster becomes vacant, the Postmaster-General or the President shall supply such vacancy without delay, and the Postmaster-General shall promptly notify the Sixth Auditor of the change; and every postmaster and his sureties shall be responsible under their bond for the safe-keeping of the public property of the post-office, and the due performance of the duties thereof, until the expiration of the commission, or until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster-General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster-General; and the Postmaster-General may, when the exigencies of the service require, place such office in charge of a special agent until the vacancy can be regularly filled; and when such special agent shall have taken charge of such post-office, the liability of the sureties of the postmaster shall cease.

Limit of time of sureties' liability.

Ibid., s. 28, p. 289.

Postmaster-General *v.* Rice, Gilp., 554; Postmaster-General *v.* Fendall, 1 McLean, 217; U. S. *v.* Mark's sureties, 3 Wall. C. C., 358.

SEC. 3837. Whenever any of the sureties of a postmaster notify the Postmaster-General of their desire to be released from their suretyship, or when the Postmaster-General deems a new bond necessary, he shall require the postmaster to execute such new bond, with security. When accepted by the Postmaster-General, the new bond shall be as valid as the bond given upon the original appointment of such postmaster, and the sureties in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted.

Renewing bond.

Ibid., s. 66, p. 293.

SEC. 3838. If on the settlement of the account of any postmaster it shall appear that he is indebted to the United States, and suit therefor shall not be instituted within three years after the close of such account, the sureties on his bond shall not be liable for such indebtedness.

Sureties on bond; how released.

Ibid., s. 67, p. 293.

SEC. 3839. Every postmaster shall keep an office in which one or more persons shall be on duty during such hours of each day as the Postmaster-General may direct, for the purpose of receiving, delivering, making up, and forwarding all mail-matter received thereat.

Post-offices to be kept open.

Ibid., s. 68, p. 293.

SEC. 3840. All letters brought to any post-office half an hour before the time for the departure of the mail shall be forwarded therein; but at offices where, in the opinion of the Postmaster-General, more time for making up the mail is required, he may prescribe accordingly, not exceeding one hour.

Making up the mail.

Ibid., s. 69, p. 293.

SEC. 3841. The Postmaster-General shall furnish to the postmasters at the termination of each route a schedule of the time of arrival and departure of the mail at their offices, respectively, to be posted in a conspicuous place in the office; and he shall also give them notice of any change in the arrival and departure that may be ordered; and he shall cause to be kept and returned to the Department, at short and regular intervals, registers, showing the exact times of the arrivals and departures of the mail.

Arrival and departure of the mail.

Ibid., s. 70, p. 293.

Records at post-offices.

Ibid., s. 71, p. 293.

SEC. 3842. Every postmaster shall keep a record, in such form as the Postmaster-General shall direct, of all postage-stamps, envelopes, postal books, blanks, and property received from his predecessor, or from the Department or any of its agents; of all receipts in money for postages and box-rents, and of all other receipts on account of the postal service, and of any other transactions which may be required by the Postmaster-General; and these records shall be preserved and delivered to his successor, and shall be at all times subject to examination by any special agent of the Department.

Quarterly accounts of receipts.

Ibid., s. 72, p. 293.

SEC. 3843. Every postmaster shall render to the Postmaster-General, under oath, and in such form as the latter shall prescribe, a quarterly account of all moneys received or charged by him or at his office, for postage, rent of boxes or other receptacles for mail-matter, or by reason of keeping a branch office, or for the delivery of mail-matter in any manner whatever.

Quarterly accounts to be sworn to.

Ibid., s. 73, p. 294.

SEC. 3844. The Postmaster-General may require a sworn statement to accompany each quarterly account of a postmaster, to the effect that such account contains a true statement of the entire amount of postage, box-rents, charges, and moneys collected or received at his office during the quarter; that he has not knowingly delivered, or permitted to be delivered, any mail-matter on which the postage was not at the time paid; that such account exhibits truly and faithfully the entire receipts collected at his office, and which, by due diligence, could have been collected; and that the credits he claims are just and right.

Neglect to render accounts; penalty.

Ibid., s. 74.

SEC. 3845. Whenever any postmaster neglects to render his accounts for one month after the time, and in the form and manner prescribed by law and the regulations of the Postmaster-General, he and his sureties shall forfeit and pay double the amount of the gross receipts at such office during any previous or subsequent equal period of time; and if, at the time of trial, no account has been rendered, they shall be liable to a penalty of such sum as the court and jury shall estimate to be equivalent thereto, to be recovered in an action on the bond.

Money to be safely kept.

Ibid., s. 75.

SEC. 3846. Postmasters shall keep safely, without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster-General to be transferred or paid out.

Custody of Government money in hands of postmasters.

3 Mar., 1873, c. 272, v. 17, p. 604.

SEC. 3847. Any postmaster, having public money belonging to the Government, at an office within a county where there are no designated depositaries, treasurers of mints, or Treasurer or assistant treasurers of the United States, may deposit the same, at his own risk and in his official capacity, in any national bank in the town, city, or county where the said postmaster resides; but no authority or permission is or shall be given for the demand or receipt by the postmaster, or any other person, of interest, directly or indirectly, on any deposit made as herein described; and every postmaster who makes any such deposit shall report quarterly to the Postmaster-General the name of the bank where such deposits have been made, and also state the amount which may stand at the time to his credit.

Frequent deposits of revenues.

8 June, 1872, c. 335, s. 76, v. 17, p. 294.

SEC. 3848. The postmaster at Washington, and postmasters at cities where there is an assistant treasurer, shall deposit the postal revenues and all money accruing at their office, with such assistant treasurer, as often as once a week at least, and as much oftener as the Postmaster-General may direct.

Report of delinquencies.

Ibid., s. 77.

SEC. 3849. Every postmaster shall promptly report to the Postmaster-General every delinquency, neglect, or malpractice of the contractors, their agents or carriers, which comes to his knowledge.

Postmasters not to be contractors.

Ibid., s. 78.

SEC. 3850. No postmaster, assistant postmaster, or clerk employed in any post-office shall be a contractor or concerned in any contract for carrying the mail.

Postmasters not to be lottery agents.

SEC. 3851. No postmaster shall act as agent for any lottery-office, or under any color of purchase, or otherwise, vend lottery-tickets; nor shall he receive or send any lottery-scheme, circular, or ticket free of postage.

For any violation of this section the offender shall be liable to a penalty of fifty dollars. Ibid., s. 79.

SEC. 3852. The compensation of postmasters shall be a fixed annual salary, for rating which they shall be divided into five classes, exclusive of the postmaster at New York city, whose salary shall be six thousand dollars per annum. The salary of postmasters of the first class shall not be more than four thousand dollars nor less than three thousand dollars; of the second class, less than three thousand dollars, but not less than two thousand dollars; of the third class, less than two thousand dollars, but not less than one thousand dollars; of the fourth class, less than one thousand dollars, but not less than two hundred dollars; of the fifth class, less than two hundred dollars; and the salaries of the first, second, and third classes shall be in even hundreds of dollars; of the fourth class, in even tens of dollars; and of the fifth class, in even dollars.

Salaries of postmasters.

Ibid., s. 80.
23 *June*, 1874, *c.* 456, *s.* 11, *v.* 18, *p.* 233.
12 *July*, 1876, *c.* 179, *ss.* 5, 7, 8, 12, *v.* 19, *p.* 80.

SEC. 3853. At all newly established offices, the Postmaster-General may temporarily fix the salary until the returns of such office shall enable him to properly adjust the same, but the compensation shall in no case be thus temporarily fixed at more than the salary of an office of the fifth class.

Salaries at new offices.

8 June, 1872, c. 335, s. 81, v. 17, p. 294.
23 *June*, 1874, *c.* 456, *s.* 11, *v.* 18, *p.* 233.

SEC. 3854. The salaries of postmasters shall be re-adjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient; and when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is twenty per centum less than it would be on the basis of commission, the Postmaster-General shall re-adjust the same.

Re-adjusting salaries.

8 June, 1872, c. 335, s. 82, v. 17, p. 295.
23 *June*, 1874, *c.* 456, *s.* 11, *v.* 18, *p.* 233.—Postmaster's Case, 12 C. Cls., 226.

SEC. 3855. In re-adjusting the salary of a postmaster, the amount thereof shall be ascertained by adding, to the whole amount of box-rents, commissions on the other postal revenues of the office at the following rates: On the first one hundred dollars or less, sixty per centum; on all over one hundred dollars, and not over four hundred dollars, fifty per centum; on all over four hundred dollars, and not over two thousand four hundred dollars, forty per centum; on all over two thousand four hundred dollars, fifteen per centum. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General shall require postmasters to state, under oath, at such times and for such periods as he may deem necessary in each case, the amount of stamps canceled, the amount of box-rents received, the amount of unpaid postages collected, and the amount of postage on printed and other mailable matter. Whenever, by reason of the extension of free delivery of letters, the box-rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box-rents.

Basis of re-adjusting salaries.

8 June, 1872, c. 335, s. 83, v. 17, p. 294.
23 *June*, 1874, *c.* 456, *s.* 11, *v.* 18, *p.* 233.

SEC. 3856. The Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Sixth Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order. But in cases of an extraordinary [*crease*] [increase] or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such post-office, to take effect from the first day of the quarter or period the returns for which form the basis of re-adjustment.

Orders changing salaries.

8 June, 1872, c. 335, s. 84, v. 17, p. 294.
23 *June*, 1874, *c.* 456, *s.* 11, *v.* 18, *p.* 233.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 319.
Postmaster's Case, 12 C. Cls., 226.

SEC. 3857. No postmaster shall, under any pretense whatever, have, receive, or retain for himself, in the aggregate, more than the amount of his salary and his commission on the money-order business as hereinafter provided.

Limit of pay of postmasters.

8 June, 1872, c. 335, s. 85, v. 17, p. 294. 12 *July*, 1876, *c.* 179, *ss.* 5, 7, 8, 12, *v.* 19, *p.* 80.

No employé to receive fees.

8 June, 1872, c. 335, s. 14, v. 17, p. 287.

SEC. 3858. No person employed in the postal service shall receive any fees or perquisites on account of the duties to be performed by virtue of his appointment.

Allowances at distributing offices.

Ibid., s. 86, p. 295.

23 *June*, 1874, *c.* 456, *s.* 11, *v.* 18, *p.* 233. 12 *July*, 1876, *c.* 179, *ss.* 5, 7, 8, 11, *v.* 19, *p.* 80.

SEC. 3859. The Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third, fourth, or fifth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

Expenses at post-offices.

8 June, 1872, c. 335, s. 87, v. 17, p. 294.

12 *July*, 1876, *c.* 179, *ss.* 5, 7, 8, 11, *v.* 18, *p.* 80.

SEC. 3860. The Postmaster-General may allow to the postmaster at New York City, and to the postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box-rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster-General.

Deductions out of receipts.

8 June, 1872, c. 335, s. 88, v. 17, p. 294.

SEC. 3861. The salary of a postmaster, and such other expenses of the postal service authorized by law as may be incurred by him, and for which appropriations have been made, may be deducted out of the receipts of his office, under the direction of the Postmaster-General.

Deductions to be audited.

Ibid., s. 89.

SEC. 3862. Vouchers for all deductions made by a postmaster out of the receipts of his office, on account of the expenses of the postal service, shall be submitted for examination and settlement to the Sixth Auditor, and no such deduction shall be valid unless found to be in conformity with law.

Extra labor at offices.

Ibid., s. 90, p. 296.

SEC. 3863. Whenever unusual business accrues at any post-office, the Postmaster-General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business.

U. S. *v.* Wright, 11 Wall., 648.

Discontinuing offices.

Ibid., s. 91.

Reeside *v.* U. S., 8 Wall., 38.

SEC. 3864. The Postmaster-General may discontinue any post-office where the safety and security of the postal service and revenues are endangered from any cause whatever, or where the efficiency of the service requires such discontinuance, and he shall promptly certify such discontinuance to the Sixth Auditor.

CHAPTER TWO.

CARRIERS, BRANCH OFFICES, AND RECEIVING-BOXES.

Sec.
3865. Letter-carrier delivery.
3866. Salaries to carriers.
3867. Uniform for carriers; penalty for unauthorized wearing.
3868. Receiving-boxes.
3869. Injuring receiving-boxes; penalty.
3870. Bonds of carriers.
3871. Branch offices.
3872. Rate of postage on newspapers.
3873. Extra postage or carriers' fees prohibited.
3874. Expenses of carriers and branch offices.

Letter-carrier delivery.

8 June, 1872, c. 335, s. 92, v. 17, p. 296.

3 Mar., 1873, c. 231, s. 1, v. 17, p. 557. 23 *June*, 1874, *c.* 456, *v.* 18, *p.* 231.

SEC. 3865. Letter-carriers shall be employed for the free delivery of mail-matter, as frequently as the public convenience may require, at every place containing a population of fifty thousand within the delivery of its post-office; and may be so employed at every place containing a population of not less than twenty thousand within the delivery of its post-office.

Salaries to carriers.

SEC. 3866. The salary of letter-carriers shall be fixed by the Postmaster-General, and shall not exceed eight hundred dollars per annum; but on satisfactory evidence of diligence, fidelity, and experience, he may increase their salary to any sum not exceeding one thousand dollars a year each; and in San Francisco, California, he may pay such additional salaries to carriers as will secure the services of competent persons.

8 June, 1872, c. 335, s. 93, v. 17, p. 296.

Uniform for carriers; penalty for unauthorized wearing.

SEC. 3867. The Postmaster-General may prescribe a uniform dress to be worn by letter-carriers, and any person not connected with the letter-carrier branch of the postal service who shall wear the uniform which may be prescribed shall, for every such offense, be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months, or both.

Ibid., s. 94.

Receiving-boxes.

SEC. 3868. The Postmaster-General may establish, in places where letter-carriers are employed, and in other places where, in his judgment, the public convenience requires it, receiving-boxes for the deposit of mail-matter, and shall cause the matter deposited therein to be collected as often as public convenience may require.

Ibid., s. 95.

Injuring receiving-boxes, penalty.

SEC. 3869. Every person who willfully and maliciously injures, tears down, or destroys any letter-box, pillar-box, or other receptacle established by the Postmaster-General for the safe deposit of matter for the mail or for delivery, or who willfully and maliciously assaults any letter-carrier, when in uniform, while engaged on his route in the discharge of his duty as a letter-carrier, and every person who willfully aids or assists therein, shall for every such offense be punishable by a fine of not less than one hundred dollars, and not more than one thousand, or by imprisonment for not less than one year and not more than three.

Ibid., s. 96.

Bonds of carriers.

SEC. 3870. Every letter-carrier shall give bonds, with sureties, to be approved by the Postmaster-General, for the safe custody and delivery of all mail-matter, and the faithful account and payment of all money received by him.

Ibid., s. 97.

Branch offices.

SEC. 3871. The Postmaster-General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices for the receipt and delivery of mail-matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.

Ibid., s. 98.

Rate of postage on newspapers.

SEC. 3872. The rate of postage on newspapers, excepting weeklies, periodicals not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamps.

Ibid., s. 99.
23 *June*, 1874, *c.* 456, *s.* 5, *v.* 18, *p.* 432.
12 *July*, 1876, *c.* 179, *s.* 15, *v.* 19, *p.* 82.
3 *Mar.*, 1877, *c.* 103, *s.* 5, *v.* 19, *p.* 335.

Extra postage or carriers' fees prohibited.

SEC. 3873. No extra postage or carriers' fees shall be charged or collected upon any mail-matter collected or delivered by carriers.

8 June, 1872, c. 335, s. 100, v. 17, p. 296

Expenses of carriers and branch offices.

SEC. 3874. All expenses of letter-carriers, branch offices, and receiving-boxes, or incident thereto, shall be kept and reported in a separate account, and shall be shown in comparison with the proceeds from postage on local mail-matter at each office, and the Postmaster-General shall be guided in the expenditures for this branch of the service by the income derived therefrom.

Ibid., s. 101.

CHAPTER THREE.

MAIL-MATTER.

Sec.
3875. Division of mail-matter.
3876. First-class matter.
3877. Second-class matter.
3878. Third-class matter.
3879. Limit of weight of mail-package.
3880. Metric postal balances.
3881. Wrapping and securing matter.
3882. Removing wrappers.
3883. Newspapers to be dried and in wrappers.
3884. Papers and periodicals to one address.
3885. Notice of refusal to receive newspapers.
3886. Inclosures in regular printed matter.
3887. Inclosing letters in printed matter; penalty.
3888. Carrying newspapers out of mail.
3889. Delivery of newspapers by route-agents.
3890. Detaining letters; penalty.
3891. Detaining, opening, or destroying letters; penalty.
3892. Intercepting or secreting letters; penalty.
3893. Obscene books, &c., not to be carried in mail; penalty.
3894. Gift enterprises, &c., circulars not mailable; penalty.
3895. Letters seized to be returned to sender.

Division of mail-matter.
8 June, 1872, c. 335, s. 130, v. 17, p. 296.

SEC. 3875. Mailable matter shall be divided into three classes:
First. Letters.
Second. Regular printed matter.
Third. Miscellaneous matter.

First-class matter.

Ibid., s. 131.

SEC. 3876. Mailable matter of the first class shall embrace all correspondence, wholly or partly in writing, except book-manuscripts and corrected proof-sheets passing between authors and publishers.

Second-class matter.

Ibid., s. 132.

SEC. 3877. Mailable matter of the second class shall embrace all matter exclusively in print, and regularly issued at stated periods from a known office of publication, without addition by writing, mark, or sign.

23 *June*, 1874, *c.* 456, *s.* 12, *v.* 18, *p.* 237. 3 *Mar.*, 1875, *c.* 128, *s.* 2, *v.* 18, *p.* 343. 12 *July*, 1876, *c.* 179, *s.* 15, *v.* 19, *p.* 82.

Third-class matter.

8 June, 1872, c. 335, s. 133, v. 17, p. 300.
9 Jan., 1873, c. 21, v. 17, p. 406.
23 *June*, 1874, *c.* 456, *s.* 8, *v.* 18, *p.* 233.
23 *June*, 1874, *c.* 456, *s.* 13, *v.* 18, *p.* 237.
3 *Mar.*, 1875, *c.* 128, *s.* 2, *v.* 18, *p.* 343.
3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 377.
12 *July*, 1876, *c.* 179, *s.* 15, *v.* 19, *p.* 82.

SEC. 3878. Mailable matter of the third class shall embrace all pamphlets, occasional publications, transient newspapers, magazines, handbills, posters, unsealed circulars, prospectuses, books, book-manuscripts, proof-sheets, corrected proof-sheets, maps, prints, engravings, blanks, flexible patterns, samples of merchandise not exceeding twelve ounces in weight, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations of different types, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail-bag or the person of any one engaged in the postal service. All liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails. All matter of the third class, excepting books and other printed matter, book-manuscripts, proof-sheets, and corrected proof-sheets, packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed twelve ounces in weight, and packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed four pounds in weight; and all matter of the third class shall be subject to examination and to rates of postage as hereinafter provided. Samples of metals, ores, and mineralogical specimens shall not exceed twelve ounces in weight, and shall be subject to examination and to rates of postage as hereinafter provided.

Limit of weight of mail-package.

SEC. 3879. No package weighing more than four pounds shall be received for conveyance by mail, except books published or circulated by order of Congress.

8 June, 1872, c. 335, s. 134, v. 17, p. 300. 23 *June*, 1874, *c.* 456, *s.* 8, *v.* 18, *p.* 233. 23 *June*, 1874, *c.* 456, *s.* 12, *v.* 18, *p.* 237. 3 *Mar.*, 1875, *c.* 128, *s.* 2, *v.* 18, *p.* 343. 3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 377.

Metric postal balances.

27 July, 1866, c. 281, v. 14, p. 301.

SEC. 3880. The Postmaster-General shall furnish to the post-offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric

system, fifteen grams of which shall be the equivalent for postal purposes, of one-half ounce avoirdupois, and so on in progression. 8 June, 1872, c. 335, s. 135, v. 17, p. 301.

Wrapping and securing matter.

SEC. 3881. The Postmaster-General may prescribe by regulation the manner of wrapping and securing for the mails all matter not charged with letter-postage, so that it may be conveniently examined by postmasters; and if not so wrapped and secured, it shall be subject to letter-postage. 8 June, 1872, c. 335, s. 136, v. 17, p. 301.

Removing wrappers.

SEC. 3882. Postmasters at the office of delivery may remove the wrappers and envelopes from mail-matter not charged with letter-postage, when it can be done without destroying them, for the purpose of ascertaining whether there is upon or connected with any such matter anything which would authorize or require the charge of a higher rate of postage thereon. Ibid., s. 137.

Newspapers to be dried and in wrappers.

SEC. 3883. No newspapers shall be received to be conveyed by mail unless they are sufficiently dried and inclosed in proper wrappers. Ibid., s. 138.

Papers and periodicals to one address.

SEC. 3884. Where packages of newspapers or other periodicals are received at a post-office, directed to one address, and a list of the names of the subscribers to whom they belong, with the postage for a quarter in advance, is handed to the postmaster, he shall deliver such papers or periodicals to their respective owners. Ibid., s. 139.

Notice of refusal to receive newspapers.

SEC. 3885. Postmasters shall notify the publisher of any newspaper, or other periodical, when any subscriber shall refuse to take the same from the office, or neglect to call for it for the period of one month. Ibid., s. 140.

Inclosures in regular printed matter.

SEC. 3886. Publishers of newspapers and periodicals may print or write, upon their publications sent to regular subscribers, the address of the subscriber, and the date when the subscription expires, and may inclose therein bills and receipts for subscriptions thereto, without subjecting such publications to extra postage. Ibid., s. 141. 12 *July*, 1876, *c.* 179, *s.* 15, *c.* 19, *p.* 82.

Inclosing letters in printed matter; penalty.

SEC. 3887. Any person who shall inclose or conceal any letter, memorandum, or other thing in any mail-matter not charged with letter-postage, or make any writing or memorandum thereon, and deposit or cause the same to be deposited for conveyance by mail at a less rate than letter postage, shall, for every such offense, be liable to a penalty of five dollars; and such mail-matter or inclosure shall not be delivered until the postage is paid thereon at letter-rates. But no extra postage shall be charged for a card printed or impressed upon an envelope or wrapper. 8 June, 1872, c. 335, s. 142, v. 17, p. 301.

Carrying newspapers out of mail.

SEC. 3888. Contractors or mail-carriers may convey, out of the mail, newspapers for sale or distribution to subscribers. Ibid., s. 143.

Delivery of newspapers by route-agents.

SEC. 3889. The Postmaster-General may provide by order the terms upon which route-agents may receive from publishers or any news agents in charge thereof, and deliver the same as directed, if presented and called for at the mail-car or steamer, packages of newspapers and other periodicals not received from or intended for delivery at any post-office. Ibid., s. 144.

Detaining letters; penalty.

SEC. 3890. Any postmaster who shall unlawfully detain in his office any letter or other mail-matter, the posting of which is not prohibited by law, with intent to prevent the arrival and delivery of the same to the person to whom it is addressed, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not more than six months, and he shall be forever thereafter incapable of holding the office of postmaster. Ibid., s. 145.

Detaining, opening, or destroying letters; penalty.

SEC. 3891. Any person employed in any department of the postal service, who shall unlawfully detain, delay, or open any letter, packet, bag, or mail of letters intrusted to him, or which has come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail-carrier, mail-messenger, route-agent, letter-carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General; or who shall secrete, embezzle, or destroy any such letter, packet, bag, or mail of letters, although it does not contain any security for or assurance relating to money or other thing of value, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both. Ibid., s. 146, p. 302.

Intercepting or secreting letters; penalty.

Ibid., s. 147.

U. S. *v.* Lancaster, 2 McLean, 431.
U. S. *v.* Pond, 2 Curt., 265.

SEC. 3892. Any person who shall take any letter, postal card, or packet, although it does not contain any article of value or evidence thereof, out of a post-office or branch post-office, or from a letter or mail carrier, or which has been in any post-office or branch post-office or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall secrete, embezzle, or destroy the same, shall, for every such offense, be punishable by a fine of not more than five hundred dollars, or by imprisonment at hard labor for not more than one year, or by both.

Obscene books, scurrilous and disloyal letters, and lottery circulars not mailable; penalty.

Ibid, ss. 148, 149.
3 Mar., 1873, c. 158, s. 2, v. 17, p. 599.
12 *July*, 1876, *c.* 186, *v.* 19, *p.* 90.

U. S. *v.* Bott, 11 Blatch., 346.
U. S. *v.* Foote, 13 Blatch., 418.

SEC. 3893. [*No obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion, nor any article or thing intended or adapted for any indecent or immoral use or nature, nor any written or printed card, circular, book, pamphlet, advertisement, or notice of any kind, giving information, directly or indirectly, where, or how, or of whom, or by what means either of the things before mentioned may be obtained or made, nor any letter upon the envelope of which, or postal card upon which indecent or scurrilous epithets may be written or printed, shall be carried in the mail; and any person who shall knowingly deposit or cause to be deposited, for mailing or delivery, any of the hereinbefore-mentioned articles or things, or any notice or paper containing any advertisement relating to the aforesaid articles or things, and any person who, in pursuance of any plan or scheme for disposing of any of the hereinbefore mentioned articles or things, shall take, or cause to be taken, from the mail any such letter or package, shall be deemed guilty of a misdemeanor, and shall, for every offense, be fined not less than one hundred dollars, nor more than five thousand dollars, or imprisoned at hard labor not less than one year nor more than ten years, or both.*] [Every obscene, lewd, or lascivious book, pamphlet, picture, paper, writing, print, or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means, any of the hereinbefore mentioned matters, articles or things may be obtained or made, and every letter upon the envelope of which, or postal card upon which, indecent, lewd, obscene, or lascivious delineations, epithets, terms, or language may be written or printed, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause the same to be taken, from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall for each and every offence be fined not less than one hundred dollars nor more than five thousand dollars, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court. And all offences committed under said original section thirty-eight hundred and ninety-three of the Revised Statutes prior to the approval of this act may be prosecuted and punished under the said original section in the same manner and with the same effect as if this act had not been passed.] [See § 1785.]

Gift enterprise, &c., circulars not mailable; penalty.

8 June, 1872, c. 335, ss. 148, 149, v. 17, p. 302.
12 *July*, 1876, *c.* 186, *s.* 2, *v.* 19, *p.* 90.

SEC. 3894. No letter or circular concerning [*illegal*] lotteries, so-called gift-concerts, or other similar enterprises, offering prizes, or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretenses, shall be carried in the mail. Any person who shall knowingly deposit or send anything to be conveyed by mail in violation of this section shall be punishable by a fine of not more than five hundred dollars nor less than one hundred dollars, with costs of prosecution.

SEC. 3895. All letters, packets, or other matter which may be seized or detained for violation of law shall be returned to the owner or sender of the same, or otherwise disposed of as the Postmaster-General may direct.

Letters seized to be returned to senders.

8June,1872,c.335, s. 302, v. 17, p.323.

CHAPTER FOUR.

POSTAGE.

Sec.
3896. Prepayment of postage.
3897. Third class matter.
3898. Disposal of partly paid and unpaid letters.
3899. Fraudulent receipt of postage; penalty.
3900. Postage to be paid before delivery.
3901. Box-rents to be prepaid.
3902. Unpaid soldiers' and sailors' letters.
3903. Postage on letters and letter-matter.
3904. Drop-letter postage.
3905. Postage on regular printed matter.
3906. Certain postage to be paid quarterly.
3907. Postage on packages of small papers.
3908. Postage to regular dealers.
3909. Affidavit of publishers; penalty.
3910. Postage on transient, &c., matter.
3911. Clothing to soldiers by mail.
3912. Postage on foreign mail-matter.
3913. Postage on irregular sea-letters.

SEC. 3896. Postage on all mail-matter must be prepaid by stamps at the time of mailing, unless herein otherwise provided for.

Prepayment of postage.

8 June, 1872, s. 150, v. 17, p. 302. 3 *Mar.*, 1875, *c.* 128, *ss.* 5, 7, *v.* 18, *p.* 343.

SEC. 3897. All mail-matter of the third class must be prepaid in full in postage-stamps at the office of mailing.

Third-class matter.

3 Jan., 1873, c. 21, v. 17, p. 407. 3 *Mar.*, 1877, *c.* 103, *s.* 5, *v.* 19, *p.* 335.

SEC. 3898. All mail-matter deposited for mailing, on which one full rate of postage has been paid as required by law, shall be forwarded to its destination, charged with any portion of the proper postage which may be unpaid, to be collected on delivery. But if any mail-matter, on which by law the postage is required to be prepaid at the mailing-office, shall by inadvertence reach its destination without any prepayment, double the prepaid rates shall be charged and collected on delivery.

Disposal of partly paid and unpaid letters.

8 June, 1872, c. 335, ss. 151, 152, v. 17, p. 302.

SEC. 3899. If any postmaster, or other person authorized by the Postmaster-General to receive the postage of letters, shall fraudulently demand or receive any rate of postage, or gratuity, or reward, other than is provided by this section, for the postage of letters or packets, he shall be punishable by a fine of one hundred dollars.

Fraudulent receipts of postage; penalty.

Ibid., s. 296, p. 322.

SEC. 3900. No mail-matter shall be delivered until the postage due thereon has been paid.

Postage to be paid before delivery.

Ibid.,s.153,p.303.

SEC. 3901. No box at any post-office shall be assigned to the use of any person until the rent thereof has been paid for at least one quarter in advance, for which the postmaster shall give a receipt.

Box-rents to be prepaid.

Ibid., s. 154.

SEC. 3902. The Postmaster-General may provide by regulation for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States, to their destination.

Unpaid soldiers' and sailors' letters.

Ibid., s. 155.

SEC. 3903. On all mail-matter which is wholly or partly in writing, except book-manuscripts and corrected proofs passing between authors and publishers, and local or drop letters; on all printed matter which is so marked as to convey any other or further information than is conveyed by the original print, except the correction of mere typographical errors; on all matter which is sent in violation of law or the regulations of the Department respecting inclosures; and on all matter to which no specific rate of postage is assigned, postage shall be charged at the rate of three cents for each half-ounce or fraction thereof.

Postage on letters and letter-matter.

Ibid., s. 156.
3 *Mar.*, 1877, *c.* 103,*s.*5,*v.*19,*p.*335.

SEC. 3904. Letters commonly known as drop or local letters, delivered through the post-office or its carriers, shall be charged with postage at the rate of two cents where the system of free delivery is established, and one cent where such system is not established, for each half-ounce or fraction thereof.

Drop-letter postage.

8 June, 1872, c 335, s. 153, v. 17, p 303.

Postage on regular printed matter.

Ibid., s. 158.
3 *Mar.*, 1877, *c.* 103, *s.* 5, *v.* 19, *p.* 335.

SEC. 3905. On newspapers and other periodical publications, not exceeding four ounces in weight, sent from a known office of publication to regular subscribers, postage shall be charged at the following rates per quarter, namely: On publications issued less frequently than once a week, at the rate of one cent for each issue; issued once a week, five cents; and five cents additional for each issue more frequent than once a week. And an additional rate shall be charged for each additional four ounces or fraction thereof in weight.

Certain postage to be paid quarterly.

8 June, 1872, c. 335, s. 159, v. 17, p. 303.

SEC. 3906. On newspapers and other periodicals sent from a known office of publication to regular subscribers, the postage shall be paid before delivery, for not less than one quarter, nor more than one year; which payment may be made either at the office of mailing or delivery, commencing at any time; and the postmaster shall account for such postage in the quarter in which it is received.

Postage on packages of small papers.

Ibid., s. 160.

SEC. 3907. The Postmaster-General may provide by regulations for carrying small newspapers, issued less frequently than once a week, in packages to one address, from a known office of publication to regular subscribers, at the rate of one cent for each four ounces or fraction thereof.

Postage to regular dealers.

Ibid., s. 161.

SEC. 3908. Persons known as regular dealers in newspapers and periodicals may receive and transmit by mail such quantities of either as they may require, and pay the postage thereon as received, at the same rates, pro rata, as regular subscribers to such publications who pay quarterly in advance.

Affidavits of publishers; penalty.

Ibid., s. 162.
23 *June*, 1874, *c.* 456, *s.* 9, *v.* 18, *p.* 233.

SEC. 3909. The Postmaster-General may prescribe, by regulation, an affidavit, in form, to be taken by the publisher, or by the clerk, agent, or servant of the publisher, of any newspaper or other periodical which may by law be sent to regular subscribers without prepayment of postage at the mailing-office, to the effect that neither he nor any other proprietor, clerk, agent, or employé within his knowledge will send, cause or permit to be sent through the mail, without prepayment by postage-stamps, any copies of such newspaper or other periodical (naming it) except to bona-fide and regular subscribers thereto; and if any such newspaper or other periodical shall be thus unlawfully sent, with the knowledge or consent of such proprietor, or his agent, clerk, or servant in charge of such business, or if such affidavit shall, when required by the Postmaster-General or any special agent of the Post-Office Department, be refused, the person guilty of the offense, or refusing to make the affidavit, shall be liable to a penalty of fifty dollars in each case.

Postage on transient, &c., matter.

8 June, 1872, c. 335, s. 163, v. 17, p. 304.

SEC. 3910. On mailable matter of the third class, except as herein stated, postage shall be charged at the rate of one cent for each two ounces or fraction thereof. Double these rates shall be charged for books, samples of metals, ores, minerals, and merchandise.

Clothing to soldiers by mail.

Ibid., s. 164.

SEC. 3911. Packages of woolen, cotton, or linen clothing, not exceeding two pounds in weight, may be sent through the mail to any non-commissioned officer or private in the Army of the United States, if prepaid, at the rate of one cent for each one ounce or fraction thereof, subject to such regulations as the Postmaster-General may prescribe.

Postage on foreign mail-matter.

Ibid., s. 165.

SEC. 3912. The rate of United States postage on mail-matter sent to or received from foreign countries with which different rates have not been established by postal convention or other arrangement, when forwarded by vessels regularly employed in transporting the mail, shall be ten cents for each half-ounce or fraction thereof on letters, unless reduced by order of the Postmaster-General; two cents each on newspapers; and not exceeding two cents per each two ounces, or fraction thereof, on pamphlets, periodicals, books, and other printed matter, which postage shall be prepaid on matter sent and collected on matter received; and to avoid loss to the United States in the payment of balances, the Postmaster-General may collect the unpaid postage on letters from foreign countries in coin or its equivalent.

Postage on irregular sea-letters.

Ibid., s. 166.

SEC. 3913. All letters conveyed by vessels not regularly employed in carrying the mail shall, if for delivery within the United States, be charged with double postage, to cover the fee paid to the vessel.

CHAPTER FIVE.

POSTAGE-STAMPS AND ENVELOPES.

Sec.
3914. Postage-stamps.
3915. Stamped envelopes.
3916. Postal cards.
3917. Improvements in stamps and envelopes.
3918. Sale of stamps at post-offices.
3919. Stamps and envelopes at a discount.
3920. Selling stamps at more than face; penalty.
3921. Stamps to be defaced.
3922. Removing stamps from mail matter; penalty.
3923. Re-use of stamps; penalty.
3924. Removal and re-use of old stamps by employé; penalty.
3925. The same by persons not in post-office employ.

Postage-stamps.

SEC. 3914. The Postmaster-General shall prepare postage-stamps of suitable denominations, which, when attached to mail-matter, shall be evidence of the payment of the postage thereon.

8 June, 1872, c. 335, s. 168, v. 17, p. 304. 12 *July*, 1876, *c.* 179, *s.* 14, *c.* 19, *p.* 82. 3 *Mar.*, 1877, *c.* 103, *s.* 4, *c.* 19, p. 335.

Stamped envelopes.

SEC. 3915. The Postmaster-General shall provide suitable letter and newspaper envelopes, with such water-marks or other guards against counterfeits as he may deem expedient, and with postage-stamps with such device and of such suitable denominations as he may direct, impressed thereon; and such envelopes shall be known as "stamped envelopes," and shall be sold, as nearly as may be, at the cost of procuring them, with the addition of the value of the postage-stamps impressed thereon; but no stamped envelope furnished by the Government shall contain any lithographing or engraving, nor any printing except a printed request to return the letter to the writer. Letters and papers inclosed in such stamped envelopes shall, if the postage-stamp is of a denomination sufficient to cover the postage properly chargeable thereon, pass in the mail as prepaid matter. [The Postmaster-General shall cause to be prepared a special stamp or stamped envelope, to be used only for official-mail-matter, for each of the Executive Departments; and said stamps and stamped envelopes shall be supplied by the proper officer of said Departments to all persons under its direction requiring the same for official use; and all appropriations for postage made prior to March third, eighteen hundred and seventy-three, shall no longer be available for said purpose; and all stamps and stamped envelopes shall be sold or furnished to said several Departments or clerks only at the price for which stamps and stamped envelopes of like value are sold at the several post-offices.]

8 June, 1872, c. 335, s. 169, v. 17, p. 304. 12 *July*, 1876, *c.* 179, *s.* 14, *c.* 19, *p.* 82. 27 *Feb.*, 1877, *c.* 69, *c.* 19, *p.* 250.

Postal cards.

SEC. 3916. To facilitate letter correspondence, and to provide for the transmission in the mails, at a reduced rate of postage, of messages, orders, notices, and other short communications, either printed or written in pencil or ink, the Postmaster-General is authorized and directed to furnish and issue to the public, with postage-stamps impressed upon them, "postal cards," manufactured of good stiff paper, of such quality, form, and size as he shall deem best adapted for general use; which cards shall be used as a means of postal intercourse, under rules and regulations to be prescribed by the Postmaster-General, and when so used shall be transmitted through the mails at a postage charge of one cent each, including the cost of their manufacture.

8 June, 1872, c. 335, s. 170, v. 17, p. 304. 12 *July*, 1876, *c.* 179, *s.* 14, *c.* 19, *p.* 82. 3 *Mar.*, 1877, *c.* 103, *s.* 4, *c.* 19, *p.* 335.

Improvements in stamps and envelopes.

SEC. 3917. The Postmaster-General may, from time to time, adopt such improvements in postage-stamps and stamped envelopes as he may deem advisable; and when any such improvement is adopted it shall be subject to all the provisions herein respecting postage-stamps or stamped envelopes.

8 June, 1872, c. 335, s. 171, v. 17, p. 304.

Sale of stamps at post-offices.

SEC. 3918. Postage-stamps and stamped envelopes shall be furnished by the Postmaster-General to all postmasters, and shall be kept for sale at all post-offices; and each postmaster shall be held accountable for all such stamps and envelopes furnished to him.

Ibid., s. 172.

Stamps and envelopes at a discount.

SEC. 3919. Postage-stamps and stamped envelopes may be sold at a discount to certain designated agents, who will agree to sell again without discount, under rules to be prescribed by the Postmaster-General; but the

Ibid., s. 173, p. 305.

quantities of each sold to any one agent at one time shall not exceed one hundred dollars in value, and the discount shall not exceed five per centum on the face value of the stamps, nor the same per centum on the current price of the envelopes when sold in less quantities.

Selling stamps at more than face; penalty.

Ibid., s. 174.

SEC. 3920. Postage-stamps shall not be sold for any larger sum than the value indicated on their face, nor stamped envelopes for more than is charged therefor by the Post-Office Department for like quantities. Any person connected with the postal service who shall violate this provision shall be punishable by a fine of not less than ten dollars, nor more than five hundred.

Stamps to be defaced.

Ibid., s. 175.

SEC. 3921. Postage-stamps affixed to all mail-matter or the stamped envelopes in which the same is inclosed, shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing-office, in such manner as the Postmaster-General may direct; and if any mail-matter shall be forwarded without the stamps or envelopes being so defaced, the postmaster at the office of delivery shall deface them, and report the delinquent postmaster to the Postmaster-General.

Removing stamps from mail-matter; penalty.

Ibid., s. 176.

SEC. 3922. Any person employed in any branch of the postal service who shall willfully and unlawfully remove from any mail-matter any postage-stamp affixed thereto in payment of the postage, shall be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months.

Re-use of stamps; penalty.

Ibid., s. 177.

SEC. 3923. Any person who shall use or attempt to use, in payment of the postage on any mail-matter conveyed by mail or otherwise, any postage-stamp or stamped envelope, or any stamp cut from any such stamped envelope, which has been before used for a like purpose, shall be liable to a penalty of fifty dollars.

Removal and re-use of old stamps by employé; penalty.

Ibid., s. 297, p. 322.

SEC. 3924. If any person employed in any department of the Post-Office Establishment of the United States shall willfully and knowingly use, or cause to be used, in prepayment of postage, any postage-stamp, postal card, or stamped envelope issued, or which may hereafter be issued, by authority of any act of Congress, or of the Postmaster-General, which has already been once used for a like purpose, or shall remove, or attempt to remove, the canceling or defacing marks from any such postage-stamp, or stamped envelope, or postal-card, with intent to use or cause the use of the same a second time, or to sell, or offer to sell, the same, or shall remove from letters or other mail matter deposited in or received at a post-office the stamps attached to the same in payment of postage, with intent to use the same a second time for a like purpose, or to sell, or offer to sell, the same, every such offender shall be deemed guilty of felony, and shall be imprisoned for not less than one year nor more than three years.

The same by persons not in post-office employ.

Ibid., s. 298.

SEC. 3925. If any person, although not employed in any department of the Post-Office Establishment, shall commit any of the offenses described in the preceding section, every such person shall be deemed guilty of a misdemeanor, and be punishable by imprisonment for not less than six months nor more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, for each offense, or by both.

CHAPTER SIX.

REGISTERED LETTERS.

Sec.
3926. System of registration authorized.
3927. Registered matter and fees.
3928. Receipt for delivery of registered matter.
3929. Registered letters to lotteries, &c., may be returned.

System of registration authorized.

SEC. 3926. For the greater security of valuable mail-matter, the Postmaster-General may establish a uniform system of registration. But the

Post-Office Department or its revenue shall not be liable for the loss of any mail-matter on account of its having been registered.

8 June 1872, c. 335, ss. 126, 129, v. 17, p. 300.

Registered matter and fees.

SEC. 3927. Mail-matter shall be registered only on the application of the party posting the same, and the fee therefor shall not exceed twenty cents in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster-General shall direct. But letters upon the official business of the Post-Office Department which require registering shall be registered free of charge, and pass through the mails free of charge.

Ibid., s. 127.

Receipt for delivery of registered matter.

SEC. 3928. A receipt shall be taken upon the delivery of any registered mail-matter, showing to whom and when the same was delivered, which shall be returned to the sender, and be received in the courts as prima-facie evidence of such delivery.

Ibid., s. 128.

Registered letters to lotteries, &c., may be returned.

SEC. 3929. The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any fraudulent lottery, gift-enterprise, or scheme for the distribution of money or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post-offices at which registered letters arrive directed to any such person, to return all such registered letters to the postmasters at the offices at which they were originally mailed, with the word "fraudulent" plainly written or stamped upon the outside of such letters; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe. But nothing contained in this Title shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself.

Ibid., s. 300, p. 322.

CHAPTER SEVEN.

UNCLAIMED, DEAD, AND REQUEST LETTERS.

Sec.
3930. Advertising letters.
3931. Advertising foreign letters.
3932. Registry of letters containing fractional currency.
3933. Posting lists of advertised letters.
3934. Pay for advertising letters.
3935. Charge on advertised letters.
3936. Return of undelivered letters.
3937. Unpaid letters to dead-letter office.
3938. Proceeds of valuable dead letters.
3939. Request letters to be returned.
3940. Forwarding letters from one office to another.

Advertising letters.

SEC. 3930. The Postmaster-General may direct the publication of the list of non-delivered letters at any post-office by written list posted in some public place, or, when he shall deem it for the public interest, he may direct the publication of such list in the daily or weekly newspaper regularly published within the post-office delivery which has the largest circulation within such delivery; and where no daily paper is published within the post-office delivery, such list may be published in the daily newspaper of any adjoining delivery having the largest circulation within the delivery of the post-office publishing the list; and in case of dispute as to the circulation of competing newspapers, the postmaster shall receive evidence and decide upon the fact. Such list shall be published as frequently as the Postmaster-General may deem proper, but not oftener than once a week.

8 June, 1872, c. 335, s. 188, v. 17, p. 307.

Advertising foreign letters.

SEC. 3931. The list of non-delivered letters addressed to foreign-born persons may be published in a newspaper printed in the language most used by them, which shall be selected in the manner prescribed in the preceding section.

Ibid., s. 189.

Registry of letters containing fractional currency.

SEC. 3932. Under such regulations as the Postmaster-General may prescribe, all postmasters are authorized to register in the manner prescribed by law, but without payment of any registration fee, all letters containing fractional or other currency of the United States, which shall

Ibid., s. 190, p. 307.

be by them sent by mail to the Treasurer of the United States for redemption; and the postmaster at the city of Washington, in the District of Columbia, shall register, in like manner, without charge, all letters containing new currency returned for currency redeemed, which shall be received by him from the Treasurer, in sealed packages, marked with the word "register" over the official signature of the said Treasurer.

Posting lists of advertised letters.
Ibid., s. 191, p. 308.

SEC. 3933. Every postmaster shall post, in a conspicuous place in his office, a copy of each list of non-delivered letters immediately after its publication.

Pay for advertising letters.
Ibid., s. 192, p. 308.

SEC. 3934. The compensation for publishing the list of non-delivered letters shall in no case exceed one cent for each letter so published.

Charge on advertised letters.
Ibid., s. 193, p. 308.

SEC. 3935. All letters published as non-delivered shall be charged with one cent in addition to the regular postage, to be accounted for as part of the postal revenue.

Return of undelivered letters.
Ibid., s. 194, p. 308.

SEC. 3936. The Postmaster-General may regulate the period during which undelivered letters shall remain in any post-office, and when they shall be returned to the dead-letter office; and he may make regulations for their return from the dead-letter office to the writers, when they cannot be delivered to the parties addressed.

Unpaid letters to dead-letter office.
Ibid., s. 195, p. 308.

SEC. 3937. All domestic letters deposited in any post-office for mailing, on which the postage is wholly unpaid or paid less than one full rate as required by law, except letters lawfully free, and duly certified letters of soldiers, sailors, and marines in the service of the United States, shall be sent by the postmaster to the dead-letter office in Washington. But in large cities and adjacent districts of dense population, having two or more post-offices within a distance of three miles of each other, any letter mailed at one of such offices and addressed to a locality within the delivery of another of such offices, which shall have been inadvertently prepaid at the drop or local letter rate of postage only, may be forwarded to its destination through the proper office, charged with the amount of the deficient postage, to be collected on delivery.

Proceeds of valuable dead-letters.
Ibid., s. 196, p. 308.

SEC. 3938. Dead letters containing valuable inclosures shall be registered in the dead-letter office; and when they cannot be delivered to the party addressed nor to the writer, the contents thereof shall be disposed of, and a careful account shall be kept of the amount realized in each case, which shall be subject to reclamation by either the party addressed or the sender, for four years from the registry thereof; and all other letters of value or of importance to the party addressed or to the writer, and which cannot be returned to either, shall be disposed of as the Postmaster-General may direct.

Request to be returned.
Ibid., s. 198, p. 308.

SEC. 3939. When the writer of any letter on which the postage is prepaid shall indorse upon the outside thereof his name and address, such letter shall not be advertised, but after remaining uncalled for at the office to which it is directed thirty days, or the time the writer may direct, shall be returned to him without additional charge for postage, and if not then delivered shall be treated as a dead letter.

Forwarding letters from one office to another.
Ibid., s. 199.

SEC. 3940. Prepaid letters shall be forwarded from one post-office to another, at the request of the party addressed, without additional charge for postage.

CHAPTER EIGHT.

CONTRACTS FOR CARRYING THE MAILS.

Sec.
3941. Advertising for proposals.
3942. Contracts with railways without advertising.
3943. Contracts for carrying home-mails by owners of vessels.
3944. Proposals to be sealed; how to be opened.
3945. Guarantee of proposals.
3946. Oath to accompany bid.
3947. Certificate of the postmaster as to the sufficiency of guarantor.
3948. Bids to be recorded and preserved.
3949. Contracts to lowest bidder.
3950. Combination to prevent bids.

Sec.
3951. Failure of bidder to give bond; proceedings.
3952. Release of bidder.
3953. Bids to be accompanied by certified check.
3954. Penalty for failure to enter into contract.
3955. New sureties.
3956. Limit of time of contract.
3957. Changing terms of contract.
3958. Notice of intention to change terms of contract.
3959. Payment on contract.
3960. Pay for additional regular service.
3961. Allowance for additional expedition.
3962. Fining mail-contractors.
3963. Mail-contracts not assignable.

Advertising for proposals.

SEC. 3941. Before making any contract for carrying the mail, other than those hereinafter excepted, the Postmaster-General shall give public notice by advertising once a week for six weeks in one or more, not exceeding five, newspapers published in the State or Territory where the service is to be performed, one of which shall be published at the seat of government of such State or Territory; and such notice shall describe the route, the time at which the mail is to be made up, the time at which it is to be delivered, and the frequency of the service; and the Postmaster-General shall direct, by special order in each case, the newspapers in which mail-lettings, or other proposals relative to the business of his Department, shall be advertised, and no publisher shall be paid for such advertisements without having been requested by the Postmaster-General to publish the same. [See § 3827.]

8 June, 1872, c. 335, s. 243, v. 17, p. 313. 3 *Mar.*, 1875, *c.* 128, *v.* 18, *p.* 342. 12 *July*, 1876, *c.* 179, *v.* 19, *p.* 79. 3 *Mar.*, 1877, *c.* 103, *s.* 3, *v.* 19, *p.* 335. 3 *Mar.*, 1877, *c.* 110, *v.* 19, *p.* 383. Garfielde *v.* U. S., 93 U. S., 242.

See note to section 3826.

Contracts with railways without advertising.

SEC. 3942. The Postmaster-General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor.

8 June, 1872, c. 335, s. 265, v. 17, p. 316. 12 *July*, 1876, *c.* 179, *s.* 13, *v.* 19, *p.* 82.

Contracts for carrying home-mails by owners of vessels.

SEC. 3943. The Postmaster-General may contract with the owner or master of any steamboat plying upon the waters of the United States, or of any steamship or other vessel plying between ports of the United States, for carrying the mail for any length of time less than four years, and without advertising for proposals therefor, whenever the public interest and convenience will thereby be promoted; but the price paid for such service shall in no case be greater than the average price paid under the last preceding or then existing regular contract on the same route.

8 June, 1872, c. 335, s. 264, v. 17, p. 316.

Proposals to be sealed, how to be opened.

SEC. 3944. Proposals for carrying the mail shall be delivered sealed, and so kept until the bidding is closed, and shall then be opened and marked in the presence of the Postmaster-General, and one of the assistant postmasters-general, or of two of the assistant postmasters-general, or of any other two officers of the Department, to be designated by the Postmaster-General; and any bidder may withdraw his bid at any time before twenty-four hours previous to the time fixed for the opening of proposals, by serving upon the Postmaster-General, or the second assistant postmaster-general, notice in writing of such withdrawal.

Ibid., s. 244, p. 313.

Guarantee of proposals.

SEC. 3945. Every proposal for carrying the mail shall be accompanied by a written guarantee, signed by one or more responsible persons, and undertaking that, within such time after the bid is accepted as the Postmaster-General may prescribe, the bidder will enter into an obligation, with good and sufficient sureties, to perform the service proposed; and no proposals shall be considered unless accompanied by such guarantee.

Ibid., s. 245. 23 *June*, 1874, *c.* 456, *s.* 12, *v.* 18, *p.* 235. 11 *Aug.*, 1876, *c.* 260, *v.* 19, *p.* 129.

Oath to accompany bid.

SEC. 3946. Each bid for carrying the mail shall hereafter have affixed to it the oath of the bidder, taken before an officer qualified to administer oaths, that he has the pecuniary ability to fulfill his obligations, and that the bid is made in good faith and with the intention to enter into contract and perform the service, in case his bid shall be accepted; and that the signatures of his guarantors are genuine, and that he believes the guarantors pecuniarily responsible for and able to pay all damages the United States shall suffer by reason of the bidder's failing to perform his obligations as such bidder.

8 June, 1872, c. 335, s. 246, v. 17, p. 313. 23 *June*, 1874, *c.* 456, *s.* 12, *v.* 18, *p.* 235. 11 *Aug.*, 1876, *c.* 260, *v.* 19, *p.* 129.

Certificate of the postmaster as to

SEC. 3947. Any postmaster or other officer of the Post-Office Department who shall affix his signature to the certificate of sufficiency of

sufficiency of guarantor.

guarantors or sureties before the guarantee or contract is signed by the guarantors or sureties, or shall knowingly make any false or illusory certificate, shall be forthwith dismissed from office, and shall be deemed guilty of a misdemeanor, and be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both.

8 June, 1872, c. 335, s. 247, v. 17, p. 313.
23 *June*, 1874, *c.* 456, *s.* 12, *v.* 18, *p.* 235. 12 *Aug.*, 1876, *c.* 260, *v.* 19, *p.* 129.

Bids to be recorded and preserved.

SEC. 3948. The Postmaster-General shall have recorded, in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid, and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals.

8 June, 1872, c. 335, s. 248, v. 17, p. 313.

Contracts to lowest bidder.

SEC. 3949. All contracts for carrying the mail shall be in the name of the United States, and shall be awarded to the lowest bidder tendering sufficient guarantees for faithful performance, without other reference to the mode of transportation than may be necessary to provide for the due celerity, certainty, and security thereof; but the Postmaster-General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract.

Ibid., s. 249.

Combinations to prevent bids.

SEC. 3950. No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for five years, and for the second offense shall be forever disqualified.

Ibid., s. 250.

Failure of bidder to give bond; proceedings.

SEC. 3951. After any regular bidder or contractor for the transportation of the mail upon any route shall have failed to enter into contract, and commence the performance thereof as herein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, who will enter into a contract and perform the same, unless the Postmaster-General shall consider such bid too high, in which case he shall re-advertise such service. And in all cases of regular contracts hereafter made the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster-General. The Postmaster-General may contract, without advertisement, for a period not to exceed twelve months, for the carriage of the mail on such route during the time that shall necessarily elapse between the failure of either of the accepted bidders to enter into a contract and the time when the next accepted bidder under the old or a new advertisement shall enter upon his contract; and the difference between the price proposed in the accepted bid and that paid for intermediate service shall be charged to the failing bidder or bidders, and may be recovered in the name of the United States for the use of the Post-Office Department, in an action on the case. And when the contract shall be made and concluded, the difference between the accepted bid of the failing bidders and the amount payable under the contract for the service of two years shall be forthwith charged against the failing bidder or bidders; and an action for such sum in the nature of liquidated damages shall accrue to the United States for the use of the Post-Office Department immediately upon the execution of the final contract. And both causes of action mentioned in this section may be joined in one suit.

Ibid., s. 251.
23 *June*, 1874, *c.* 456, *s.* 12, *v.* 18, *p.* 235.
11 *Aug.*, 1876, *c.* 260, *v.* 19, *p.* 129.

Release of bidder.

SEC. 3952. No bidder for carrying the mail shall be released from his obligation under his bid or proposal, notwithstanding an award made to a lower bidder, until a contract for the designated service shall have been duly executed by such lower bidder and his sureties, and accepted,

8 June, 1872, c. 335, s. 252, v. 17, p. 313.

and the service entered upon by the contractor to the satisfaction of the Postmaster-General.

Bids to be accompanied by certified check.

Ibid., s. 253.
23 *June*, 1874, *c.* 456, *s.* 12, *v.* 18, *p.* 235.
11 *Aug.*, 1876, *c.* 260, *v.* 19, *p.* 129.

SEC. 3953. Hereafter all bidders upon every mail-route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of five thousand dollars, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General upon some solvent national bank, which check or draft shall not be less than five per centum on the amount of the annual pay on such route at the time such bid is made; and in case of new service, not less than five per centum of the amount of one year's pay proposed in such bid, if the bid exceed five thousand dollars per annum. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon to the satisfaction of the Postmaster-General, such draft or check so deposited shall be returned to the bidder.

Penalty for failure to enter into contract.

8 June, 1872, c. 335, s. 254, v. 17, p. 315.
11 *Aug.*, 1876, *c.* 260, *v.* 19, *p.* 129.

SEC. 3954. [*Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form, and perform the service described in his or their bid or proposal, shall be deemed guilty of a misdemeanor, and be punishable by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months.*] [Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform the service described in his or their bid or proposal, or having entered into such contract shall wrongfully refuse or fail to perform such service, shall, for any such failure or refusal, be deemed guilty of a misdemeanor, and be punished by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months. And the failure or refusal of any such person or persons to enter into such contract in due form, or having entered into such contract the failure or refusal to perform such service, shall be prima-facie evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful.]

New sureties.

8 June, 1872, c. 335, s. 255, v. 17, p. 315.

SEC. 3955. The Postmaster-General, whenever he may deem it consistent with the public interest, may accept new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety.

Limit of time of contract.

Ibid., s. 256.

SEC. 3956. No contract for carrying the mail shall be made for a longer term than four years, and no contract for carrying the mail on the sea shall be made for a longer term than two years.

Changing terms of contract.

Ibid., s. 257.

SEC. 3957. Whenever, by reason of any error, omission, or other cause, any route which should properly be advertised for the regular letting is omitted, it shall be the duty of the Postmaster-General to advertise the same as soon as the error or omission shall be discovered, and the proposals for such route shall be opened as soon as possible after the other proposals in the same contract section; and the contract made under such supplementary advertisement shall run, as nearly as possible, from the beginning to the end of the regular contract term, and, during the time necessarily lost by reason of such error, omission, or other cause, the Postmaster-General shall provide for the carrying of the mail on such route at as low rate as possible, without advertising.

Notice of intention to change terms of contract.

SEC. 3958. Whenever it becomes necessary to change the terms of an existing contract for carrying the mail otherwise than as provided in the

Ibid., s. 258.

preceding section, notice thereof shall be given and proceedings had thereon the same as at the letting of original contracts.

Payment on contract.

Ibid., s. 259.

SEC. 3959. No person whose bid for carrying the mail is accepted shall receive any pay until he has executed his contract according to law and the regulations of the Department.

Pay for additional regular service.

Ibid., s. 260.

SEC. 3960. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

Allowance for additional expedition.

Ibid., s. 261.

SEC. 3961. No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution.

Fining mail-contractors.

Ibid., s. 266, p. 316.

SEC. 3962. The Postmaster-General may make deductions from the pay of contractors, for failures to perform service according to contract, and impose fines upon them for other delinquencies. He may deduct the price of the trip in all cases where the trip is not performed; and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier.

Mail-contracts not assignable.

Ibid., s. 271.

SEC. 3963. No contractor for transporting the mail within or between the United States and any foreign country shall assign or transfer his contract, and all such assignments or transfers shall be null and void.

CHAPTER NINE.

CARRYING THE MAIL.

Sec.
3964. What are post-roads.
3965. Provisions for carrying the mail.
3966. Mail to every court-house.
3967. Carrying the mail on canals.
3968. Carrying the mail on plank-roads.
3969. Carrying the mail on waters of the United States.
3970. Carrying home-mail in steamships.
3971. Extending line of posts; compensation.
3972. Selecting post-roads.
3973. Change of post-road terminus.
3974. Discontinuing service on post-roads.
3975. Contracts for service over routes not established by law.
3976. United States vessels to carry mails; oath; penalty.
3977. Delivery of letters by master of steamboat to postmaster.
3978. Mail-carrying by vessel not in mail-service.
3979. Claiming to be carriers of United States mail; penalty.
3980. Prepaid way-letters to be received.
3981. Illegal carrying by carriers and others; penalty.

Sec.
3982. Private expresses prohibited; penalty.
3983. Carrying person acting as express; penalty.
3984. Sending letters by private express; penalty.
3985. Carrying letters out of the mail over post-route; penalty.
3986. Carrying letters out of the mail on board vessel; penalty.
3987. Foreign letters not to be carried, except; oath.
3988. Vessels to deliver letters at post-office; oath; penalty.
3989. Searching vessels for letters.
3990. Seizing and detaining letters.
3991. Disposal of seizures.
3992. Conveying letters without compensation.
3993. Letters in stamped envelopes may be carried out of the mail.
3994. Separating letter-mail for expedition.
3995. Obstructing the mail; penalty.
3996. Delaying the mail at a ferry; penalty.

What are post-roads.

8 June, 1872, c. 335, ss. 200–205, v. 17, pp. 308, 309.

SEC. 3964. The following are established post-roads:

All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads which are now or hereafter may be in operation.

All canals, during the time the mail is carried thereon.

All plank-roads during the time the mail is carried thereon.

The road on which the mail is carried to supply any court-house which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters. [See § 2476.]

Provisions for carrying the mail. Ibid., s. 215, p. 309.

SEC. 3965. The Postmaster-General shall provide for carrying the mail on all post-roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper.

Mail to every court-house. Ibid., s. 216, p. 309.

SEC. 3966. The Postmaster-General shall cause a mail to be carried from the nearest post-office on any established post-road to the court-house of any county in the United States which is without a mail.

Carrying the mail on canals. Ibid., s. 217, p. 310.

SEC. 3967. The Postmaster-General may contract for carrying the mail on the navigable canals of the several States, when, in his opinion, the public interest or convenience requires it.

Carrying the mail on plank-roads. Ibid., s. 218, p. 310.

SEC. 3968. The Postmaster-General may contract for carrying the mail on any plank-road in the United States, when the public interest or convenience requires it.

Carrying the mail on waters of the United States. Ibid., s. 219, p. 310.

SEC. 3969. The Postmaster-General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States.

Carrying home-mail in steamships. Ibid., s. 220, p. 310.

SEC. 3970. The Postmaster-General may, if he deem it for the public interest, make contracts for any period not exceeding one year, for carrying the mails in steamships between any of the ports of the United States.

Extending line of posts; compensation. Ibid., s. 221, p. 310.

SEC. 3971. The Postmaster-General may enter into contracts for extending the line of posts to supply mails to post-offices not on any established route, and, as a compensation for carrying the mail under such contracts, may allow not exceeding two-thirds of the salary paid to the postmaster at such special offices.

Selecting post-roads. Ibid., s. 206, p. 309.

SEC. 3972. When there is more than one road between places designated by law for a post-road, the Postmaster-General may direct which shall be considered the post-road.

Change of post-road terminus. Ibid., s. 207.

SEC. 3973. The Postmaster-General may change the terminus of post-roads connecting with or intersecting railways when the service can be thereby improved.

Discontinuing service on post-road. Ibid., s. 208.

SEC. 3974. Whenever, in the opinion of the Postmaster-General, the postal service cannot be safely continued, the revenues collected, or the laws maintained on any post-road, he may discontinue the service on such road or any part thereof until the same can be safely restored.

Contract for service over routes not established by law. Ibid., s. 209.

SEC. 3975. The Postmaster-General may, when he deems it advisable, contract for the transportation of the mails to and from any post-office; but where such service is performed over a route not established by law, he shall report the same to Congress at its meeting next thereafter, and such service shall cease at the end of the next session of Congress, unless such route is established a post-route by Congress.

United States vessels to carry mails; oath; penalty. Ibid., s. 222, p. 310.

SEC. 3976. The master of any vessel of the United States bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad, shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive two cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States. [See § 4203.]

Delivery of letters by master of steamboat to postmaster.

Ibid., s. 223.

SEC. 3977. The master of any steamboat passing between ports or places in the United States, and arriving at any such port or place where there is a post-office, shall deliver to the postmaster, within three hours after his arrival, if in the day-time, and if at night, within two hours after the next sunrise, all letters and packets brought by him, or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or packet so delivered, unless the same is carried under a contract for carrying the mail; and for every failure to so deliver such letters and packets, the master or owner of the steamboat shall be liable to a penalty of one hundred and fifty dollars.

Mail-carrying by vessels not in mail service.

Ibid., s. 224.

SEC. 3978. The Postmaster-General may pay, to the master or owner of any vessel not regularly employed in carrying the mail, two cents for each letter carried by such vessel between ports or places in the United States, or from any foreign port to any port in the United States; but all such letters shall be deposited in the post-office at the port of arrival.

Claiming to be carriers of the United States mail; penalty.

Ibid., s. 225.

SEC. 3979. Any person who shall paint, print, or in any manner place upon or attach to any steamboat or other vessel, or any stage-coach or other vehicle, not actually used in carrying the mail, the words "United States mail," or any words, letters, or characters of like import; or any person who shall give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any stage-coach or other vehicle, is used in carrying the mail, when the same is not actually so used; or any person willfully aiding or abetting therein, shall, for every such offense, be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.

Prepaid way-letters to be received.

Ibid., s. 226.

SEC. 3980. Every route-agent, postal clerk, or other carrier of the mail shall receive any mail-matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives; but no fees shall be allowed him therefor.

Illegal carrying by carriers and others; penalty.

Ibid., s. 227, p. 311.

SEC. 3981. Any person concerned in carrying the mail, who shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall, for every such offense, be punishable by a fine of not more than fifty dollars.

Private expresses prohibited; penalty.

Ibid., s. 228.

SEC. 3982. No person shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods, over any post-route which is or may be established by law, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried; and every person so offending, or aiding or assisting therein, shall for each offense be liable to a penalty of one hundred and fifty dollars.

Carrying person acting as express; penalty.

Ibid., s. 229.

SEC. 3983. The owner of every stage-coach, railway-car, steamboat, or other vehicle or vessel, which shall, with the knowledge of any owner, in whole or in part, or with the knowledge or connivance of the driver, conductor, master, or other person having charge of the same, convey any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary to the spirit, true intent, and meaning of this Title, shall, for every such offense, be liable to a penalty of one hundred and fifty dollars.

Sending letters by private express; penalty.

Ibid., s. 230.

SEC. 3984. No person shall transmit by private express or other unlawful means, or deliver to any agent of such unlawful express, or deposit, or cause to be deposited, at any appointed place, for the purpose of being transmitted, any letter or packet; and for every such offense the party offending shall be liable to a penalty of fifty dollars.

Carrying letters out of the mail over post-routes; penalty.

Ibid., s. 231.

SEC. 3985. No stage-coach, railway-car, steamboat, or other vehicle or vessel which regularly performs trips at stated periods on any post-route, or from any city, town, or place to any other city, town, or place, between which the mail is regularly carried, shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stage-coach, railway-car, or other vehicle, except

as provided in section three thousand nine hundred and ninety-three; and for every such offense the owner of the stage-coach, railway-car, steamboat, or other vehicle or vessel shall be liable to a penalty of one hundred dollars; and the driver, conductor, master, or other person having charge thereof, and not at the time owner of the whole or any part thereof, shall for every such offense be liable to a penalty of fifty dollars.

Carrying letters out of the mail on board vessel; penalty.

Ibid., s. 232.

SEC. 3986. No person shall carry any letter or packet on board any vessel which carries the mail otherwise than in such mail, except as provided in section three thousand nine hundred and ninety-three; and for every such offense the party offending shall be liable to a penalty of fifty dollars.

Foreign letters not to be carried, except; oath.

Ibid., s. 233.

SEC. 3987. No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post-office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section three thousand nine hundred and ninety-three; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care or control, and will not receive or convey any letter or packet contrary to the provisions of this section.

Vessels to deliver letters at post-office; oath; penalty.

Ibid., s. 234.

SEC. 3988. No vessel arriving within any port or collection-district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered at the nearest post-office, and the master thereof has signed and sworn to the following declaration, before the collector or other proper customs officer:

"I, A. B., master of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have, to the best of my knowledge and belief, delivered, at the post-office at ———, every letter, and every bag, packet, or parcel of letters, which were on board the said vessel during her last voyage, or which were in my possession or under my power or control."

And any master who shall break bulk before he has delivered such letters shall be liable to a penalty of not more than one hundred dollars, recoverable, one-half to the officer making the seizure, and the other to the use of the United States.

Searching vessels for letters.

Ibid., s. 235, p. 312.

SEC. 3989. Any special agent of the Post-Office Department, when instructed by the Postmaster-General to make examinations and seizures, and the collector or other customs officer of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law.

Seizing and detaining letters.

Ibid., s. 236.

SEC. 3990. Any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets or parcels, containing letters which are being carried contrary to law on board any vessel or on any post-route, and convey the same to the nearest post-office, or may, by the direction of the Postmaster-General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters.

Disposition of seizures.

Ibid., s. 237.

SEC. 3991. Every package or parcel seized by any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating revenue laws shall apply to officers making seizures for violating the postal laws. [See Title xxxiv, Chap. 10.]

Conveying letters without compensation.

SEC. 3992. Nothing herein contained shall be construed to prohibit the conveyance or transmission of letters or packets by private hands with-

Ibid., s. 238.

out compensation, or by special messenger employed for the particular occasion only.

Letters in stamped envelopes may be carried out of the mail.

Ibid., s. 239.

SEC. 3993. All letters inclosed in stamped envelopes, if the postage-stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter cannot be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster-General may suspend the operation of this section upon any mail-route where the public interest may require such suspension.

Separating letter-mail for expedition.

Ibid., s. 240.

18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 319.

SEC. 3994. When the amount of mail-matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter-mail, or materially increase the cost of carriage at the ordinary rate of speed, the Postmaster-General may provide for the separate carriage of the letter-mail at the usual rate of speed; but the other mail-matter shall not be delayed any more than is absolutely necessary, having due regard to the cost of expedition and the means at his disposal for [*affecting*] [effecting] the same.

Obstructing the mail; penalty.

8 June, 1872, c. 335, s. 241, v. 17, p. 312.

SEC. 3995. Any person who shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier carrying the same, shall, for every such offense, be punishable by a fine of not more than one hundred dollars.

U. S. *v.* Kirby, 7 Wall., 482.

Delaying the mail at a ferry; penalty.

Ibid., s. 242, p. 313.

SEC. 3996. Any ferryman who shall delay the passage of the mail by willful neglect or refusal to transport the same across any ferry shall, for every ten minutes such mail may be so delayed, be liable to a penalty of ten dollars.

CHAPTER TEN.

RAILWAY SERVICE.

Sec.
3997. Railway-routes to be classified.
3998. Rates of pay for carrying mail on railways.
3999. When mail may be carried on railway routes by horse-express.
4000. Railway-companies to carry mail on any train.
4001. Pay for carrying mail on railways receiving Government aid.
4002. Conditions of railway-service.
4003. Refusal to provide postal cars.
4004. Additional pay.
4005. Length and fitting of cars.

Railway-routes to be classified.

Ibid., s. 210, p. 309.

SEC. 3997. The Postmaster-General shall arrange the railway-routes on which the mail is carried, including those in which the service is partly by railway and partly by steamboat, into three classes, according to the size of the mails, the speed at which they are carried, and the frequency and importance of the service, so that each railway company shall receive, as far as practicable, a proportionate and just rate of compensation, according to the service performed.

Rates of pay for carrying mail on railways.

Ibid., s. 211.

SEC. 3998. The pay for carrying the mail on any railway of the first class shall not exceed three hundred dollars per mile per annum; on any railway of the second class it shall not exceed one hundred dollars per mile per annum; and on any railway of the third class it shall not exceed fifty dollars per mile per annum; but if one-half the service on any railway is required to be performed in the night-time, the Postmaster-General may pay twenty-five per centum in addition to the above maximum rates.

When mail may be carried on railway routes by horse-express.

Ibid., s. 212.

SEC. 3999. If the Postmaster-General is unable to contract for carrying the mail on any railway-route at a compensation not exceeding the maximum rates herein provided, or for what he may deem a reasonable and fair compensation, he may separate the letter-mail from the other

mail, and contract, either with or without advertising, for carrying such letter-mail by horse-express or otherwise, at the greatest speed that can reasonably be obtained, and for carrying the other mail in wagons, or otherwise, at a slower rate of speed.

Railway company to carry matter on any train.

SEC. 4000. Every railway company carrying the mail shall carry on any train which may run over its road, and without extra charge therefor, all mailable matter directed to be carried thereon, with the person in charge of the same.

Ibid., s. 213.

Pay for carrying mail on railways receiving Government aid.

SEC. 4001. All railway companies to which the United States have furnished aid by grant of lands, right of way, or otherwise, shall carry the mail at such prices as Congress may by law provide; and, until such price is fixed by law, the Postmaster-General may fix the rate of compensation.

Ibid., s. 214. 20 *June*, 1874, *c.* 388, *v.* 18, *p.* 138. 3 *Mar.*, 1875, *c*, 133, *v.* 18, *p.* 453.

Conditions of railway service.

SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad-routes upon the conditions and at the rates hereinafter mentioned:

3 Mar., 1873, c. 231, s. 1, v. 17, p. 558. 3 *Mar.*, 1875, *c.* 128, *v.* 18, *p.* 341. 3 *Mar.*, 1875, *c.* 133, *v.* 18, *p.* 453.

First. That the mails shall be conveyed with due frequency and speed; and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route-agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of two hundred pounds, fifty dollars; five hundred pounds, seventy-five dollars; one thousand pounds, one hundred dollars; one thousand five hundred pounds, one hundred and twenty-five dollars; two thousand pounds, one hundred and fifty dollars; three thousand five hundred pounds, one hundred and seventy-five dollars; five thousand pounds, two hundred dollars, and twenty-five dollars additional for every additional two thousand pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working-days, not less than thirty, at such times, after June thirtieth, eighteen hundred and seventy-three, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Refusal to provide postal cars.

SEC. 4003. In case any railroad-company now furnishing railway post-office cars shall refuse to provide such cars, such company shall not be entitled to any increase of compensation under the provisions of the next section.

3 Mar., 1873, c. 231, s. 1, v. 17, p. 558.

Additional pay for postal cars.

SEC. 4004. Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding twenty-five dollars per mile per annum for cars forty feet in length; and thirty dollars per mile per annum for forty-five-foot cars; and forty dollars per mile per annum for fifty-foot cars; and fifty dollars per mile per annum for fifty-five to sixty-foot cars.

Ibid.

Length and fitting of cars.

SEC. 4005. The length of cars required for such post-office railway-car service shall be determined by the Post-Office Department, and all such cars shall be properly fitted up, furnished, warmed, and lighted for the accommodation of clerks to accompany and distribute the mails.

Ibid.

CHAPTER ELEVEN.

FOREIGN MAIL-SERVICE.

Sec.
4006. Foreign mail-transportation contracts.
4007. Contracts for carrying mails between the United States and foreign countries.
4008. Foreign mail, how transported.
4009. Pay for transporting foreign mail.
4010. Fine of mail-contractors for delay.
4011. Discontinuing foreign mail-transportation contracts.
4012. Transportation of Canadian mail through the United States.
4013. Offenses against foreign mail *in transitu*.
4014. Payment of postage by consuls.
4015. Rates of postage on letters carried in any foreign vessel.
4016. Letters carried in a foreign vessel to be deposited in a post-office.

Foreign mail-transportation contracts.

8 June, 1872, c. 335, s. 263, v. 17, p. 315.

SEC. 4006. The Postmaster-General, after advertising for proposals, may enter into contracts or make suitable arrangements for transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points; but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor.

Contracts for carrying mails between United States and foreign countries.

Ibid., s. 267, p. 316.

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

Foreign mail, how transported.

Ibid., s. 268.

SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing-vessels when the service can be facilitated thereby.

Pay for transporting foreign mail.

Ibid., s. 269.

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing-vessel, any sum not exceeding the sea-postage, on the mail so transported.

Fine of mail-contractors for delay.

Ibid., s. 270.

SEC. 4010. The Postmaster-General may impose fines on contractors for transporting the mail between the United States and any foreign country, for any unreasonable or unnecessary delay in the departure of such mail, or the performance of the trip; but the fine for any one default shall not exceed one-half the contract price for the trip.

Discontinuing foreign mail-transportation contracts.

Ibid., s. 272.

SEC. 4011. Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress.

Transportation of Canadian, &c., mail through the United States.

Ibid., s. 273.

SEC. 4012. The Postmaster-General may, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or any other country adjoining the United States, to be transported over the territory of the United States from one point in such country to any other point in the same, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted; but such privilege may at any time be annulled by the President or Congress from and after one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the post-office department of the country whose privilege is to be annulled.

Offenses against foreign mail *in transitu*.

Ibid., s. 274, p. 317.

SEC. 4013. Every foreign mail shall, while being transported across the territory of the United States under the provisions of the preceding section, be deemed and taken to be a mail of the United States, so far as to make any violation thereof, or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade, and punishable in the same manner and to the same extent as though the mail was a mail of the United States; and in any indictment for any such offense, the mail, or any part thereof, may be alleged to be, and on the trial of any such indictment it shall be deemed and held to be, a mail or part of a mail of the United States.

Payment of postage by consuls.

Ibid., s. 275.

SEC. 4014. The Postmaster-General or the Secretary of State is hereby authorized to empower the consuls of the United States to pay the foreign postage on such letters destined for the United States as may be detained at the ports of foreign countries for the non-payment of postage, which postage shall be by the consul marked as paid by him, and the

amount thereof shall be collected in the United States as other postage, on the delivery of the letters, and repaid to said consul, or credited on his account at the State Department.

Rates of postage on letters carried in any foreign vessel.

Ibid., s. 276.

SEC. 4015. The Postmaster-General, under the direction of the President of the United States, is hereby authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet-ship or other vessel, the same rate or rates of charge for American postage which the government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels as the postage of such government, and at any time to revoke the same; and all custom-house officers and other United States agents designated or appointed for that purpose shall enforce or carry into effect the foregoing provision, and aid or assist in the collection of such postage, and to that end it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance until such letters or other mailable matter are duly delivered into the United States post-office. [See §§ 4208, 4212.]

Letters carried in a foreign vessel to be deposited in a post-office.

Ibid., s. 277.

SEC. 4016. All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters, relating to such vessel, or any part of the cargo thereof, as may be directed to the owners or consignees of the vessel, shall be subject to postage-charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters, relating to the vessel, or any part of the cargo thereof, as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master of such vessel when arriving, and be taken from a United States post-office when departing, and the postage paid thereon, justly chargeable by this Title, and for refusing or failing to do so, or for conveying such letters or any letters intended to be conveyed in any vessel of such foreign country over or across the United States, or any portion thereof, the party offending shall be punishable by a fine of not more than one thousand dollars for each offense.

CHAPTER TWELVE.

SPECIAL, LOCAL, AND ROUTE AGENTS.

Sec.
4017. Special agents; their salary and allowance.
4018. When special agents to give bond.
4019. Assistant Postmasters-General, &c., as special agents.
4020. Railway-service agents and their pay.
4021. Resident agents on Isthmus of Panama, &c.
4022. Agents on mail-steamers to foreign ports.
4023. Postal agencies in China and Japan.
4024. Route-agents.
4025. Clerks in railway post-offices.
4026. Searches authorized.

Special agents, their salary and allowances.

8 June, 1872, c. 335, ss. 31, 32, v. 17, p. 289.

SEC. 4017. The Postmaster-General may employ two special agents for the Pacific coast, and such number of other special agents as the good of the service and the safety of the mail may require. Such agents shall be entitled to a salary at the rate of not more than one thousand six hundred dollars a year each, and shall each be allowed for traveling and incidental expenses, while actually employed in the service, a sum not exceeding five dollars a day.

When special agents to give bond.

Ibid., s. 33.

SEC. 4018. Whenever a special agent is required to collect or disburse any public money, he shall, before entering upon such duty, give bond in such sum and form, and with such security, as the Postmaster-General may approve.

Assistant Postmasters-General, &c., as special agents.

Ibid., s. 34.

SEC. 4019. The Postmaster-General may employ, when the service requires it, the Assistant Postmasters-General and superintendents in his Department as special agents; and he may allow them therefor not exceeding the amount expended by them as necessary traveling expenses while so employed.

Railway-service agents and their pay.

Ibid., s. 35.

SEC. 4020. The Postmaster-General may appoint two agents to superintend the railway postal-service, each of whom shall be paid out of the appropriation for the transportation of the mail, a salary at the rate of two thousand five hundred dollars a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than five dollars a day; and the Sixth Auditor shall charge to the appropriation for mail transportation the salary and per diem of the assistant superintendents of the postal railway-service; and to the appropriation for the free-delivery system the salary and per diem of the special agent detailed for that service; and the salary and per diem of the special agents employed in the money-order service shall be paid out of the proceeds of that service.

Resident agents on Isthmus of Panama, &c.

Ibid., s. 36.

SEC. 4021. The Postmaster-General may establish resident mail-agencies at the ports of Panama and Aspinwall, in New Granada; Havana, in Cuba; at Saint Thomas, and at such other foreign ports at which United States mail-steamers touch to land and receive mails, as may, in his judgment, promote the efficiency of the foreign mail-service; and may pay the agents employed by him at such ports, out of the appropriation for transportation of the mail, a reasonable compensation for their services, and the necessary expenses for office-rent, clerk-hire, office-furniture, and other incidentals, to be allowed him at each of such agencies.

Agents on mail-steamers to foreign ports.

Ibid., s. 37.

SEC. 4022. The Postmaster-General may appoint an agent in charge of the mail on board of each of the mail-steamers on the routes between San Francisco, Japan, and China; between San Francisco and Honolulu, in the Hawaiian Islands, and between New York and Rio Janeiro, who shall be allowed, out of the appropriation for transportation of the mail, a salary of two thousand dollars a year.

Postal agencies in China and Japan.

Ibid., s. 38, p. 290.

SEC. 4023. The Postmaster-General may establish, in connection with the mail-steamship service to Japan and China, a general postal agency at Shanghai, in China, or at Yokohama, in Japan, with such branch agencies at any other ports in China and Japan as he shall deem necessary for the prompt and efficient management of the postal service in those countries; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for rent, furniture, clerk-hire, and incidental expenses.

Route-agents.

Ibid., s. 39.

SEC. 4024. The Postmaster-General may employ as many route-agents as may be necessary for the prompt and safe transportation of the mail, each of whom shall be paid, out of the appropriation for transportation of the mail, a salary at the rate of not less than nine hundred nor more than one thousand two hundred dollars a year each.

Clerks in railway post-offices.

Ibid., s. 40.

SEC. 4025. The Postmaster-General may appoint clerks for the purpose of assorting and distributing the mail in railway post-offices, each of whom shall be paid, out of the appropriation for transportation of the mail, a salary at the rate of not more than one thousand four hundred dollars a year each to the head clerks, nor more than one thousand two hundred dollars a year each to the other clerks.

Searches authorized.

Ibid., s. 299, p. 322.

SEC. 4026. The Postmaster-General may, by a letter of authorization under his hand, to be filed among the records of his Department, empower any special agent or other officer of the Post-Office Establishment to make searches for mailable matter transported in violation of law; and the agent or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post-office of the United States to any other such place, or any box, package, or packet, being, or having lately before been, in such car

or vehicle, or any store or house, other than a dwelling-house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such agent or officer has reason to believe that mailable matter, transported contrary to law, may therein be found.

CHAPTER THIRTEEN.

THE MONEY-ORDER SYSTEM.

Sec.
4027. Money-order system established.
4028. Foreign money-order exchanges.
4029. Issuing money-orders.
4030. Issuing order before payment; penalty.
4031. Who to act during the absence of postmaster.
4032. Amount of orders and fees.
4033. Blank applications for orders.
4034. Orders to be on printed blanks.
4035. Notice of orders drawn to be sent.
4036. Order to be good for one year.
4037. Indorsement of orders.
4038. Changes and modification of orders.
4039. Repayment of orders.
4040. Replacing lost orders.
4041. Payment of money-orders issued in favor of lotteries, &c., may be suspended.
4042. Transfer of money-order funds.
4043. Transfer by warrant to money-order funds.
4044. Report of money-order funds.
4045. What to be money-order funds.
4046. Embezzlement of money-order funds; penalty; explanation.
4047. Pay for issuing and paying money-orders.
4048. Money-order incidentals.

Money-order system established.

SEC. 4027. To promote public convenience, and to insure greater security in the transfer of money through the mail, the Postmaster-General may establish and maintain, under such rules and regulations as he may deem expedient, a uniform money-order system, at all suitable post-offices, which shall be designated as "money-order offices."

8 June, 1872, c. 335, s. 102, v. 17, p. 297.

Foreign money-order exchanges.

SEC. 4028. The Postmaster-General may conclude arrangements with the post departments of foreign governments, with which postal conventions have been, or may be, concluded, for the exchange, by means of postal orders, of small sums of money, not exceeding fifty dollars in amount, at such rates of exchange, and compensation to postmasters, and under such rules and regulations as he may deem expedient; and the expenses of establishing and conducting such system of exchange may be paid out of the proceeds of the money-order business.

Ibid., s. 103, p. 297.

Issuing money-orders.

SEC. 4029. The postmaster of every city where branch post-offices or stations are established and in operation, subject to his supervision, is authorized, under the direction of the Postmaster-General, to issue, or to cause to be issued, by any of his assistants or clerks in charge of branch post-offices or stations, postal money-orders, payable at his own or at any other money-order office, or at any branch post-office or station of his own, or of any other money-order office, as the remitters thereof may direct; and the postmaster and his sureties shall, in every case, be held accountable upon his official bond for all moneys received by him or his designated assistants or clerks in charge of stations, from the issue of money-orders, and for all moneys which may come into his or their hands, or be placed in his or their custody by reason of the transaction by them of money-order business.

1 June, 1872, c. 256, s. 2, v. 17, p. 201.

8 June, 1872, c. 335, s. 104, v. 17, p. 297.

Issuing order before payment; penalty.

SEC. 4030. Any postmaster who issues a money-order without having previously received the money therefor shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than five hundred dollars.

8 June, 1872, c. 335, s. 105, v. 17, p. 297.

Who to act during absence of postmaster.

SEC. 4031. In case of the sickness or unavoidable absence from his office of the postmaster of any money-order post-office, he may, with the approval of the Postmaster-General, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such postmaster; and the official bond given by the principal of the office shall be held to cover and apply to

Ibid., s. 106, p. 297.

the acts of the person appointed to act in his place in such cases; and such acting officer shall, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the postmaster for whom he shall act.

Amount of orders and fees.

Ibid., s. 107, p. 298.

3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 351.

SEC. 4032. No money-order shall be issued for more than fifty dollars, and the fees therefor shall be, for orders not exceeding ten dollars, five cents; exceeding ten and not exceeding twenty dollars, ten cents; exceeding twenty and not exceeding thirty dollars, fifteen cents; exceeding thirty and not exceeding forty dollars, twenty cents; exceeding forty dollars, twenty-five cents.

Blank applications for orders.

8 June, 1872, c. 335, s. 107, v. 17, p. 298.

SEC. 4033. The Postmaster-General shall supply money-order offices with blank forms of application for money-orders, which each applicant shall fill up with his name, the name and address of the party to whom the order is to be paid, the amount and the date of application; and all such applications shall be preserved by the postmaster receiving them for such time as the Postmaster-General may prescribe.

Orders to be on printed blanks.

Ibid., s. 109.

SEC. 4034. The Postmaster-General shall furnish money-order offices with printed or engraved forms for money-orders, and no order shall be valid unless it be drawn upon such form.

Notice of orders drawn to be sent.

Ibid., s. 110.

SEC. 4035. The postmaster issuing a money-order shall send a notice thereof by mail, without delay, to the postmaster on whom it is drawn.

Order to be good for one year.

Ibid., s. 111.

SEC. 4036. No money-order shall be valid and payable unless presented to the postmaster on whom it is drawn within one year after its date; but the Postmaster-General, on the application of the remitter or payee of any such order, may cause a new order to be issued in lieu thereof.

Indorsement of orders.

Ibid., s. 112.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

SEC. 4037. The payee of a money-order may, by his written indorsement thereon, direct it to [be] paid to any other person, and the postmaster on whom it is drawn shall pay the same to the person thus designated, provided he shall furnish such proof as the Postmaster-General may prescribe that the indorsement is genuine, and that he is the person empowered to receive payment; but more than one indorsement shall render an order invalid and not payable, and the holder, to obtain payment, must apply in writing to the Postmaster-General for a new order in lieu thereof, returning the original order, and making such proof of the genuineness of the indorsements as the Postmaster-General may require.

Changes and modification of orders.

8 June, 1872, c. 335, s. 113, v. 17, p. 298.

SEC. 4038. After a money-order has been issued, if the purchaser desires to have it modified or changed, the postmaster who issued the order shall take it back and issue another in lieu of it, for which a new fee shall be exacted.

Repayment of orders.

Ibid., s. 114.

SEC. 4039. The postmaster issuing a money-order shall repay the amount of it upon the application of the person who obtained it, and the return of the order; but the fee paid for it shall not be returned.

Replacing lost orders.

Ibid., s. 115.

SEC. 4040. Whenever a money-order has been lost, the Postmaster-General, upon the application of the remitter or payee of such order, may cause a duplicate thereof to be issued, without charge, providing the party losing the original shall furnish a certificate from the postmaster by whom it was payable that it has not been, and will not thereafter be, paid; and a similar certificate from the postmaster by whom it was issued that it has not been, and will not thereafter be, repaid.

Payment of money-orders issued in favor of lotteries, &c., may be suspended.

Ibid., s. 300, p. 323.

SEC. 4041. The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any fraudulent lottery, gift-enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment, by any postmaster, to any such person of any postal money-order drawn to his order or in his favor, and may provide by regulations for the return, to the remitter, of the sums named in such money-orders. But this shall not authorize any person to open any letter not addressed to himself.

Transfer of money order funds.

SEC. 4042. All payments and transfers to and from money-order offices shall be under the direction of the Postmaster-General. He may transfer money-order funds from one postmaster to another, and from the postal revenue to the money-order funds; and he may transfer money-order funds to creditors of the Department, to be replaced by equivalent transfers from the postal revenues.

Ibid., ss. 117, 118, p. 299.

Transfer by warrant to money-order funds.

SEC. 4043. The Postmaster-General may transfer to the postmaster at any money-order office, by warrant on the Treasury, countersigned by the Sixth Auditor, and payable out of the postal revenues, such sum as may be required over and above the current revenues at his office to pay the money-orders drawn upon him.

Ibid., s. 118.

Report of money-order funds.

SEC. 4044. The Postmaster-General shall require each postmaster at a money-order office to render to the Post-Office Department weekly, semi-weekly, or daily accounts of all money-orders issued and paid; of all fees received for issuing them; of all transfers and payments made from money-order funds; and of all money received to be used for the payment of money-orders or on account of money-order business.

Ibid., s. 119.

What to be money-order funds.

SEC. 4045. All money received for the sale of money-orders, including all fees thereon, all money transferred from the postal revenues to the money-order funds, all money transferred or paid from the money-order funds to the service of the Post-Office Department, and all money-order funds transferred from one postmaster to another, shall be deemed and taken to be money-order funds and money in the Treasury of the United States. And it shall be the duty of the assistant treasurer of the United States to open, at the request of the Postmaster-General, an account of "money-order funds" deposited by postmasters to the credit of the Postmaster-General, and of drafts against the amount so deposited, drawn by him and countersigned by the Sixth Auditor.

Ibid., s. 121.

Embezzlement of money-order funds; penalty; explanation.

SEC. 4046. Every postmaster, assistant, clerk, or other person employed in or connected with the business or operations of any money-order office who converts to his own use, in any way whatever, or loans, or deposits in any bank, except as authorized by this Title, or exchanges for other funds, any portion of the money-order funds, shall be deemed guilty of embezzlement; and any such person, as well as every other person advising or participating therein, shall, for every such offense, be imprisoned for not less than six months nor more than ten years, and be fined in a sum equal to the amount embezzled; and any failure to pay over or produce any money-order funds intrusted to such person shall be taken to be prima-facie evidence of embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima-facie evidence of a balance against him to produce a transcript from the money-order account-books of the Sixth Auditor. But nothing herein contained shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any money-order or other funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required to do so by the Postmaster-General, for the purpose of remitting surplus money-order funds from one post-office to another, to be used in payment of money-orders. Disbursing officers of the United States shall issue, under regulations to be prescribed by the Secretary of the Treasury, duplicates of lost checks drawn by them in favor of any postmaster on account of money-order or other public funds received by them from some other postmaster.

8 June, 1872, c. 335, s. 122, v. 17, p. 299.
3 Mar., 1873, c. 272, v. 17, p. 604.

Pay for issuing and paying money-orders.

SEC. 4047. Postmasters at money-order offices may be allowed, as compensation for issuing and paying money-orders, not exceeding one-third of the whole amount of fees collected on orders issued, and one-fourth of one per centum on the gross amount of orders paid at their respective offices, provided such compensation, together with the postmaster's salary, shall not exceed four thousand dollars per annum, except in the case of the postmaster at New York City.

8 June, 1872, c. 335, s. 123, v. 17, p. 300.

Money-order incidentals.

Ibid., s. 124.

SEC. 4048. The Postmaster-General may pay out of the proceeds of the money-order business the cost of stationery and such incidental expenses as are necessary for the transaction of that business.

CHAPTER FOURTEEN.

ACCOUNTS AND REVENUES.

Sec.
4049. Manner of keeping accounts.
4050. Miscellaneous and money-order receipts.
4051. Postal revenue to be accounted for.
4052. Box-holders may provide lock-boxes.
4053. Neglect to deposit postal revenues.
4054. Revenues to be appropriated for postal service.
4055. Payments, how made; advances.
4056. Transfer of debts to contractors.
4057. Suits to recover wrongful or fraudulent payments.
4058. Delivery of stolen money to owner.
4059. Disposal of fines, penalties, and forfeitures.
4060. Accounts to be preserved two years.
4061. Disposal of uncalled-for printed matter.

Manner of keeping accounts.

8 June, 1872, c. 335, s. 41, v. 17, p. 290.

SEC. 4049. The accounts of the postal service shall be kept in such a manner as to exhibit separately the amount of revenue derived from the following sources respectively:

First. Letter-postage.
Second. Book, newspaper, and pamphlet postage.
Third. Registered letters.
Fourth. Box-rents and branch offices.
Fifth. Postage-stamps and envelopes.
Sixth. Dead letters.
Seventh. Fines and penalties.
Eighth. Revenue from money-order business.
Ninth. Miscellaneous.

And they shall exhibit separately the amount of expenditure made for each of the following objects respectively:

First. Transportation of the mail.
Second. Compensation of postmasters.
Third. Compensation of letter-carriers.
Fourth. Compensation of clerks for post-offices.
Fifth. Compensation of blank-agents and assistants.
Sixth. Mail depredations and special agents.
Seventh. Postage-stamps and envelopes.
Eighth. Ship, steamboat, and way letters.
Ninth. Dead-letters.
Tenth. Mail-bags.
Eleventh. Mail locks and keys.
Twelfth. Post-marking and canceling stamps.
Thirteenth. Wrapping-paper.
Fourteenth. Twine.
Fifteenth. Letter-balances.
Sixteenth. Office-furniture.
Seventeenth. Advertising.
Eighteenth. Balances to foreign countries.
Nineteenth. Rent, light, and fuel for post-offices.
Twentieth. Stationery.
Twenty-first. Miscellaneous. [See § 3668.]

Miscellaneous and money-order receipts.

Ibid., s. 42.

SEC. 4050. Unclaimed money in dead letters for which no owner can be found; all money taken from the mail by robbery, theft, or otherwise, which may come into the hands of any agent or employé of the United States, or any other person whatever; all fines and penalties imposed for any violation of the postal laws, except such part as may by law belong to the informer or party prosecuting for the same; and all money derived from the sale of waste paper or other public property of the Post-Office Department, shall be deposited in the Treasury, under

the direction of the Postmaster-General, as part of the postal revenue. And the Postmaster-General shall cause to be placed to the credit of the Treasurer of the United States, for the service of the Post-Office Department, the net proceeds of the money-order business; and the receipts of the Post-Office Department derived from this source during each quarter shall be entered by the Sixth Auditor in the accounts of such Department, under the head of "revenue from money-order business."

Postal revenue to be accounted for.

Ibid., s. 43.

SEC. 4051. All postages, box-rents, and other receipts at post-offices, shall be accounted for as part of the postal revenues; and each postmaster shall be charged with and held accountable for any part of the same, accruing at his office, which he has neglected to collect, the same as if he had collected it.

Box-holders may provide lock-boxes.

Ibid., s. 44.

SEC. 4052. Postmasters may allow box-holders who desire to do so to provide lock-boxes or drawers for their own use, at their own expense, which lock-boxes or drawers, upon their erection in any post-office, shall become the property of the United States, and be subject to the direction and control of the Post-Office Department, and shall pay a rental at least equal to that of other boxes in the same office, or, if there be no other boxes in such office, of boxes in other offices of the same class, which rental shall be accounted for as other box-rents.

Neglect to deposit postal revenues.

Ibid., s. 45, p. 291.

SEC. 4053. Any officer, agent, postmaster, clerk, or other person employed in any branch of the postal service having temporary custody of any money taken from dead letters; any money derived from the sale of waste paper or other public property of the Post-Office Department; or any money derived from any other source which by law is part of the postal revenues, who shall willfully neglect to deposit the same in the Treasury of the United States, or in some other depository authorized to receive the same, shall be deemed guilty of embezzlement, and be punishable by a fine of not more than double the sum so retained, or by imprisonment for not more than three years, or both. And any person intrusted by law with the sale of postage-stamps or stamped envelopes, who shall refuse or neglect to account for the same, or who shall pledge or hypothecate or unlawfully dispose of them, for any purpose whatever, shall be deemed guilty of embezzlement, and shall be punishable by the like fine and imprisonment as are provided in this section for the embezzlement of money.

Revenues to be appropriated for postal service.

Ibid., s. 46.

SEC. 4054. The money required for the postal service in each year shall be appropriated by law out of the revenues of the service. [See §§ 3641-3644.]

Payments, how made; advances.

Ibid., s. 48.

SEC. 4055. All payments on account of the postal service shall be made to persons to whom the same shall be certified to be due by the Sixth Auditor; but advances of necessary sums to defray expenses may be made by the Postmaster-General to agents employed to investigate mail depredations, examine post routes and offices, and on other like services, to be charged to them by the Auditor, and to be accounted for in the settlement of their accounts. [See § 3674.]

Transfer of debts to contractors.

Ibid., s. 49.

SEC. 4056. The Postmaster-General may transfer debts due to the Department from postmasters and others to such contractors as have given bonds, with security, to refund any money that may come into their hands over and above the amount found due them on the settlement of their accounts; but such transfers shall only be in satisfaction of legal demands for which appropriations have been made.

Suits to recover wrongful or fraudulent payments.

Ibid., s. 50.

SEC. 4057. In all cases where money has been paid out of the funds of the Post-Office Department under the pretense that service has been performed therefor, when, in fact, such service has not been performed, or as additional allowance for increased service actually rendered, when the additional allowance exceeds the sum which, according to law, might rightfully have been allowed therefor, and in all other cases where money of the Department has been paid to any person in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any officer or other employé in the postal service, the Postmaster-General

shall cause suit to be brought to recover such wrong or fraudulent payment or excess, with interest thereon.

Delivery of stolen money to owner.

Ibid., s. 51.

SEC. 4058. Whenever the Postmaster-General is satisfied that money or property stolen from the mail, or the proceeds thereof, has been received at the Department, he may, upon satisfactory evidence as to the owner, deliver the same to him.

Disposal of fines, penalties, and forfeitures.

8 June, 1872, c. 335, ss. 57, 317, v. 17, pp. 292, 325.

SEC. 4059. All penalties and forfeitures imposed for any violation of law affecting the Post-Office Department for its revenue or property shall be recoverable, one-half to the use of the person informing and prosecuting for the same, and the other half to be paid into the Treasury for the use of the Post-Office Department, unless a different disposal is expressly prescribed. All fines collected for violations of such laws shall be paid into the Treasury for the use of the Post-Office Department. [See § 958.]

Accounts to be preserved two years.

Ibid., s. 58, p. 292.

SEC. 4060. The Postmaster-General may dispose of any quarterly returns of mails sent or received, preserving the accounts-current and all accompanying vouchers, and use such portions of the proceeds as may be necessary to defray the cost of separating and disposing of them; but the accounts shall be preserved entire for at least two years.

Disposal of uncalled-for printed matter.

Ibid., s. 59.

SEC. 4061. The Postmaster-General may provide, by regulations, for disposing of printed and mailable matter which may remain in any post-office, or in the Department, not called for by the party addressed; but if the publisher of any refused or uncalled-for newspaper or other periodical shall pay the postage due thereon, such newspaper or other periodical shall be excepted from the operation of such regulations.

[See Title IX, "The Post-Office Department," §§ 388–414.]

TITLE XLVII.

FOREIGN RELATIONS.

Sec.
4062. Penalty for violating safe-conduct or assaulting public minister.
4063. Process against ministers and their domestics void.
4064. Penalty for suing out or executing such process.
4065. When process may be issued against persons in service of ministers.
4066. Public access to list of names of ministers' servants.
4067. Removal of alien enemies.
4068. Time for removal.
4069. Jurisdiction of United States courts over alien enemies.
4070. Duties of marshals in removing alien enemies.
4071. Taking testimony to be used in foreign countries.
4072. Witness need not criminate himself.
4073. Punishment of witness for contempt.
4074. Fees and mileage of witnesses.
4075. Passports, how granted.
4076. To be issued to citizens only.
4077. Returns of passports issued.
4078. False passports.
4079. Powers of foreign consuls over disputes between seamen.
4080. Arrest of seamen on application of consul.
4081. Commitment and discharge.
4082. Power of United States consular officers to solemnize marriages.
4083. Judicial authority of United States ministers and consuls in certain countries.
4084. Their jurisdiction of crimes.
4085. Jurisdiction in civil cases.
4086. Jurisdiction, how exercised and enforced.
4087. Arrest, trial, and sentence of criminals.
4088. Powers of consular officers in uncivilized countries.
4089. Decisions of consuls; appeal to minister.
4090. Jurisdiction of ministers in capital cases, &c.
4091. Appellate jurisdiction of ministers in certain countries.
4092. Appeals from consular courts in China and Japan.
4093. When appeal allowed to circuit court in California.
4094. Appeal from minister's decisions in civil cases.
Sec.
4095. In criminal cases.
4096. Circuit court for California to hear appeals.
4097. Evidence in consular courts, how taken.
4098. Compromise, or reference of civil cases to be encouraged.
4099. Certain criminal cases may be settled.
4100. Aid of civil authorities may be invoked.
4101. Punishments by fine or imprisonment.
4102. For murder, insurrection, or rebellion.
4103. Execution of criminals.
4104. Punishment of contempts.
4105. Decisions of consul sitting alone in criminal cases.
4106. Associates may be called by consuls in criminal trials.
4107. Associates in civil cases.
4108. Where jurisdiction of ministers may be exercised.
4109. Jurisdiction of minister when appellate and when original.
4110. Responsibility of diplomatic and consular officers.
4111. Marshals of consular courts.
4112. Execution and return of process.
4113. Marshal's bond.
4114. Suits on marshal's bond.
4115. Production of original bond.
4116. Process against marshal, how executed.
4117. Ministers to make regulations for consular courts.
4118. Publication of regulations.
4119. Transmission to Secretary of State.
4120. Fees for judicial services.
4121. Expenses of prisons in foreign countries.
4122. In China.
4123. In Japan.
4124. Court-house in Jeddo.
4125. Provisions of Title extended to Turkey.
4126. To Persia.
4127. To Tripoli, Tunis, Morocco, and Muscat.
4128. Judicial duties when to devolve on Secretary of State.
4129. Provisions of Title further extended.
4130. Definition of words "minister" and "consul."

Penalty for violating safe-conduct or assaulting public minister.

SEC. 4062. Every person who violates any safe conduct or passport duly obtained and issued under authority of the United States; or who assaults, strikes, wounds, imprisons, or in any other manner offers violence to the person of a public minister, in violation of the law of nations, shall be imprisoned for not more than three years, and fined, at the discretion of the court.

30 April, 1790, c. 9, s. 28, v. 1, p. 118.

U. S. *v.* Ortega, 11 Wh., 467.

Process against ministers and their domestics void.

SEC. 4063. Whenever any writ or process is sued out or prosecuted by any person in any court of the United States, or of a State, or by any judge or justice, whereby the person of any public minister of any foreign

30 April, 1790, c. 9, s. 25, v. 1, p. 117.

prince or state, authorized and received as such by the President, or any domestic or domestic servant of any such minister, is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached, such writ or process shall be deemed void. [See § 687.]

Ex parte Cabrera, 1 Wash. C. C., 232; U. S. *v.* Benner, Bald., 234; U. S. *v.* Lafontaine, 4 Cr. C. C., 173.

Penalty for suing out or executing such process.

Ibid., s. 26.

SEC. 4064. Whenever any writ or process is sued out in violation of the preceding section, every person by whom the same is obtained or prosecuted, whether as party or as attorney or solicitor, and every officer concerned in executing it, shall be deemed a violator of the laws of nations, and a disturber of the public repose, and shall be imprisoned for not more than three years, and fined at the discretion of the court.

When process may be issued against persons in service of ministers.

Ibid., s. 27.

SEC. 4065. The two preceding sections shall not apply to any case where the person against whom the process is issued is a citizen or inhabitant of the United States, in the service of a public minister, and the process is founded upon a debt contracted before he entered upon such service; nor shall the preceding section apply to any case where the person against whom the process is issued is a domestic servant of a public minister, unless the name of the servant has, before the issuing thereof, been registered in the Department of State, and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office.

Public access to list of names of ministers' servants.

Ibid.

SEC. 4066. All persons shall have resort to the list of names so posted in the marshal's office, and may take copies without fee.

Removal of alien enemies.

6 July, 1798, c. 66, s. 1, v. 1, p. 577.

Brown *v.* U. S., 8 Cr., 110; Passenger Cases, 7 How., 513; Lockington *v.* Smith, Pet. C. C., 466.

SEC. 4067. Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upward, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

Time for removal.

Ibid.

6 July, 1812, c. 130, v. 2, p. 781.

SEC. 4068. When an alien who becomes liable as an enemy, in the manner prescribed in the preceding section, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

Jurisdiction of United States courts over alien enemies.

6 July, 1798, c. 66, s. 2, v. 1, p. 577.

SEC. 4069. After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized, and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before

such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed.

Duties of marshal in removing alien enemies.

6 July, 1798, c. 66, s. 3, v. 1, p. 578.

Lockington *v.* Smith, Pet. C. C., 466.

SEC. 4070. When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor, and to execute such order in person, or by his deputy, or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be.

Taking testimony to be used in foreign countries.

3 Mar., 1873, c. 95, s. 1, v. 12, p. 769.

3 Mar., 1873, c. 245, s. 1, v. 17, p. 581.

SEC. 4071. The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. And no witness shall be compelled to appear or to testify under this section except for the purpose of answering such interrogatories so issued and accompanying such commission or letters: *Provided*, That when counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the commission or letters rogatory may be put to the witness, unless the commission or letters rogatory exclude such additional interrogatories. The summons shall specify the time and place at which the witness is required to attend, which place shall be within one hundred miles of the place where the witness resides or shall be served with such summons. [See § 875.]

Witness need not criminate himself.

3 Mar., 1873, c. 245, s. 2, v. 17, p. 581.

SEC. 4072. No witness shall be required, on such examination or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign state.

Punishment of witness for contempt.

3 Mar., 1863, c. 95, s. 2, v. 12, p. 769.

SEC. 4073. If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section forty hundred and seventy-one, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States.

Fees and mileage of witnesses.

Ibid., s. 3.

SEC. 4074. Every witness who shall so appear and testify shall be allowed, and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States. [See § 875.]

Passports, how granted.

30 May, 1866, c. 102, v. 14, p. 54.

SEC. 4075. The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States; and no other person shall grant, issue, or verify any such passport. Where a legation of the United States is established in any country, no person other than the diplomatic representative of the United States at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such representative. [See § 212.]

To be issued to citizens only.

Ibid.

SEC. 4076. No passport shall be granted or issued to or verified for any other persons than citizens of the United States.

Returns of passports issued.

Ibid.

SEC. 4077. All persons who shall be authorized to grant, issue, or verify passports, shall make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport.

False passports.

Ibid.

SEC. 4078. If any person acting, or claiming to act, in any office or capacity, under the United States, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, he shall be imprisoned for not more than one year, or fined not more than five hundred dollars, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

Powers of foreign consuls over disputes between seamen.

11 June, 1864, c. 116, s. 1, v. 13, p. 121.

SEC. 4079. Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-general, consuls, vice-consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation. [See § 5280.]

Arrest of seamen on application of consul.

11 June, 1864, c. 116, s. 2, v. 13, p. 121.

SEC. 4080. In all cases within the purview of the preceding section the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a circuit court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

Commitment and discharge.

Ibid.

SEC. 4081. If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law.

But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient prima-facie case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application.

Power of United States consular officers to solemnize marriages.

SEC. 4082. Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officers shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificates shall specify the names of the parties, their ages, places of birth, and residence.

22 June, 1860, c. 179, s. 31, v. 12, p. 79.

Judicial authority of United States ministers and consuls in certain countries.

SEC. 4083. To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar, respectively, the minister and the consuls of the United States, duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with the judicial authority herein described, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty.

22 June, 1860, c. 179, s. 1, v. 12, p. 72.
28 July, 1866, c. 296, s. 11, v. 14, p. 322.
1 July, 1870, c. 194, s. 1, v. 16, p. 183. 23 *Mar.*, 1874, *c.* 62, *v.* 18, *p.* 23. *See President's Proclamation, No.* 10, *v.* 18, *p.* 850.

Their jurisdiction of crimes.

SEC. 4084. The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner herein provided, all citizens of the United States charged with offenses against law, committed in such countries, respectively, and to sentence such offenders in the manner herein authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

22 June, 1860, c. 179, s. 2, v. 12, p. 72.

Jurisdiction in civil cases.

SEC. 4085. Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls. Such jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively.

Ibid., s. 3, p. 73.

Jurisdiction, how exercised and enforced.

SEC. 4086. Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those coun-

Ibid., s. 4.

tries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

Arrest, trial, and sentence of criminals.

22 June, 1860, c. 179, s. 7, v. 12, p. 74.

SEC. 4087. Each of the consuls mentioned in section forty hundred and eighty-three, at the port for which he is appointed, is authorized upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offense against law; and to arraign and try any such offender; and to sentence him to punishment in the manner herein prescribed.

Powers of consular officers in uncivilized countries.

22 June, 1860, c. 179, s. 30, v. 12, p. 78.

SEC. 4088. The consuls and commercial agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, are authorized to try, hear, and determine all cases in regard to civil rights, whether of person or property, where the real debt or damages do not exceed the sum of one thousand dollars, exclusive of costs, and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction. They are also invested with the powers conferred by the provisions of sections forty hundred and eighty-six and forty hundred and eighty-seven for trial of offenses or misdemeanors.

Decisions of consuls; appeal to minister.

22 June, 1860, c. 179, s. 9, v. 12, p. 74.

SEC. 4089. Any consul when sitting alone may also decide all cases in which the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment for misdemeanor exceeds sixty days, the defendants or any of them, if there be more than one, may take the case, by appeal, before the minister, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the minister for the prosecution of appeals in such cases.

Jurisdiction of ministers over certain offenses against foreign governments.

22 June, 1860, c. 179, s. 24, v. 12, p. 77.

SEC. 4090. Capital cases for murder or insurrection against the government of either of the countries hereinbefore mentioned, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the minister of the United States in the country where the offense is committed if allowed jurisdiction; and every such minister may issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States, as may at the time be within his reach.

Appellate jurisdiction of ministers in certain countries.

22 June, 1860, c. 179, s. 13, v. 12, p. 75.

23 *Mar.*, 1874, *c.* 62, *v.* 18, *p.* 23.

SEC. 4091. Each of the ministers mentioned in section forty hundred and eighty-three shall, in the country to which he is appointed, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this Title, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon sufficient grounds.

Appeals from consular courts in China and Japan.

1 July, 1870, c. 194, s. 4, v. 16, p. 184.

SEC. 4092. On any final judgment in a consular court of China or Japan, where the matter in dispute exceeds five hundred dollars and does not exceed two thousand five hundred dollars, exclusive of costs, an appeal shall be allowed to the minister in such country, as the case may be. But the appellant shall comply with the conditions established by general regulations. And the ministers are hereby authorized and required to receive, hear, and determine such appeals.

When appeal allowed to circuit court for California.

Ibid., s. 5.

SEC. 4093. On any final judgment in any consular court of China or Japan, where the matter in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars, an appeal shall be allowed to the circuit court for the district of California, and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court, and no new evidence shall be received on the hearing of the appeal; and the appeal shall be subject to the rules, regulations, and restrictions prescribed in law for writs of error from district courts to circuit courts.

Appeal from minister's decisions in civil cases.

Ibid., s. 6.

SEC. 4094. On any final judgment of the minister to China, or to Japan, given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds two thousand five hundred dollars, an appeal shall be allowed to the circuit court, as provided in the preceding section.

In criminal cases.

Ibid., s. 3.

SEC. 4095. When any final judgment of the minister to China, or to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings, unless the minister certifies that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

Circuit court for California to hear appeals.

Ibid., s. 7.

SEC. 4096. The circuit court for the district of California is authorized and required to receive, hear, and determine the appeals provided for in this Title, and its decisions shall be final.

Evidence in consular courts, how taken.

Ibid., s. 12, p. 75.

SEC. 4097. In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

Compromise or reference of civil cases, to be encouraged.

22 June, 1860, c. 179, s. 19, v. 12, p. 76.
23 *Mar.*, 1874, *c.* 62, *v.* 18, *p.* 23.

SEC. 4098. It shall be the duty of the ministers and the consuls in the countries mentioned in section forty hundred and eighty-three, to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties; and the minister in each country shall prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed ex parte. After hearing any case such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the consul.

Certain criminal cases may be settled.

22 June, 1860, c. 179, s. 18, v. 12, p. 76.

SEC. 4099. In all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the minister in the country, or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

Aid of local authorities may be invoked.

22 June, 1860, c. 179, s. 20, v. 12, p. 76.

SEC. 4100. The ministers and consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the

treaties into full effect, so far as they are to be executed in the countries respectively.

Punishments by fine or imprisonment.

22 June, 1860, c. 179, s. 14, v. 12, p. 75.

SEC. 4101. In all cases, except as herein otherwise provided, the punishment of crime provided for by this Title shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of such officer to award punishment according to the magnitude and aggravation of the offense. Every person who refuses or neglects to comply with the sentence passed upon him shall stand committed until he does comply, or is discharged by order of the consul, with the consent of the minister in the country.

For murder, insurrection, or rebellion.

Ibid., s. 15.

SEC. 4102. Insurrection or rebellion against the government of either of those countries, with intent to subvert the same, and murder, shall be capital offenses, punishable with death; but no person shall be convicted of either of those crimes, unless the consul and his associates in the trial all concur in opinion, and the minister also approves of the conviction. But it shall be lawful to convict one put upon trial for either of these crimes, of a less offense of a similar character, if the evidence justifies it, and to punish, as for other offenses, by fine or imprisonment, or both.

Execution of criminals.

Ibid.

SEC. 4103. Whenever any person is convicted of either of the crimes punishable with death, in either of those countries, it shall be the duty of the minister to issue his warrant for the execution of the convict, appointing the time, place, and manner; but if the minister is satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigating circumstances which authorize it, he may submit the case to the President for pardon.

Punishment of contempts.

22 June, 1860, c. 179, s. 8, v. 12, p. 74.

SEC. 4104. No fine imposed by a consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed fifty dollars; nor shall the imprisonment exceed twenty-four hours for the same contempt.

Decisions of consul sitting alone in criminal cases.

Ibid.

SEC. 4105. Any consul, when sitting alone for the trial of offenses or misdemeanors, shall decide finally all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days.

Associates may be called by consul in criminal trials.

Ibid., s. 10.

SEC. 4106. Whenever, in any case, the consul is of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishments than those specified in the preceding sections will be required, he shall summon, to sit with him on the trial, one or more citizens of the United States, not exceeding four, and in capital cases not less than four, who shall be taken by lot from a list which had previously been submitted to and approved by the minister, and shall be persons of good repute and competent for the duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the decision shall, in all cases, except of capital offenses and except as provided in the preceding section, be final. If any of the associates differ in opinion from the consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the minister for his adjudication, either by entering up judgment therein, or by remitting the same to the consul with instructions how to proceed therewith.

Associates in civil cases.

Ibid., s. 11.

SEC. 4107. Each of the consuls mentioned in section four thousand and eighty-three shall have at the port for which he is appointed, jurisdiction as herein provided, in all civil cases arising under such treaties, respectively, wherein the damages demanded do not exceed the sum of five hundred dollars; and, if he sees fit to decide the same without aid, his decision thereon shall be final. But whenever he is of opinion that any such case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed five hundred dollars, he shall summon, to sit with him on the hearing of the case, not less than two nor more than three citizens of the United States, if such

are residing at the port, who shall be taken from a list which had previously been submitted to and approved by the minister, and shall be of good repute and competent for the duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the consul, such reasons therefor as he thinks proper to assign; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the judgment shall be final. If any of the associates differ in opinion from the consul, either party may appeal to the minister, under such regulations as may exist; but if no appeal is lawfully claimed, the decision of the consul shall be final.

Where jurisdiction of ministers may be exercised.
22 June, 1860, c. 179, s. 27, v. 12, p. 78.

SEC. 4108. The jurisdiction allowed by treaty to the ministers, respectively, in the countries named in section four thousand and eighty-three shall be exercised by them in those countries, respectively, wherever they may be.

Jurisdiction of minister, when appellate and when original.
Ibid.

SEC. 4109. The jurisdiction of such ministers in all matters of civil redress, or of crimes, except in capital cases for murder or insurrection against the governments of such countries, respectively, or for offenses against the public peace amounting to felony under the laws of the United States, shall be appellate only: *Provided*, That in cases where a consular officer is interested, either as party or witness, such minister shall have original jurisdiction.

Responsibility of diplomatic and consular officers.
22 June, 1860, c. 179, s. 23, v. 12, p. 76.

SEC. 4110. All such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic or consular officers, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

Marshals of consular courts.
22 June, 1860, c. 179, s. 25, v. 12, p. 77.

SEC. 4111. The President is authorized to appoint marshals for such of the consular courts in those countries as he may think proper, not to exceed seven in number, namely: one in Japan, four in China, one in Siam, and one in Turkey, each of whom shall receive a salary of one thousand dollars a year, in addition to the fees allowed by the regulations of the ministers, respectively, in those countries.

Execution and return of process.
Ibid.

SEC. 4112. It shall be the duty of the marshals, respectively, to execute all process issued by the minister of the United States in those countries, respectively, or by the consul at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the ministers, respectively, in regard to their duties.

Marshal's bond.
Ibid.

SEC. 4113. Each marshal, before entering upon the duties of his office, shall give bond for the faithful performance thereof in a penal sum not to exceed ten thousand dollars, with two sureties to be approved by the Secretary of State. Such bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the minister.

Suits on marshal's bond.
Ibid.

SEC. 4114. Whenever any person desires to bring suit upon the bond of any such marshal, it shall be the duty of the Secretary of the Treasury, or of the minister having custody of a copy of the same, to give to the person so applying a certified copy therof, upon which suit may be brought and prosecuted with the same effect as could be done upon the original: *Provided*, The Secretary of the Treasury, or the minister to whom the application is made, is satisfied that there is probable cause of action against the marshal.

Production of original bond.
Ibid.

SEC. 4115. Upon a plea of non est factum, verified upon oath, or any other good cause shown, the court or the consul or minister trying the cause may require the original bond of the marshal in those countries to be produced; and it shall be the duty of the Secretary of the Treasury to forward the original bond to the court, or consul, or minister requiring the same.

Process against marshal, how executed.
Ibid.

SEC. 4116. All rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the marshals, in any of the countries named in this Title, shall be directed to and executed by such persons as may be appointed for that purpose by the minister or consul issuing the same.

Ministers to make regulations for consular courts.

22 June, 1860, c. 179, s. 5, v. 13, p. 73.

SEC. 4117. In order to organize and carry into effect the system of jurisprudence demanded by such treaties, respectively, the ministers, with the advice of the several consuls in each of the countries, respectively, or of so many of them as can be conveniently assembled, shall prescribe the forms of all processes to be issued by any of the consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all officers and agents to execute process, and to carry this Title into effect, shall be appointed and compensated; the form of bail-bonds, and the security which shall be required of the party who appeals from the decision of a consul; and shall make all such further decrees and regulations from time to time, under the provisions of this Title, as the exigency may demand.

Publication of regulations.

Ibid.

SEC. 4118. All such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as hereinbefore provided, for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, and such consul shall signify his assent or dissent in writing, with his name subscribed thereto. After taking such advice, and considering the same, the minister in each of those countries may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act.

Transmission to Secretary of State.

Ibid., s. 6.

SEC. 4119. All such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the ministers, with the opinions of their advisers, as drawn up by them severally, to the Secretary of State, to be laid before Congress for revision.

Fees for judicial services.

22 June, 1860, c. 179, s. 17, v. 12, p. 75.

SEC. 4120. It shall be the duty of the minister in each of those countries to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as the minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this Title; and regular accounts, both of receipts and expenditures, shall be kept by the minister and consuls and transmitted annually to the Secretary of State.

Expenses of prisons in foreign countries.

22 June, 1860, c. 179, s. 26, v. 12, p. 77.

3 Mar., 1869, c. 125, s. 7, v. 15, p. 322.

23 *Mar.*, 1874, *c.* 62, *v.* 18, *p.* 23.

SEC. 4121. The President, when provision is not otherwise made, is authorized to allow, in the adjustment of the accounts of each of the ministers or consuls, the actual expenses of the rent of suitable buildings or parts of buildings to be used as prisons for American convicts in those countries, not to exceed in any case the rate of six hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of eight hundred dollars per annum. But no more than one prison shall be hired in Japan, four in China, one in Turkey, and one in Siam, at such port or ports as the minister, with the sanction of the President, may designate, and the entire expense of prison and prison-keepers at the consulate of Bangkok, in Siam, shall not exceed the sum of one thousand dollars a year.

In China.

1 July, 1870, c. 194, s. 9, v. 16, p. 184.

SEC. 4122. The President is authorized to allow, in the adjustment of the accounts of the consul-general at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed one thousand five hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed five thousand dollars a year; and to allow, in the adjustment of the accounts of the consuls at other ports in China, the actual expense of the hire of constables and the care of offenders, not to exceed in all five thousand dollars a year.

In Japan.

Ibid., s. 10.

SEC. 4123. The President is hereby authorized to allow, in the adjustment of the accounts of the consul at Kanagawa, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in Japan, and not to exceed seven hundred and fifty dollars a

year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed two thousand five hundred dollars a year; and to allow in the adjustment of the accounts of the consuls at other ports in Japan the actual expense of the hire of constables and the care of offenders, not to exceed in all two thousand five hundred dollars a year.

Court-house and jail in Jeddo.

3 Mar., 1873, c. 249, s. 2, v. 17, p. 582.

SEC. 4124. The Secretary of State, through the minister resident at Japan, is authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, in Jeddo, or such other place as he may designate, for a court-house and jail, at an annual cost not exceeding five thousand dollars: *Provided*, That the period for which the buildings shall be rented shall be for two years, with renewals for two years, as the Secretary of State may determine.

Provisions of Title extended to Turkey.

22 June, 1860, c. 179, s. 21, v. 12, p. 76.

23 *Mar.*, 1874, *c.* 62, *v.* 18, *p.* 23.

See President's Proclamation No. 10, *v.* 18, *p.* 850.

SEC. 4125. The provisions of this Title, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty, and shall be executed in the Ottoman dominions in conformity with the provisions of the treaty, and of this Title, by the minister and the consuls appointed to reside therein, who are hereby ex-officio vested with the powers herein conferred upon the ministers and consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks, or other foreign Christian nations.

To Persia.

22 June, 1860, c. 179, s. 28, v. 12, p. 78.

SEC. 4126. The provisions of this Title shall extend to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the minister and consuls who may be appointed to reside in Persia are hereby invested, in relation to such suits and disputes, with such powers as are by this Title conferred upon the ministers and consuls in China. All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred, at the place where a consul or agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the consul or agent of the United States; and it shall be the duty of the consular officer to attend the trial in person, and see that justice is administered. All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective ministers or consuls, in accordance with such regulations as shall be mutually agreed upon by the minister of the United States for the time being, and the ministers of such foreign powers, respectively, which regulations shall from time to time be submitted to the Secretary of State.

To Tripoli, Tunis, Morocco, and Muscat.

22 June, 1860, c. 179, s. 29, v. 12, p. 78.

SEC. 4127. The provisions of this Title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, and Muscat, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties, and of the provisions of this Title, by the consuls appointed by the United States to reside therein, who are hereby ex-officio invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section forty hundred and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

Judicial duties, when to devolve on Secretary of State.

22 June, 1860, c. 179, s. 22, v. 12, p. 76. 1 July, 1870, c. 194, s. 2, v. 16, p. 183.

SEC. 4128. If at any time there be no minister in either of the countries hereinbefore mentioned, the judicial duties which are imposed by this Title upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same.

Provisions of Title extended to other countries.

1 July, 1870, c. 194, s. 1, v. 16, p. 183.

SEC. 4129. The provisions of this Title relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the countries therein named, shall extend to any country of like character with which the United States may hereafter enter into treaty relations.

Definition of words "minister" and "consul."

22 June, 1860, c. 179, s. 22, v. 12, p. 76.

1 July, 1870, c. 194, s. 2, v. 16, p. 183.

1 *Feb.*, 1876, *c.* 6, *r.* 19, *p.* 2.

SEC. 4130. [*The word "minister," when used in this Title, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul-general, consul, or vice-consul.*] [The word "minister," when used in this title shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul-general, vice consul-general, consul or vice-consul.]

TITLE XLVIII.

REGULATION OF COMMERCE AND NAVIGATION.

CHAPTER ONE.

REGISTRY AND RECORDING.

Sec.
4131. What are vessels of the United States. By whom may be commanded.
4132. What vessels are entitled to register.
4133. Vessels owned by non-resident citizens.
4134. Vessels owned by non-resident naturalized citizens.
4135. American vessel taking foreign flag.
4136. Wrecked vessels.
4137. Vessels owned by corporations.
4138. New registry upon death, &c., of officer of corporation.
4139. Oath of officer of corporation.
4140. Nationalization of vessels in Alaska.
4141. Vessels where registered.
4142. Oath for registry by owner.
4143. Forfeiture for false swearing.
4144. Oath by master.
4145. Bond for registry.
4146. Condition of bond.
4147. Carpenter's certificate.
4148. Measurement of vessel.
4149. Certificate of measurement.
4150. Mode of measurement.
4151. No measurement of cabins or staterooms for tonnage.
4152. Rules of measurement limited to what vessels.
4153. Tonnage.
4154. Measurement of foreign vessels.
4155. Form of register.
4156. Variations from form.
4157. Blank certificates of registry.
4158. Issuing certificates of registry.
4159. Registry upon purchase of vessel.
4160. Surrender of certificate granted to purchaser.
4161. Registry by agent.
4162. Surrender of certificate granted to agent.
4163. Forfeiture for false swearing by agent.
4164. Registry upon sale under legal process.
4165. Sale to foreigners.
4166. Registry upon sale abroad.
4167. Oath upon loss of register.
4168. Surrender of certificate obtained upon loss of original.
4169. Penalty for not obtaining new registry.
4170. New registry upon sale or alteration of vessel.
4171. Change of master.
4172. Failure to report sale to foreigner.
4173. Oath upon entry.
4174. Transmission of surrendered certificate to Treasury.
4175. Cancellation of bond.
4176. Numbering registers.
4177. Numbers for vessels.
4178. Names of vessels to be painted on stern.
4179. Change of name of registered vessel.
4180. Oath to obtain record of vessel owned by foreigner.
4181. Measurement for record.
4182. Certificate of record.
4183. Change of master or name of recorded vessel.
4184. Production of certificate upon entry.
4185. Fees of collectors.
4186. Fees of surveyors.
4187. Penalty for misconduct by officers.
4188. Penalty for neglect by officers.
4189. Penalty for fraudulent registry.
4190. Sea-letters, to what vessels issued.
4191. Making or using forged sea-letters.
4192. Conveyance of vessels; lien by bottomry.
4193. Record of bills of sale, mortgages, &c.; acknowledgments.
4194. Index of records.
4195. Certified copies of records.
4196. Interest to be named in bills of sale.

What are vessels of the United States.

SEC. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by a citizen of the United States. And officers of vessels of the United States shall in all cases be citizens of the United States.

31 Dec., 1792, c. 1, s. 1, v. 1, p. 287.

By whom may be commanded.

Ibid.

17 April, 1874, c. 107, v. 18, p. 30. 18 April, 1874, c. 110, v. 18, p. 31.

What vessels are entitled to register.

SEC. 4132. Vessels built within the United States, and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens

31 Dec., 1792, c. 1, s. 2, v. 1, p. 288.

of the United States, and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by citizens, and no others, may be registered as directed in this Title.

Vessels owned by non-resident citizens.

SEC. 4133. No vessel shall be entitled to be registered, or, if registered, to the benefits of registry, if owned, in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless such citizen be a consul of the United States, or an agent for and a partner in some house of trade or copartnership, consisting of citizens of the United States actually carrying on trade within the United States.

Ibid.

U. S. v. Gillies, Pet. C. C., 159.

Vessels owned by non-resident naturalized citizens.

SEC. 4134. No vessel shall be entitled to be registered as a vessel of the United States, or, if registered, to the benefits of registry, if owned in whole or in part by any person naturalized in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be a consul or other public agent of the United States. Nothing contained in this section shall be construed to prevent the registering anew of any vessel before registered, in case of a sale thereof in good faith to any citizen resident in the United States; but satisfactory proof of the citizenship of the person on whose account a vessel may be purchased shall be exhibited to the collector, before a new register shall be granted for such vessel.

27 Mar., 1804, c. 52, s. 1, v. 2, p. 296.

American vessel taking foreign flag.

SEC. 4135. No vessel which has been recorded or registered as an American vessel of the United States, pursuant to law, and which was licensed or otherwise authorized to sail under a foreign flag, and to have the protection of any foreign government during the existence of the rebellion, shall be deemed or registered as a vessel of the United States, or shall have the rights and privileges of vessels of the United States, except under provisions of law especially authorizing such registry.

10 Feb., 1866, c. 8, v. 14, p. 3.

Wrecked vessels.

SEC. 4136. The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

23 Dec., 1852, c. 4, v. 10, p. 149.

23 July, 1866, c. 213, v. 14, p. 212.

The Mohawk, 3 Wall., 566.

Vessels owned by corporations.

SEC. 4137. Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

3 Mar., 1825, c. 99, s. 2, v. 4, p. 129.

New registry upon death, &c., of officer of corporation.

SEC. 4138. Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

Ibid., s. 3.

Oath of officer of corporation.

SEC. 4139. Previously to granting a register for any vessel, owned by any company, the president or secretary thereof shall swear to the ownership of the vessel, by such company, without designating the names of the persons composing the company; and the oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

Ibid., ss. 4, 5.

Nationalization of vessels in Alaska.

SEC. 4140. The Secretary of the Treasury may make such regulations as he may deem expedient, for the nationalization of all vessels owned by actual residents of the Territory of Alaska, on the twentieth day of June, eighteen hundred and sixty-seven, and which continued to be so owned up to the date of such nationalization.

27 July, 1868, c. 273, s. 3, v. 15, p. 240.

Vessels, where registered.

SEC. 4141. Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection-district which includes the port to which such vessel shall belong at the time of her registry; which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides.

31 Dec., 1792, c. 1, s. 3, v. 1, p. 288.

Hays v. Steamship Co., 17 How., 596; Morgan v. Parham, 16 Wall., 471; Blanchard v. Martha Washington, 1 Cliff., 466; Hill v. Steamer Golden Gate, Newb., 308.

Oath for registry, by owner.

31 Dec., 1792, c. 1, s. 4, v. 1, p. 289.
29 July, 1850, c. 27, s. 5, v. 9, p. 441.

The Schooner Active, Olcott, 286; Weston *v.* Penniman, 1 Mas., 306.

SEC. 4142. In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to the best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen.

Forfeiture for false swearing.

31 Dec., 1792, c. 1, ss. 4, 11, v. 1, pp. 289, 293.

U. S. *v.* Grundy, 3 Cr., 338; The Venus, 8 Cr., 253.

SEC. 4143. If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof, to be recovered, with the costs of suit, of the person by whom the oath was made.

Oath by master.

31 Dec., 1792, c. 1, ss. 4, 11, 12, v. 1, pp. 289, 293.

SEC. 4144. If the master of a vessel is within the district where a registry thereof is to be made, when application is made for registering the same, he shall, himself, instead of the owner, or of the agent or attorney, as hereinafter mentioned, make oath touching his being a citizen, and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of one thousand dollars.

Bond for registry.

31 Dec., 1792, c. 1, s. 7, v. 1, p. 290.

U. S. *v.* Monell, Taney, 47.

SEC. 4145. Previous to the registry of any vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district whose duty it is to make such registry, shall give bond to the United States, if such vessel be of burden not exceeding fifty tons, in the sum of four hundred dollars; if of burden above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burden above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burden above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burden exceeding three hundred tons, in the sum of two thousand dollars.

Condition of bond.

Ibid.

SEC. 4146. The conditions of the bond given to obtain the registry of a vessel shall in each case be that the certificate of such registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and that, in case such vessel shall be lost, or taken by an enemy, burned, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up, within eight days after the arrival of the master or person having the charge or command of such vessel, within any district of the United States, to the collector of such district; and that if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or

otherwise become entitled to the whole or any part or share of or interest in such vessel, the same being within a district of the United States, the certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and that if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district.

Carpenter's certificate.

Ibid., s. 8.

SEC. 4147. In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only.

Measurement of vessel.

Ibid., s. 6.

6 May, 1864, c. 83, s. 1, v. 13, p. 69.

SEC. 4148. Before any vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the vessel may be, and if there be none, by such person as the collector of the district within which she may be shall appoint. But in all cases where a vessel has before been registered as a vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; unless such vessel has undergone some alteration as to her burden, subsequent to the time of her former registry.

Certificate of measurement.

31 Dec., 1792, c. 1, s. 6, v. 1, p. 290.

SEC. 4149. The officer or person by whom such measurement is made shall, for the information of and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the build of the vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a vessel, and that her name, and the place to which she belongs, are painted on her stern in manner required by this Title; which certificate shall be countersigned by an owner, or by the master of such vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the certificate shall not be valid. [See § 4178.]

Mode of measurement.

6 May, 1864, c. 83, s. 2, v. 13, p. 69.

SEC. 4150. The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold, (average thickness,) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

No measurement of cabins or state-rooms for tonnage.

28 Feb., 1865, c. 70, v. 13, p. 444.

SEC. 4151. No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

Rules of measurement limited to what vessels.
6 May, 1864, c. 83, s. 5, v. 13, p. 72.

SEC. 4152. The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided.

Tonnage.
6 May, 1864, c. 83, s. 3, v. 13, pp. 70–72.

SEC. 4153. The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage-deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern-timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

TABLE OF CLASSES.

Class one. Vessels of which the tonnage length according to the above measurement is fifty feet or under: into six equal parts.

Class two. Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet: into eight equal parts.

Class three. Vessels of which the tonnage length according to the above measurement is above one hundred feet, and not exceeding one hundred and fifty feet: into ten equal parts.

Class four. Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet: into twelve equal parts.

Class five. Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet: into fourteen equal parts.

Class six. Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber, at the inside of the limber-strake, after deducting the average thickness of the ceiling, which is between the bilge-planks and limber-strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down to the lowest breadth; multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the

quantities thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second, and every even-numbered area by four, and the third, and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage-deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage-deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper decks, or the spar-deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage-deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid.

If a vessel has a third deck, or spar-deck, the tonnage of the space between it and the tonnage-deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage-deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two; to the sum of these products add the first and last breadths, multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

In ascertaining the tonnage of open vessels the upper edge of the

upper strake is to form the boundary-line of measurement, and the depth shall be taken from an athwart-ship line, extending from the upper edge of such strake at each division of the length.

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other inclosed spaces above the deck, each separately. In every registered United States vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued, such vessel shall no longer be recognized as a registered vessel of the United States.

Measurement of foreign vessels.

2 Mar., 1799, c. 22, s. 64, v. 1, p. 675.

SEC. 4154. In order to ascertain the tonnage of any vessel, except as otherwise provided in this Title, and in Title L, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the vessel be double-decked, take the length thereof from the fore part of the main stem to the after part of the stern-post, above the upper deck, the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five; the quotient whereof shall be deemed the true contents or tonnage of such vessel. If such vessel be single-decked, the surveyor, or other person, shall take the length and breadth as above directed, in respect to a double-decked vessel, shall deduct from the length three-fifths of the breadth and, taking the depth from the under side of the deck-plank to the ceiling in the hold, shall multiply and divide in the same manner, and the quotient shall be deemed the tonnage of such vessel.

Form of register.

31 Dec., 1792, c. 1, s. 9, v. 1, p. 291. 29 July, 1850, c. 27, s. 5, v. 9, p. 441.

SEC. 4155. When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following:

In pursuance of chapter one, Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION," of the Revised Statutes of the United States, (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head): and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid) having agreed to the description and measurement above specified, and sufficient security having been given, according to law, the said vessel has been duly registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the

month), in the year (specifying the number of the year, in words, at length).

Variation from form.

31 Dec., 1792, c. 1, s. 9, v. 1, p. 291.

SEC. 4156. When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

Blank certificates of registry.

3 Mar., 1813, c. 50, s. 1, v. 2, p. 818.

SEC. 4157. It shall be the duty of the Secretary of the Treasury to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked.

Issuing certificates of registry.

31 Dec., 1792, c. 1, s. 10, v. 1, p. 292.

SEC. 4158 The Secretary of the Treasury shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Treasury and the hand of the Register thereof, with proper blanks, to be filled by the collectors, respectively, by whom also the certificate shall be signed and sealed, before they are issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him. A copy of each certificate issued shall be transmitted to the Register, who shall cause a record to be kept of the same.

Registry upon purchase of vessel.

Ibid., s. 11.

SEC. 4159. Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district comprehending the port to which such vessel may belong, or before the collector of the district within which such vessel may be, either of whom is hereby empowered to administer such oath.

Surrender of certificate granted to purchaser.

Ibid.

SEC. 4160. Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry, so obtained, shall be delivered up to the collector of such district, who, upon the requisites of this Title in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Registry by agent.

Ibid., s. 12.

SEC. 4161. Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this Title, such vessel ought to be deemed to belong, it shall be lawful for the collector of the district where such vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this Title in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is owner or an owner of such vessel, he shall swear that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof.

Surrender of certificate granted to agent.

SEC. 4162. Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this Title in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Ibid.

Forfeiture for false swearing by agent.

SEC. 4163. If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made.

Ibid.

Registry upon sale under legal process.

SEC. 4164. Whenever it appears, by satisfactory proof, to the Secretary of the Treasury, that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same.

2 Mar., 1797, c. 7, v. 1, p. 498.

Sale to foreigners.

SEC. 4165. No vessel which is registered, pursuant to any law of the United States, and which is seized or captured and condemned, under the authority of any foreign power, or which by sale becomes the property of a foreigner, shall be entitled to or capable of receiving a new register, notwithstanding such vessel should afterward become American property; but all such vessels shall be taken and considered, to all intents and purposes, as foreign vessels. Nothing in this section shall extend to or be construed to affect the person owning any vessel at the time of the seizure or capture of the same, or his executor or administrator, or shall prevent such owner or his executor or administrator, in case he regain a property in such vessel, so condemned, by purchase or otherwise, from claiming and receiving a new register for the same, as he otherwise might have done.

27 June, 1797, c. 5, v. 1, p. 523.
27 Mar., 1804, c. 52, s. 2, v. 2, p. 297.

Registry upon sale abroad.

SEC. 4166. When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a vessel of the United States: *Provided*, That all the requisites of law, in order to the registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward.

2 Mar., 1803, c. 18, s. 3, v. 2, p. 210.

Oath upon loss of register.

SEC. 4167. Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I, (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been, as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (nam-

31 Dec., 1792, c. 1, s. 13, v. 1, p. 294.

ing the district where registered), which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same; and upon such oath being made, and the other requisites of this Title in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed.

Surrender of certificate obtained upon loss of original.

Ibid.

SEC. 4168. Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of such district, who shall, thereupon, grant a new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of one hundred dollars; and the former register shall become null and void.

Penalty for not obtaining new registry.

Ibid., s. 14.

SEC. 4169. In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as hereinbefore prescribed, the owner of such vessel shall be liable to a penalty of five hundred dollars, to be recovered, with costs of suit.

New registry upon sale or alteration of vessel.

Ibid.

U. S. *v.* Willings, 4 Cr., 48; Insurance Company *v.* Polleys, 13 Pet., 157; Weston *v.* Penniman, 1 Mas., 306; Ohl *v.* Eagle Insurance Co., 4 Mas., 172; D'Wolf, jr., *v.* Harris, 4 Mas., 515.

SEC. 4170. Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate; otherwise the vessel shall be incapable of being so registered anew.

Change of master.

Ibid., s. 15, p. 295.

SEC. 4171. When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the collector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name; and if other than the collector of the district by whom the certificate of registry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates; and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Register of the Treasury. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of one hundred dollars.

Failure to report sale to foreigners.

SEC. 4172. If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confi-

dence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had, that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

Ibid., s. 16.

The Margaret, 9 Wh., 421; The Florenzo, 1 Blatch. & H., 52.

SEC. 4173. Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States.

Oath upon entry.

Ibid., s. 17.

U. S. v. Willings, 4 Cr., 48.

SEC. 4174. Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Register of the Treasury, to be canceled; who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district.

Transmission of surrendered certificate to Treasury.

Ibid., s. 7, p. 290.

Catlett v. Insurance Company, 1 Paine, 594.

SEC. 4175. Whenever the master or owner of a vessel shall deliver up the register of such vessel, agreeably to the provisions of this Title, if to the collector of the district where the same was granted, the collector shall thereupon cancel the bond which shall have been given at the time of granting such register; or if to the collector of any other district, such collector shall grant to the master, commander, or owner, a receipt or acknowledgment that such register has been delivered to him, and the time when; and upon such receipt being produced to the collector by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

Cancellation of bond.

Ibid., s. 18, p. 206.

SEC. 4176. The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury copies of all the certificates which shall have been granted by him, including the number of each.

Numbering registers.

Ibid., s. 19.

SEC. 4177. The Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States.

Numbers for vessels.

28 July, 1866, c. 298, s. 13, v. 14, p. 331.

SEC. 4178. The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. If any vessel of the United Saates shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of fifty dollars; recoverable one-half to the person giving the information thereof; the other half to the use of the United States.

Names of vessels to be painted on stern.

31 Dec., 1792, c. 1, s. 3, v. 1, p. 288.

23 *June*, 1874, *c.* 467, *v.* 18, *p.* 252.

Change of name of registered vessel.

5 May, 1864, c. 78, s. 2, v. 13, p. 64.

SEC. 4179. No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance to deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

Oath to obtain record of vessel owned by foreigner.

31 Dec., 1792, c. 1, s. 20, v. 1, p. 296.

SEC. 4180. Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I, (inserting here the name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) gallery, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose.

Measurement for record.

Ibid., s. 21.

SEC. 4181. The collector shall cause the vessel so built to be surveyed or measured, and the person by whom such measurement is made shall grant a certificate thereof, as in the case of a vessel to be registered, which certificate shall be countersigned by the builder, and by an owner or the master or person having the command or charge thereof, or by some other person being an agent for the owner thereof, in testimony of the truth of the particulars therein contained.

Certificate of record.

Ibid., s. 22.

SEC. 4182. A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter one, Title XLVIII, 'REGULATION OF COMMERCE AND NAVIGATION,' of the Revised Statutes of the United States, I, (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here the name of her master) is, at present, master, was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year); and (inserting here the name of the surveyor, or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year)." Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Register of the Treasury to be recorded in his office.

Change of master or name of recorded vessel.

Ibid., s. 23, p. 297.

SEC. 4183. Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Register of the Treasury; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessel recorded, in pursuance of this Title.

Production of certificate upon entry.

Ibid., s. 24.

SEC. 4184. The master or other person having the command or charge of any vessel, recorded in pursuance of this Title, shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

Fees of collector.

Ibid., s. 25.

SEC. 4185. The fees to be allowed and paid to collectors for services pertaining to the registry or record of vessels shall be as follows: For each certificate of registry or record, two dollars; for each indorsement upon a certificate of registry or record, one dollar; and for taking any bond required by this Title, twenty-five cents.

Fees of surveyors.

2 Mar., 1799, c. 23, s. 2, v. 1, p. 706.
6 May, 1864, c. 83, s. 4, v. 13, p. 72.

SEC. 4186. The fees to be allowed and paid to surveyors shall be as follows: For the admeasurement and certifying the same, of any vessel of one hundred tons and under, one cent per ton; for the admeasurement of any vessel above one hundred tons and not exceeding two hundred tons, one dollar and fifty cents; for the admeasurement of any vessel above two hundred tons, two dollars; for all other services to be performed by such surveyor, on board any vessel of one hundred tons or upward, having on board goods, wares, or merchandise subject to duty, three dollars; for the like services on board any vessel of less than one hundred tons burden, having on board goods, wares, or merchandise subject to duty, one and a half dollars; on all vessels not having on board goods, wares, or merchandise subject to duty, two-thirds of a dollar. All such fees shall be paid by the master or owner of the vessel in which the services shall be performed to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit; but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the services shall also be performed. But the charge for the measurement of tonnage and certifying the same shall not exceed the sum of one dollar and fifty cents for each transverse section under the tonnage-deck; and the sum of three dollars for measuring each between-decks above the tonnage-deck; and the sum of one dollar and fifty cents for each poop, or closed-in space available for cargo or stores, or for the berthing or accommodation of passengers, or officers and crew, above the upper or spar deck.

Penalty for misconduct by officers.

31 Dec., 1792, c. 1, s. 26, v. 1, p. 298.

SEC. 4187. Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this Title, or who designedly takes any other or greater fees than are by this Title allowed, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or naval officer a false description of such vessel, to be registered or recorded, shall be punishable by a fine of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

Penalty for neglect by officers.

Ibid.

SEC. 4188. If any person authorized and required by this Title to perform, as an officer, any act or thing, willfully neglects to do or perform the same, according to the true intent and meaning of this Title, he

shall, if not subject to the penalty and disqualification prescribed in the preceding section, be punishable by a fine of five hundred dollars for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

Penalty for fraudulent registry.

18 July, 1866, c. 201, s. 24, v. 14, p. 184.

SEC. 4189. Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

The Neptune, 3 Wh., 601; The Luminary, 8 Wh., 407; The Margaret, 9 Wh., 421; U. S. *v.* Brig Burdett, 9 Pet., 682; The Mohawk, 3 Wall., 566; The Mary Celeste, 2 Low., 354.

Sea-letters, to what vessels issued.

26 Mar., 1810, c. 19, v. 2, p. 568.

SEC. 4190. No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

Making or using forged sea-letters, &c.

2 Mar., 1803, c. 18, s. 1, v. 2, p. 209.

SEC. 4191. Every person who knowingly makes, utters, or publishes any false sea-letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea-letter, or certificate of registry, shall be liable to a penalty of not more than five thousand dollars, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States. [See § 5423.]

Conveyance of vessels; lien by bottomry.

29 July, 1850, c. 27, s. 1, v. 9, p. 440.

SEC. 4192. No bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part of any vessel, of the United States, shall be valid against any person other than the grantor or mortgagor, his heirs and devisees, and persons having actual notice thereof, unless such bill of sale, mortgage, hypothecation, or conveyance is recorded in the office of the collector of the customs where such vessel is registered or enrolled. The lien by bottomry on any vessel, created during her voyage, by a loan of money or materials necessary to repair or enable her to prosecute a voyage, shall not, however, lose its priority, or be in any way affected by the provisions of this section.

Hays *v.* Pacific Mail Steamship Co., 17 How., 598; White's Bank *v.* Smith, 7 Wall., 646; Aldrich *v.* Ætna Company, 8 Wall., 491; Mott *v.* Ruckman, 3 Blatch., 71; Hill *v.* Steamer Golden Gate, Newb., 308; Thompson *v.* Van Vechten, 5 Abb. Pr., 458; Potter *v.* Irish, 10 Gray, 416; Chadwick *v.* Baker, 54 Me., 9; Blanchard *v.* Brig Martha Washington, 1 Cliff., 463.

Record of bills of sale, mortgages, &c.; acknowledgments.

Ibid., s. 2.

3 Mar., 1865, c. 101, s. 1, v. 13, p. 518.

SEC. 4193. The collectors of the customs shall record all such bills of sale, mortgages, hypothecations, or conveyances, and, also, all certificates for discharging and canceling any such conveyances, in books to be kept for that purpose, in the order of their reception; noting in such books, and also on the bill of sale, mortgage, hypothecation, or conveyance, the time when the same was received; and shall certify on the bill of sale, mortgage, hypothecation, or conveyance, or certificate of discharge or cancellation, the number of the book and page where recorded; and shall receive, for so recording such instrument of conveyance or certificate of discharge, fifty cents; but no bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, shall be recorded, unless the same is duly acknowledged before a notary public or other officer authorized to take acknowledgment of deeds.

Index of records.

29 July, 1850, c. 27, s. 3, v. 9, p. 440.

SEC. 4194. The collectors of the customs shall keep an index of such records, inserting alphabetically the names of the vendor or mortgagor, and of the purchaser or mortgagee, and shall permit such index and books of records to be inspected during office-hours, under such reasonable regulations as they may establish, and shall, when required, furnish to any person a certificate, setting forth the names of the owners of any vessel registered or enrolled, the parts or proportions owned by each, if inserted in the register or enrollment, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance upon

such vessel, recorded since the issuing of the last register or enrollment, viz, the date, amount of such incumbrance, and from and to whom, or in whose favor made. The collector shall receive for each such certificate one dollar.

SEC. 4195. The collectors of the customs shall furnish certified copies of such records, on the receipt of fifty cents for each bill of sale, mortgage, or other conveyance.

Certified copies of records.

Ibid., s. 4, p. 441.

SEC. 4196. All bills of sale of vessels registered or enrolled, shall set forth the part of the vessel owned by each person selling, and the part conveyed to each person purchasing.

Interests to be named in bills of sale.

Ibid., s. 5.

CHAPTER TWO.

CLEARANCE AND ENTRY.

Sec.
4197. Granting clearances.
4198. Oath of master.
4199. Form of manifest.
4200. Manifests of shippers.
4201. Form of clearance.
4202. State inspection laws.
4203. Conveyance of the mails.
4204. Conveyance of bullion, coin, &c., for the United States.
4205. Clearance of vessel laden with live-oak.
4206. Payment of fees on vessels outward bound.
4207. Copy of rates of consular fees to be annexed to clearance.
4208. Steamboats on Lake Champlain.
4209. Production and deposit of papers of foreign vessels.
4210. Exception in certain cases.
4211. Delivery of papers by foreign consul.
4212. Oath of masters to delivery of mails.
4213. Copy of receipts of consular fees, &c.
4214. Pleasure yachts.
4215. Signals of yachts.
4216. Yachts belonging to foreign yacht-clubs.
4217. Commissions to yachts.
4218. Entry of yachts.

SEC. 4197. The master or person having the charge or command of any vessel bound to a foreign port, shall deliver to the collector of the district from which such vessel is about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any vessel bound to a foreign port departs on her voyage to such foreign port without delivering such manifest and obtaining a clearance, as hereby required, the master or other person having the charge or command of such vessel shall be liable to a penalty of five hundred dollars for every such offense. [See §§ 5320, 5321.]

Granting clearances.

2 Mar., 1799, c. 22, s. 93, v. 1, p. 698.

Bas *v.* Steele, 3 Wash., 381.

SEC. 4198. The oath to be taken by the master or commander of the vessel shall be as follows:

Oath of master.

Ibid.

District of

I, (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to), do solemnly, sincerely, and truly swear (or affirm, as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein

specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

Form of manifest.

SEC. 4199. The form of the report and manifest to be delivered to the collector shall be as follows:

Ibid.

Report and manifest of the cargo laden at the port of , on board the , master, bound for port

Marks.	Numbers.	Packages or articles in bulk.	Contents or quantities.	Value at the port of exportation.

Manifests of shippers.

10 Feb., 1820, c. 11, s. 11, v. 3, p. 542.

SEC. 4200. Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oath shall be taken and subscribed in writing. [See §§ 3987, 5564, 5565.]

Form of clearance.

2 Mar., 1799, c. 22, s. 93, v. 1, p. 699.

SEC. 4201. The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

District of , ss.
Port of

These are to certify all whom it doth concern, that , master or commander of the , burden tons, or thereabouts, mounted with guns, navigated with men, built, and bound for , having on board , hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of , this day of , one thousand , and in the year of the Independence of the United States of America.

State inspection laws.

Ibid.

Bas *v.* Steele, 3 Wash., 381.

SEC. 4202. The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

Conveyance of the mails.

25 Mar., 1864, c. 40, s. 1, v. 13, p. 36. 27 *Feb.*, 1877, *c.* 69, *c.* 19, *p.* 250.

SEC. 4203. All vessels belonging to [*the*] citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the

port of destination, and shall receive for such service such reasonable compensation as may be allowed by law. [See § 3976.]

Conveyance of bullion, coin, &c., for the United States.

4 July, 1864, c. 294, s. 10, v. 13, p. 392.

SEC. 4204. All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

Clearance of vessel laden with live-oak.

3 Mar., 1833, c. 67, s. 3, v. 4, p. 647.

SEC. 4205. Collectors of the collection-districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy. [See § 2463.]

Payment of fees on vessels outward bound.

3 Mar., 1797, c. 9, s. 5, v. 1, p. 503.

2 Mar., 1799, c. 22, s. 93, v. 1, p. 699.

SEC. 4206. Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

Copy of rates of consular fees to be annexed to clearance.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

SEC. 4207. Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services. [See §§ 17, 18.]

Steamboats on Lake Champlain.

3 Mar., 1817, c. 109, s. 3, v. 3, p. 390.

6 May, 1822, c. 56, s. 4, v. 3, p. 681.

Lorway v. Lonsada, 1 Low., 77.

SEC. 4208. The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board. [See § 3128.]

Production and deposit of papers of foreign vessels.

3 Mar., 1817, c. 40, s. 1, v. 3, p. 362.

SEC. 4209. The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to any foreign vessel, at her departure from the port from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. It shall be the duty of the master, within forty-eight hours after such entry, to deposit the papers with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice-consul that the papers have been so deposited. Every master who fails to comply with this regulation shall be punishable by a fine of not less than five hundred dollars, nor more than two thousand dollars.

Exception in certain cases.

Ibid.

SEC. 4210. The preceding section shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation.

Delivery of papers by foreign consul.

Ibid., s. 2.

23 Aug., 1842, c. 188, s. 3, v. 5, p. 517.

SEC. 4211. It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register and other papers deposited with him pursuant to the provisions of the preceding section, until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be fined not less than five hundred dollars, nor more than five thousand.

Oath of masters to delivery of mails.

SEC. 4212. Upon the entry of every vessel of the United States from any foreign port, the master thereof shall make return, on oath, showing that he has promptly delivered at such foreign port, all mails placed on

25 Mar., 1864, c. 40, s. 2, v. 13, p. 36.

board of the vessel under his command before clearance from the United States. And in case the master shall fail to make such oath, showing that he has delivered the mails placed on board his vessel in good faith, the vessel shall not be entitled to the privileges of a vessel of the United States. [See §§ 3976, 3988.]

Copies of receipts of consular fees, &c.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 59.

SEC. 4213. It shall be the duty of all owners, agents, consignees, masters, and commanders of vessels to whom any receipt for fees shall be given by any consular officer, to furnish a copy thereof to the collector of the district in which such vessels shall first arrive on their return to the United States. And it shall also be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officers by whom the same were certified. [See § 1726.]

Pleasure-yachts.

7 Aug., 1848, c. 141, s. 2, v. 9, p. 274.
29 June, 1870, c. 170, s. 1, v. 16, p. 171.

SEC. 4214. The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure-vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond, in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels so enrolled and licensed shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this Title.

Signals of yachts.

7 Aug., 1848, c. 141, s. 3, v. 9, p. 274.

SEC. 4215. All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

Yachts belonging to foreign yacht-clubs.

29 June, 1870, c. 120, s. 2, v. 16, p. 170.

SEC. 4216. Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof, or paying tonnage tax.

Commissions to yachts.

Ibid., s. 3.

SEC. 4217. For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

Entry of yachts.

Ibid., s. 4, p. 171.

SEC. 4218. Every yacht visiting a foreign country under the provisions of the four preceding sections shall, on her return to the United States, make due entry at the custom-house of the port at which, on such return, she shall arrive.

CHAPTER THREE.

TONNAGE DUTIES.

Sec.
4219. Amount of tonnage duties.
4220. Exemption of coasting and fishing vessels.
4221. Exemption of vessels making daily trips on interior waters.
4222. Exemption of vessels touching at Canadian ports.
4223. Tonnage duty to be paid only once in each year.
4224. Time of payment of tonnage duties.
4225. Light-money.
4226. Exemption of unregistered vessels owned by citizens.
4227. Rights under treaties preserved.

Amount of tonnage duties.

SEC. 4219. [*Upon vessels which shall be entered at any custom-house in the United States, from any foreign port or place, there shall be paid the respective duties following: On vessels of the United States, thirty cents a ton; on vessels built within the United States, but belonging wholly or in part to subjects of foreign powers, sixty cents per ton; on foreign vessels entered in the United States from any foreign port to and with which vessels of the United States are not ordinarily permitted to enter and trade, two dollars and thirty cents per ton; on other vessels, thirty cents per ton: Provided, That the President of the United States shall be satisfied that the discriminating or countervailing duties of any foreign nation to which such vessels belong, so far as they operate to the disadvantage of the United States, have been abolished; otherwise, eighty cents per ton: And provided, That nothing in this section shall impair any rights or privileges which have been or may be acquired by any foreign nation, under the laws and treaties of the United States, relative to the duty of tonnage on vessels.*] [Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton. Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of fifty cents per ton. Nothing in this section shall be deemed in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished. In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place; and any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of fifty cents per ton.] [See §§ 2931, 2932, 4371.]

20 July, 1790, c. 30, s. 1, v. 1, p. 135.
27 April, 1816, c. 107, s. 6, v. 3, p. 314.
14 Jan., 1817, c. 3, s. 1, v. 3, p. 344.
1 Mar., 1817, c. 31, s. 6, v. 3, p. 352.
3 Mar., 1817, c. 50, v. 3, p. 369.
31 May, 1830, c. 219, s. 1, v. 4, p. 425.
14 July, 1862, c. 163, s. 15, v. 12, p. 558.
28 June, 1864, c. 170, v. 13, p. 201.
3 Mar., 1865, c. 80, s. 4, v. 13, p. 493.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 250.

U. S. *v.* Hathaway, 3 Mas., 324.

Exemption of coasting and fishing vessels.

SEC. 4220. No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled. [See § 2793.]

14 July, 1870, c. 255, s. 25, v. 16, p.

269. 18 *April*, 1874, *c.* 110, *r.* 18, *p.* 31.

Exemption of vessels making daily trips on interior waters.

SEC. 4221. In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

3 Mar., 1869, c. 125, s. 3, v. 15, p. 322.

Exemption of vessels touching at Canadian ports.

SEC. 4222. No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port. [See § 2793.]

20 July, 1868, Res. No. 64, v. 15, p. 260.

Tonnage duty to be paid only once in each year.

SEC. 4223. The tonnage duty imposed on all vessels engaged in foreign commerce shall be levied but once within one year, and, when paid by such vessel, no further tonnage tax shall be collected within one year

2 Mar., 1867, c. 169, s. 33, v. 14, p. 484.
14 July, 1870, c. 255, s. 25, v. 16, p. 269.

from the date of such payment. But this provision shall not extend to foreign vessels entered in the United States from any foreign port, to and with which vessels of the United States are not ordinarily permitted to enter and trade.

Time of payment of tonnage duties.

18 July, 1866, c. 201, s. 28, v. 14, p. 184.

SEC. 4224. Vessels which pay tonnage duties once in a year shall pay the same either at their first clearance from or entry at, according to priority, a custom-house in the United States in each calendar year. Nothing in this section shall be construed to prevent customs officers from collecting such tonnage duty at the entry of vessels at their respective custom-houses during the calendar year if the same has not previously been paid for such year.

Light-money.

27 Mar., 1804, c. 57, s. 6, v. 2, p. 300.

U. S. v. Hathaway, 3 Mas., 324.

SEC. 4225. A duty of fifty cents per ton, to be denominated "light money," shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light-money shall be levied and collected in the same manner and under the same regulations as the tonnage duties.

Exemption of unregistered vessels owned by citizens.

3 Mar., 1805, c. 40, v. 2, p. 339.

SEC. 4226. The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea-letter, or other regular document, issued from a custom-house of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea-letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea-letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

Rights under treaties preserved.

27 April, 1816, c. 107, s. 6, v. 3, p. 314.
14 Jan., 1817, c. 3, s. 1, v. 3, p. 344.

SEC. 4227. Nothing contained in this Title shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

14 July, 1862, c. 163, s. 15, v. 12, p. 558.

CHAPTER FOUR.

DISCRIMINATING DUTIES.

Sec.
4228. Suspension by the President.
4229. Vessels of Prussia.
4230. Termination of privileges.
4231. Spanish vessels.
4232. Mail-steamships to Brazil.

Suspension by the President.

24 May, 1828, c. 111, s. 1, v. 4, p. 308.
31 May, 1830, c. 219, s. 2, v. 4, p. 425.
13 July, 1832, c. 207, s. 3, v. 4, p. 579.

SEC. 4228. Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to

take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

Vessels of Prussia.

SEC. 4229. No other or higher rate of duties shall be imposed or collected on vessels of Prussia, or of her dominions, from whencesoever coming, nor on their cargoes, howsoever composed, than are or may be payable on vessels of the United States, and their cargoes.

24 May, 1828, c. 111, s. 2, v. 4, p. 308.

Termination of privileges.

SEC. 4230. The preceding section shall continue and be in force during the time that the equality for which it provides shall, in all respects, be reciprocated in the ports of Prussia and her dominions; and if at any time hereafter the equality shall not be reciprocated in the ports of Prussia and her dominions, the President may issue his proclamation, declaring that fact, and thereupon the section preceding shall cease to be in force.

Ibid., s. 4, p. 309.

Spanish vessels

SEC. 4231. From Spanish vessels coming from any port or place in Spain or her colonies, where no discriminating or countervailing duties on tonnage are levied upon vessels of the United States, or from any other port or place to and with which vessels of the United States are ordinarily permitted to go and trade, there shall be exacted in the ports of the United States no other or greater duty on tonnage than at the time may be exacted of vessels of the United States.

1 Mar., 1869, c. 54 v. 15, p. 282.

Mail-steamships to Brazil.

SEC. 4232. The mail steamships employed in the mail-service between the United States and Brazil shall be exempt from all port-charges and custom-house dues at the port of departure and arrival in the United States if, and so long as, a similar immunity from port-charges and custom-house dues is granted by the government of Brazil.

28 May, 1864, c. 98, s. 4, v. 13, p. 94.

CHAPTER FIVE.

NAVIGATION.

Sec.
4233. Rules for preventing collisions.
4234. Forfeiture of sailing-vessels for omission of lights.
4235. State regulations of pilots.
4236. Pilots on boundaries between States.
4237. No discrimination in rates of pilotage.
4238. Vessels stranded on foreign coasts.
4239. Property wrecked on coast of Florida.
4240. Forfeitures for taking such property to foreign port.
4241. License to wreckers on Florida coast.
4242. Life-saving stations on coasts of Long Island, &c.
4243. Superintendents and keepers.
4244. Crews of surfmen.
4245. Stations at light-houses.
4246. Care of boats.
4247. Keepers, &c., at stations on coasts of Cape Cod and Rhode Island.
4248. Supervision of stations on coast of Rhode Island.
4249. Stations on coasts of Maine, New Hampshire, Massachusetts, Virginia, &c.
4250. Removal of captain by owners of vessels.
4251. Canal-boats not to be libeled for wages.

Rules for preventing collisions.

SEC. 4233. The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States:

29 April, 1864, c. 69, v. 13, p. 58.—The Hyppodame, 6 Wall., 216; The Carroll, 8 Wall., 302; The Fairbanks, 9 Wall., 420; The Corsica, 9 Wall., 630; The Scotia, 14 Wall., 170; The Continental, 14 Wall., 345; The Chesapeake, 5 Blatch., 411; The Huntsville, 8 Blatch., 228; The Pennsylvania, 19 Wall., 125; The Sunnyside, 91 U. S., 208; The John L. Hasbrouck, 93 U. S., 405; The D. P., (Kelley v. Thompson,) 1 Low., 124; Carlton Case, 10 C. Cls., 485; The Santiago de Cuba, 10 Blatch., 444; The Atlas, 10 Blatch., 459; The Narragansett, 10 Blatch., 475; The Bristol, 10 Blatch., 537; The Leo, 11 Blatch., 225; The Hammonia, 11 Blatch., 413; The Porter, 2 Dill., 146; The Vancouver, 2 Saw., 381.

STEAM AND SAIL VESSELS.

Rule one. Every steam-vessel which is under sail, and not under steam, shall be considered a sail-vessel; and every steam-vessel which is under steam, whether under sail or not, shall be considered a steam-vessel.

Ibid., art. 2.

Rule two. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise.

The Glaucus, 1 Low., 366.

Ibid., art. 3, p. 59. 28 Feb., 1871, c. 100, s. 47, v. 16, p. 454.

The Ontario, 2 Low., 40; The W. H. Clark, 5 Biss., 295.

Rule three. All ocean-going steamers, and steamers carrying sail, shall, when under way, carry—

(A) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

29 April, 1864, c. 69, art. 4, v. 13, p. 59.

Rule four. Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side-lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same character and construction as the mast-head lights prescribed by Rule three.

Ibid., art. 3. 28 Feb., 1871, c. 100, s. 47, v. 16, p. 454.

Rule five. All steam-vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port sides lights of the same character and construction and in the same position as are prescribed for side-lights by Rule three, except in the case provided in Rule six.

Ibid.

Rule six. River-steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke-pipe, and one green light on the outboard side of the starboard smoke-pipe. Such lights shall show both forward and abeam on their respective sides.

Ibid., p. 454.

The Continental, 14 Wall., 345.

Rule seven. All coasting steam-vessels, and steam-vessels other than ferry-boats and vessels otherwise expressly provided for, navigating the bays, lakes, rivers, or other inland waters of the United States, except those mentioned in Rule six, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after-light being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The head-light shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the after-light so as to show all around the horizon. The lights for ferry-boats shall be regulated by such rules as the board of supervising inspectors of steam-vessels shall prescribe.

29 April, 1864, c. 69, v. 13, p. 59, art. 5.

Rule eight. Sail-vessels, under way or being towed, shall carry the same lights as steam-vessels under way, with the exception of the white mast-head lights, which they shall never carry.

Ibid., art. 6.

Rule nine. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their

respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

Rule ten. All vessels, whether steam-vessels or sail-vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile. Ibid., art. 7.

Rule eleven. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes. Ibid., art. 8.

Rule twelve. Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam-vessels. 28 Feb., 1871, c. 100, s. 47, v. 16, p. 454.

Rule thirteen. Open boats shall not be required to carry the side-lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient. 29 April, 1864, c. 69, art. 9, v. 13, p. 60.

Miller *v.* The W. G. Hewes, 1 Woods, 362.

Rule fourteen. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. 29 April, 1864, c. 69, s. 1, v. 13, p. 58.

FOG-SIGNALS.

Rule fifteen. Whenever there is a fog, or thick weather, whether by day or night, fog-signals shall be used, as follows: 29 April, 1864, c. 69, art. 10, v. 13, p. 60.

(A) Steam-vessels under way shall sound a steam-whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute. 28 Feb., 1871, c. 100, s. 47, v. 16, p. 454.

(B) Sail-vessels under way shall sound a fog-horn at intervals of not more than five minutes. The Monticello, 1 Low., 184.

(C) Steam-vessels and sail-vessels, when not under way, shall sound a bell at intervals of not more than five minutes.

(D) Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes.

STEERING AND SAILING RULES.

Rule sixteen. If two sail-vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other. 29 April, 1864, c. 69, art. 11, v. 13, p. 60.

The Nichols, 7 Wall., 656; The Dexter, 23 Wall., 69; The City of Washington, 92 U. S., 31.

Ibid., art. 12. Rule seventeen. When two sail-vessels are crossing so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the way of the vessel with the wind on the starboard side, except in the case in which the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

Art. 13. Rule eighteen. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 14. Rule nineteen. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

The Corsica, 9 Wall., 630; The Free State, 91 U. S., 200.

Art. 15. Rule twenty. If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sail-vessel.

City of Paris, 9 Wall., 638.

Art. 16, p. 61. Rule twenty-one. Every steam-vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-vessel shall, when in a fog, go at a moderate speed.

City of Paris, 9 Wall., 638; The Syracuse, 9 Wall., 676.

Ibid., art. 17. Rule twenty-two. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel.

Art. 18. Rule twenty-three. Where, by Rules seventeen, nineteen, twenty, and twenty-two, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of Rule twenty-four.

Art. 19. Rule twenty-four. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

Forfeiture of sailing-vessels for omission of lights.

SEC. 4234. Collectors, or other chief officers of the customs, shall require all sail-vessels to be furnished with proper signal-lights, and every such vessel shall, on the approach of any steam-vessel during the night-time, show a lighted torch upon that point or quarter to which such steam-vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section, shall be liable to a penalty of two hundred dollars, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel, in any district court of the United States having jurisdiction of the offense.

28 Feb., 1871, c. 100, s. 70, v. 16, p. 459.

The Leopard, 2 Low., 239.

State regulation of pilots.

SEC. 4235. Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose.

7 Aug., 1789, c. 9, s. 4, v. 1, p. 54.

Gibbons *v.* Ogden, 9 Wh., 207; Hobart *v.* Drogan, 10 Pet., 121; License Cases, 5 How., 580; Cooley *v.* Board of Wardens, 12 How., 299; *Ex parte* McNiel, 13 Wall., 236.

Pilots on boundaries between States.

SEC. 4236. The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port.

2 Mar., 1837, c. 22, v. 5, p. 153.

No discrimination in rates of pilotage.

SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated.

13 July, 1866, c. 177, v. 14, p. 93.

Vessels stranded on foreign coasts.

14 April, 1792, c. 24, s. 3, v. 1, p. 255.

SEC. 4238. Consuls and vice-consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice-consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

Property wrecked on coast of Florida.

3 Mar., 1825, c. 107, s. 2, v. 4, p. 133.

SEC. 4239. All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States.

Forfeitures for taking wrecked property to foreign ports.

3 Mar., 1825, c. 107, s. 1, v. 4, p. 132.

SEC. 4240. Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States.

License to wreckers on Florida coast.

23 Feb., 1847, c. 20, s. 3, v. 9, p. 131.

SEC. 4241. No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is sea-worthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

Life-saving stations on coasts of Long Island, &c.

14 Dec., 1854, c. 1, s. 1, v. 10, p. 597.
20 *June*, 1874, c. 344, v. 18, p. 125.
31 *July*, 1876, c. 246, v. 19, p. 107.

SEC. 4242. The Secretary of the Treasury may establish such stations on the coasts of Long Island and New Jersey, for affording aid to shipwrecked vessels thereon, and may make such changes in the location of the existing stations, and make such repairs and furnish such apparatus and supplies, as may, in his judgment, be best adapted to the preservation of life and property from such shipwrecked vessels.

Superintendents and keepers.

14 Dec., 1854, c. 1, s. 2, v. 10, p. 597.
20 April, 1871, c. 21, s. 27, v. 17, p. 12.
20 *June*, 1874, c. 344, v. 18, p. 127.

SEC. 4243. The Secretary of the Treasury may appoint, at each of the stations established under the provisions of the preceding section, a keeper, at a compensation not exceeding two hundred dollars a year, and a superintendent, who shall also have the powers and perform the duties of an inspector of the customs for each of the coasts therein mentioned; and he shall give such keepers and superintendents proper instructions relative to the duties to be required of them.

Crews of surfmen.

20 April, 1871, c. 21, s. 27, v. 17, p. 12.

SEC. 4244. The Secretary of the Treasury may also employ crews of experienced surfmen at such stations on the coasts of Long Island and New Jersey and for such periods as he may deem necessary and proper, and at such compensation as he may deem reasonable, not to exceed forty dollars a month for each person to be employed.

Stations at light-houses.

14 Dec., 1854, c. 1, s. 4, v. 10, p. 597.

SEC. 4245. The Secretary of the Treasury may also establish such stations at such light-houses as, in his judgment, he shall deem best, and the keepers of such lights shall take charge of such boats and apparatus as may be put in their charge respectively, as a part of their official duties.

Care of boats.

Ibid., s. 3.
20 *June*, 1874, c. 344, v. 18, p. 127.

SEC. 4246. No boat shall be purchased and located, under the provisions of the four preceding sections, at any point other than on the coasts of Long Island and New Jersey, unless the same be placed in the immediate care of an officer of the Government, or unless bond shall be given by proper individuals, living in the neighborhood, conditioned for the care and preservation of the same, and its application to the uses intended.

Keepers, &c., at stations on coast of

SEC. 4247. The Secretary of the Treasury may appoint a keeper for each of the ten life-saving stations on the coasts of Cape Cod, Massachu-

Cape Cod and Rhode Island.

11 Jan., 1873, c. 34, v. 17, p. 410.

setts, and Block Island, Rhode Island, whose compensation shall be at the rate of two hundred dollars per annum, and may employ crews of experienced surfmen at such stations and for such periods as he may deem necessary and proper, and at such compensation as he may deem reasonable, not to exceed forty dollars per month for each person to be employed. [See § 223.]

Supervision of stations on coast of Rhode Island.

Ibid.

SEC. 4248. The life-saving stations at Narragansett Pier, and Block Island, Rhode Island, shall be under the supervision of the superintendent of life-saving stations for the coast of Long Island.

Stations on coasts of Maine, New Hampshire, Massachusetts, Virginia, &c.

3 Mar., 1873, c. 307, s. 1, v. 17, p. 619.

SEC. 4249. The Secretary of the Treasury shall provide for the establishment of ten life-saving stations on the coasts of Maine, New Hampshire, and Massachusetts, Virginia, and North Carolina, at such points as he may deem necessary, for the saving of life and property on said coasts: *Provided*, That all life-saving stations hereafter erected, shall be erected under the supervision of two captains of the revenue service, to be designated by the Secretary of the Treasury, and to be under his direction.

Removal of captain by owners of vessels.

9 April, 1872, c. 90, v. 17, p. 51.

18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 320.

SEC. 4250. Any person or body-corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the [*nineteenth*] [ninth] day of April, eighteen hundred and seventy-two.

Canal-boats not to be libeled for wages.

20 July, 1846, c. 60, s. 1, v. 9, p. 38.

SEC. 4251. No canal-boat, without masts or steam-power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same.

CHAPTER SIX.

TRANSPORTATION OF PASSENGERS AND MERCHANDISE.

Sec.
4252. Space for passengers in vessels arriving from foreign ports.
4253. Penalty for taking too many passengers.
4254. Lockers and hospitals.
4255. Berths.
4256. Houses on deck.
4257. Ventilators.
4258. Cooking-range.
4259. Penalty for neglect to comply with requirements.
4260. Provisions.
4261. Penalty for failure to provide provisions and water.
4262. Distribution of provisions.
4263. Discipline and health.
4264. Inspection of passenger-vessels.
4265. Vessels bound to or from the Pacific Ocean.
4266. Lists of passengers.
4267. Copies to be returned to Secretary of State.
4268. Payment in case of death of passenger.
4269. Penalty for refusal to pay.
4270. Recovery of penalties.
4271. Vessels belonging to colonization societies.
4272. Examination of emigrant vessels by collector.
4273. Informers.
4274. Vessels carrying passengers without the United States.
4275. Penalty upon visiting part of vessel assigned to emigrants.
4276. Penalty for permitting officers or seamen to visit such part of vessel.
4277. Notice to be posted in emigrant vessels.
4278. Transportation of nitro-glycerine.
4279. Packing and marking nitro-glycerine.
4280. Regulation by States of traffic in nitro-glycerine.
4281. Liability of masters, &c., as carriers.
4282. Loss by fire.
4283. Liability of owner not to exceed his interest.
4284. General average of losses.
4285. Transfer of interest of owner to trustee.
4286. When charterer is deemed owner.
4287. Remedies reserved.
4288. Shipping inflammable materials.
4289. Exception to limitation of liability.

Space for passengers in vessels ar-

SEC. 4252. No master of any vessel, owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall

take on board such vessel, at any foreign port or place other than foreign contiguous territory of the United States, passengers contrary to the provisions of this section, with intent to bring such passengers to the United States and leave such port or place and bring such passengers, or any number thereof, within the jurisdiction of the United States. The number of such passengers shall not be greater than in the proportion of one to every two tons of such vessel, not including children under the age of one year in the computation, and computing two children over one and under eight years of age as one passenger. The spaces appropriated for the use of such passengers, and which shall not be occupied by stores or other goods, not the personal baggage of such passengers, shall be in the following proportions: On the main and poop decks or platforms, and in the deck-houses, if there be any, one passenger for each sixteen clear superficial feet of deck, if the height or distance between the decks or platforms shall not be less than six feet; and on the lower deck, not being an orlop deck, if any, one passenger for eighteen such clear superficial feet, if the height or distance between the decks or platforms shall not be less than six feet, but so as that no passenger shall be carried on any other deck or platform, nor upon any deck where the height or distance between decks is less than six feet. But on board two-deck ships, where the height between the decks is seven and one-half feet or more, fourteen clear superficial feet of deck shall be the proportion required for each passenger. The term "contiguous territory," as used in this section, shall not be held to extend to any port or place connecting with any interoceanic route through Mexico.

riving from foreign ports.

3 Mar., 1855, c. 213, s. 1, v. 10, p. 715.
4 July, 1864, c. 249, s. 1, v. 13, p. 390.
U. S. *v.* Morton, 1 Low., 179.

SEC. 4253. Whenever the master of any such vessel takes on board of the same, at any foreign port or place, other than such contiguous territory, any greater number of passengers than in the proportion to the space or to the tonnage prescribed in the preceding section, with intent to bring such passengers to the United States, and leaves such port or place and brings such passengers within the jurisdiction of the United States, or takes on board his vessel, at any port or place within the jurisdiction of the United States, any greater number of passengers than in the proportion to the space or to the tonnage prescribed by the preceding section, with intent to carry the same to any foreign port or place other than such foreign contiguous territory, he shall be deemed guilty of a misdemeanor, and shall, for each passenger taken on board beyond such limit or space, be fined fifty dollars, and may also be imprisoned for not exceeding six months.

Penalty for taking too many passengers.

3 Mar., 1855, c. 213, s. 1, v. 10, p. 716.
U. S. *v.* Brig Neurea, 19 How., 94.

SEC. 4254. Should it be necessary for the safety or convenience of such vessel that any portion of her cargo, or any other article, should be placed on or stored in any of the decks, cabins, or other places appropriated to the use of passengers, the same may be placed in lockers or inclosures prepared for the purpose, on an exterior surface impervious to the waves, capable of being cleansed in like manner as the decks or platforms of the vessel. But in no case shall the places thus provided be deemed to be a part of the space allowable for the use of passengers, but the same shall be deducted therefrom; and in all cases where such lockers or inclosed spaces are prepared or used, the upper surface thereof shall be deemed the deck or platform from which measurement shall be made for all the purposes of this chapter. One hospital, in the spaces appropriated to passengers, and separate therefrom by an appropriate partition, and furnished as its purposes require, may be prepared, and, when used, may be included in the space allowable for passengers; but the same shall not occupy more than one hundred superficial feet of deck or platform.

Lockers and hospitals.

3 Mar., 1855, c. 213, s. 1, v. 10, p. 716.

SEC. 4255. No such vessel shall have more than two tiers of berths. The interval between the lowest part thereof and the deck or platform beneath shall not be less than nine inches; and the berths shall be well constructed, parallel with the sides of the vessel, and separated from each other by partitions, as berths ordinarily are separated, and shall be at least six feet in length, and at least two feet in width, and each such berth shall be occupied by no more than one passenger; but double

Berths.

3 Mar., 1855, c. 213, s. 2, v. 10, p. 716.
The Steamship Manhattan, 2 Ben., 88.

berths of twice the above width may be constructed, each berth to be occupied by no more and by no other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men, members of the same family. For any violation of this section, the master of the vessel, and the owners thereof, shall severally be liable to a penalty of five dollars for each passenger on board of such vessel on such voyage, to be recovered by the United States in any port where such vessel may arrive or depart.

Houses on deck.

3 Mar., 1855, c. 213, s. 3, v. 10, p. 716.

SEC. 4256. All vessels, whether of the United States, or any foreign country, having sufficient space, according to law, for fifty or more passengers, other than cabin passengers, shall, when employed in transporting such passengers between the United States and Europe, have, on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartments allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation. All vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses; and the stairs or ladder leading down to such apartments shall be furnished with a hand-rail of wood or strong rope; but booby-hatches may be substituted for such houses.

Ventilators.

3 Mar., 1855, c. 213, s. 4, v. 10, p. 717.

SEC. 4257. Every such vessel so employed in transporting passengers between the United States and Europe, and having space according to law for more than one hundred such passengers, shall have at least two ventilators to purify each apartment occupied by such passengers; one of which shall be inserted in the after part, and the other in the forward part of the apartment, and one of them shall have an exhausting-cap to carry off the foul air, and the other a receiving-cap to carry down the fresh air. Such ventilators shall have a capacity proportioned to the size of the apartments to be purified, namely: If the apartments will lawfully authorize the reception of two hundred such passengers, the capacity of each of such ventilators shall be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments. All such ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction. If it appears from the report to be made and approved, as provided in section forty-two hundred and seventy-two, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed to be a compliance with the provisions of this section.

Cooking-range.

Ibid., s. 5.

SEC. 4258. Every vessel carrying more than fifty such passengers, and engaged in transporting them between the United States and Europe, shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking-range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the same manner, in this ratio, for a greater or less number of passengers; but nothing in this section shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

Penalty for neglecting to comply with requirements.

3 Mar., 1855, c. 213, s. 8, v. 10, p. 718.

SEC. 4259. The master and owner of any such vessel so employed, which shall not be provided with the house or houses over the passage-ways, or with the ventilators, or with the cambooses or cooking-ranges with the houses over them, required by this Title, shall severally be liable to a penalty of two hundred dollars for each and every violation of, or neglect to conform to, each of these requirements, to be recovered by suit in any circuit or district court of the United States within the jurisdiction of which such vessel may arrive, or from which she may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or master of such vessel may be found.

Provisions.

SEC. 4260. All vessels so employed in transporting passengers between the United States and Europe shall have on board, for the use of such

passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least twenty pounds of good navy bread, fifteen pounds of rice, fifteen pounds of oatmeal, ten pounds of wheat-flour, fifteen pounds of pease and beans, twenty pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, and ten pounds of salt beef, free of bone, all to be of good quality. At places where either rice, oatmeal, wheat-flour, or pease and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last-named articles may be increased and substituted therefor; and, in case potatoes cannot be procured on reasonable terms, one pound of either of such articles may be substituted in lieu of five pounds of potatoes. The masters of such vessels shall deliver to each passenger at least one-tenth part of such provisions weekly, commencing on the day of sailing, and at least three quarts of water daily.

3 Mar., 1855, c. 213, s. 6, v. 10, p. 717.

Penalty for failure to provide provisions and water.

SEC. 4261. If the passengers on board of any such vessel in which the provisions and water shall not have been provided as required by the preceding section, shall, at any time, be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each passenger put on short allowance, the sum of three dollars for each and every day such passenger may have been put on short allowance, to be recovered in the circuit or district court of the United States.

3 Mar., 1855, c. 213, s. 6, v. 10, p. 718.

Distribution of provisions.

SEC. 4262. It shall be the duty of the master of every vessel employed in transporting passengers between the United States and Europe, to cause the food and provisions of all the passengers to be well and properly cooked, daily, and to be served out and distributed to them at regular and stated hours, by messes, or in such other manner as shall be deemed best and most conducive to the health and comfort of such passengers, of which hours and manner of distribution due and sufficient notice shall be given. Every master of any such vessel who willfully fails to furnish and distribute provisions in the quantity and cooked in the manner required by this Title shall be deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars, and imprisoned for a term not exceeding one year. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners to such passengers as may have suffered from such default.

3 Mar., 1855, c. 213, s. 6, v. 10, p. 717.

Discipline and health.

SEC. 4263. The master of any vessel employed in transporting passengers between the United States and Europe is authorized to maintain good discipline and such habits of cleanliness among passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage. Such master shall cause the apartments occupied by such passengers to be kept at all times in a clean, healthy state; and the owners of every such vessel so employed are required to construct the decks and all parts of the apartments so that they can be thoroughly cleansed; and also to provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. The master shall also, when the weather is such that the passengers cannot be mustered on deck with their bedding, and at such other times as he may deem necessary, cause the deck occupied by such passengers to be cleansed with chloride of lime, or some other equally efficient disinfecting agent. And for each neglect or violation of any of the provisions of this section, the master and owner of any such vessel shall be severally liable to the United States in a penalty of fifty dollars, to be recovered in any circuit or district court within the jurisdiction of which such vessel may arrive, or from which she is about to depart, or at any place where the owner or master may be found.

3 Mar., 1855, c. 213, s. 7, v. 10, p. 718.

Inspection of passenger vessels.

SEC. 4264. The collector of the customs, at any port at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one or more of the inspectors of the customs for such port to examine such vessel, and report in writing to

3 Mar., 1855, c. 213, s. 9, v. 10, p. 718.

27 *Feb.*, 1877, *c.* 69, *s.* 19, *p.* 250.

him whether the requirements of law have been complied with in respect to such vessel; and if such report shall state such compliance, and shall be approved by such collector, it shall be deemed prima-facie evidence thereof. [The provisions, requisitions, penalties, and liens enumerated in the several sections of this chapter relating to the space in vessels appropriated to the use of passengers are hereby extended and made applicable to all spaces appropriated to the use of steerage-passengers in vessels propelled in whole or in part by steam, and navigating from, to, and between the ports and in manner as herein named, and to such vessels and to the masters thereof; and the space appropriated to the use of steerage-passengers in vessels as above propelled and navigated is hereby made subject to the supervision and inspection of the collector of the customs in any port in the United States at which any such vessel shall arrive, or from which she shall be about to depart; and the same shall be examined and reported in the same manner and by the same officers directed in the preceding section to examine and report.] [See § 4272.]

Vessels bound to or from the Pacific Ocean.

3 Mar., 1855, *c.* 213, *s.* 11, *v.* 10, *p.* 719.

4 July, 1864, *c.* 249, *s.* 2, *v.* 13, *p.* 390.

SEC. 4265. Vessels bound from any port in the United States to any port or place in the Pacific Ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic, or its tributaries, including vessels whose passengers, or any part of them, shall be bound from or to any of those ports or places, by way of any overland route through Mexico or Central America, shall be subject to the foregoing provisions regulating the carriage of passengers in merchant-vessels, except so much as relates to food and water; but the owners and masters of such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned; and they shall furnish a sufficient supply of good and wholesome food, properly cooked; and in case they shall fail so to do, or shall provide unwholesome or unsuitable food, such masters or owners shall be liable to pay to each passenger the sum of three dollars for each day on which such failure or wrongful act is committed, to be recovered in the circuit or district court of the United States.

Lists of passengers.

3 Mar., 1855, *c.* 213, *s.* 12, *v.* 10, *p.* 719.

SEC. 4266. The master of any vessel arriving in the United States, or any of the Territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the vessel, pursuant to law, shall also deliver and report to the collector of the district in which such vessel shall arrive a list of all the passengers taken on board of the vessel at any foreign port or place; in which list he shall designate particularly the age, sex, and occupation of the passengers respectively, the part of the vessel occupied by each during the voyage, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any and what number have died on the voyage; such list shall be sworn to by the master, in the same manner as directed by law in relation to the manifest of the cargo; and the refusal or neglect of the master to comply with the provisions of this section, or any part thereof, shall incur the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo. [See §§ 2774, 2807–2815.]

Copies to be returned to Secretary of State.

SEC. 4267. Every collector of the customs to whom such lists of passengers shall be delivered, shall quarter-yearly return copies thereof to the Secretary of State.

Ibid., *s.* 13. 7 *May*, 1874, *c.* 149, *s.* 18, *p.* 42.

Payment in case of death of passenger.

3 Mar., 1855, *c.* 213, *s.* 14, *v.* 10, *p.* 719.

SEC. 4268. In case there shall have occurred on board any vessel arriving at any port or place within the United States or its Territories, any death among the passengers, other than cabin passengers, the master, or owner, or consignee of such vessel, shall, within twenty-four hours after the time within which the report and list of passengers is required to be delivered to the collector of the customs, pay to the collector the sum of ten dollars for each and every passenger above the age of eight years, who shall have died on the voyage by natural disease.

The collector shall pay the money thus received, at such times and in such manner as the Secretary of the Treasury, by general rules, shall direct, to any board or commission appointed by and acting under the authority of the State within which the port where such vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment; and if there be more than one board or commission who shall claim such payment, the Secretary of the Treasury shall determine which is entitled to receive the same, and his decision in the premises shall be final and without appeal; but such payment shall in no case be awarded or made to any board, or commission, or association, formed for the protection or advancement of any particular class of emigrants, or emigrants of any particular nation or creed.

Penalty for refusal to pay.

SEC. 4269. Every master, owner, or consignee of any vessel, who refuses or neglects to pay to the collector any sum of money required, within the time prescribed by the preceding section, shall be liable to a penalty of fifty dollars, in addition to such sum of ten dollars, for each passenger upon whose death the same has become payable, to be recovered by the United States in any circuit or district court of the United States where such vessel may arrive, or such master, owner, or consignee may reside; and the money shall be disposed of in the same manner as is directed with respect to the sums required to be paid to the collector of customs.

3 Mar., 1855, c. 213, s. 14, v. 10, p. 720.

Recovery of penalties.

SEC. 4270. The amount of the several penalties imposed by the foregoing provisions regulating the carriage of passengers in merchant-vessels shall be liens on the vessel violating those provisions, and such vessel shall be libeled therefor in any circuit or district court of the United States where such vessel shall arrive. [See § 629.]

Ibid., s. 15.

The Candace, 1 Low., 126.

Vessels belonging to colonization societies.

SEC. 4271. Any vessel which may be employed by the American Colonization Society, or the colonization society of any State, to transport, and which shall actually transport, from any port of the United States to any colony on the west coast of Africa, colored emigrants, to reside there, shall be subject to the operation of the foregoing provisions regulating the carriage of passengers in merchant-vessels.

Ibid., s. 16.

Examination of emigrant-vessels by collector.

SEC. 4272. The collector of the customs shall examine each emigrant vessel, on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing, the length of the voyage, the ventilation, the number of passengers, their space on board, their food, the native country of the emigrants, the number of deaths, the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and, if none, what precautionary measures, arrangements, or habits, are supposed to have had any, and what, agency in causing the exemption.

Ibid., s. 17.

Informers.

SEC. 4273. Informers shall be entitled to one-half of any penalty or fine collected under the provisions relating to the transportation of passengers in vessels to or from any foreign port or place other than foreign contiguous country, upon their information.

4 July, 1864, c. 249, s. 9, v. 13, p. 392.

Vessels carrying passengers without the United States.

SEC. 4274. The provisions of this Title relating to the transportation of passengers between the United States and any port other than foreign contiguous territory, except such as relate to lists or manifests of passengers, shall apply to all vessels owned, in whole or in part, by citizens of the United States, and registered, enrolled, or licensed within the United States, and to all masters thereof carrying passengers or intending to carry passengers from any foreign port without the United States to any other foreign port without the United States, and all the penalties and forfeitures provided for in such provisions shall apply to such vessels and masters.

19 Feb., 1862, c. 27, s. 5, v. 12, p. 341.

Penalty upon visiting part of vessel assigned to emigrants.

SEC. 4275. Neither the officers, seamen, nor other persons employed on board of any vessel bringing emigrant passengers to the United States, or any of them, shall visit or frequent any part of such vessel assigned to emigrant passengers, except by the direction or permission of the master of such vessel first made or given for such purpose. Every officer, seaman, or other person employed on board of such vessel, who shall violate the provisions of this section shall be deemed guilty of a

24 Mar., 1860, c. 8, s. 2, v. 12, p. 3.

misdemeanor, and, on conviction thereof, shall forfeit to the vessel his wages for the voyage of the vessel during which the offense has been committed. [See §§ 5349–5351.]

Penalty for permitting officers or seamen to visit such part of vessel.

24 Mar., 1860, c. 8, s. 2, v. 12, p. 3.

SEC. 4276. Every master who directs or permits any officer or seaman or other person employed on board of any vessel to visit or frequent any part of such vessel assigned to emigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of fifty dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman, or other person employed on board of such vessel.

Notice to be posted in emigrant-vessels.

24 Mar., 1860, c. 8, s. 3, v. 12, p. 4.

SEC. 4277. The master of every vessel bringing emigrant passengers to the United States shall post a written or printed notice in the English, French, and German languages containing the provisions of the two preceding sections in a conspicuous place on the forecastle, and in the several parts of the vessel assigned to emigrant passengers, and keep the same so posted during the voyage; and if he neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars.

Transportation of nitro-glycerine.

3 July, 1866, c. 162, s. 1, v. 14, p. 81.

SEC. 4278. It shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance or article known or designated as nitro-glycerine, or glynoin oil, nitroleum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article or substance, upon or in any vessel or vehicle used or employed in transporting passengers by land or water between a place in any foreign county and a place within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof. [See §§ 5353–5355.]

Packing and marking nitro-glycerine.

3 July, 1866, c. 162, s. 3, v. 14, p. 82.

SEC. 4279. It shall not be lawful to ship, send, or forward any quantity of the substances or articles named in the preceding section, or to transport, convey, or carry the same by a vessel or vehicle of any description, upon land or water, between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof, unless the same shall be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other material that will be non-explosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitro-glycerine, dangerous." [See § 5355.]

Regulation by States of traffic in nitro-glycerine.

Ibid., s. 5.

SEC. 4280. The two preceding sections shall not be so construed as to prevent any State, Territory, district, city, or town within the United States from regulating or from prohibiting the traffic in or transportation of those substances, between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits, for sale, use, or consumption therein.

Liability of masters, &c., as carriers.

28 Feb., 1871, c. 100, s. 69, v. 16, p. 458.

SEC. 4281. If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or time-pieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title-deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such

master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered.

Loss by fire.

SEC. 4282. No owner of any vessel shall be liable to answer for or make good to any person any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner.

3 Mar., 1851, c. 43, s. 1, v. 9, p. 635.

Walker *v.* Transportation Company, 3 Wall., 150; The City of Hartford and the Unit, 11 Blatch., 290. Bark Whistler, 2 Saw., 348.

Liability of owner not to exceed his interest.

SEC. 4283. The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity, or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

Ibid., s. 3.

Norwich Company *v.* Wright, 13 Wall., 104; Allen *v.* MacKay, 1 Sprague, 219.

General average of losses.

SEC. 4284. Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel in proportion to their respective losses; and for that purpose the freighters and [*owner*] [owners] of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

Ibid., s. 4.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

Norwich Company *v.* Wright, 13 Wall., 104; The Steamboat City of Norwich, 1 Ben., 89.

Transfer of interest of owner to trustee.

SEC. 4285. It shall be deemed a sufficient compliance on the part of such owner with the requirements of this Title relating to his liability for any embezzlement, loss, or destruction of any property, goods, or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may prove to be legally entitled thereto; from and after which transfer all claims and proceedings against the owner shall cease.

3 Mar., 1851, c. 43, s. 4, v. 9, p. 635.

Norwich Company *v.* Wright, 13 Wall., 104.

When charterer is deemed owner.

SEC. 4286. The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

Ibid., s. 5, p. 636.

Thorp *v.* Hammond, 12 Wall., 408.

Remedies reserved.

SEC. 4287. Nothing in the five preceding sections shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

Ibid., s. 6.

Shipping inflammable materials.

SEC. 4288. Any person shipping oil of vitriol, unslaked lime, inflammable matches, or gunpowder, in a vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be liable to the United States in a penalty of one thousand dollars. But this section shall not apply to any vessel of any description whatsoever used in rivers or inland navigation.

Ibid., s. 7.

Exception to limitation of liability.

SEC. 4289. The provisions of [*this Title*] [the seven preceding sections] relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal-boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation.

Ibid.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.—Propeller Niagara *v.* Cordes, 21 How., 26; Moore *v.* Transportation Company, 24 How., 1.

CHAPTER SEVEN.

LOG-BOOKS.

Sec.
4290. Entries in log-book.
4291. Mode of making entries.
4292. Penalty for omitting entries.

Entries in log-book.

7 June, 1872, c. 322, s. 58, v. 17, p. 275.

SEC. 4290. Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log-book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

First. Every legal conviction of any member of his crew, and the punishment inflicted.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and [*thirty*] [ninety-seven.]

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it. [See § 4596.]

Mode of making entries.

7 June, 1872, c. 322, s. 59, v. 17, p. 276.

SEC. 4291. Every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival. [See § 4597.]

Penalty for omitting entries.

7 June, 1872, c. 322, s. 60, v. 17, p. 276.

SEC. 4292. If in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

CHAPTER EIGHT.

REGULATIONS FOR THE SUPPRESSION OF PIRACY.

Sec.
4293. Public vessels to suppress piracy.
4294. Seizure of piratical vessels.
4295. Merchant-vessels may resist pirates.
4296. Condemnation of piratical vessels.
4297. Seizure of vessels fitted out for piracy.
4298. What vessels may be authorized to seize pirates.
4299. Duty of officers of customs and marshals.

Public vessels to suppress piracy.

3 Mar., 1819, c. 77, s. 1, v. 3, p. 510.
30 Jan., 1823, c. 7, v. 3, p. 721.

SEC. 4293. The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant-vessels of the United States and their crews from piratical aggressions and depredations.

Seizure of piratical vessels.

3 Mar., 1819, c. 77, s. 2, v. 3, p. 512.
30 Jan., 1823, c. 7, v. 3, p. 721.

The Marianna Flora, 11 Wh., 1; The Palmyra, 12 Wh., 1.

SEC. 4294. The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat the, crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

Merchant-vessels may resist pirates.

3 Mar., 1819, c. 77, s. 3, v. 3, p. 513.
30 Jan., 1823, c. 7, v. 3, p. 721.

U. S. v. Brig Malek Adhel, 2 How., 210.

SEC. 4295. The commander and crew of any merchant-vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Condemnation of piratical vessels.

3 Mar., 1819, c. 77, s. 4, v. 3, p. 513.
30 Jan., 1823, c. 7, v. 3, p. 721.
5 Aug., 1861, c. 48, s. 1, v. 12, p. 314.

The Marianna Flora, 11 Wh., 1; The Palmyra, 12 Wh., 1; U. S. v. Brig Malek Adhel, 2 How., 210.

SEC. 4296. Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

Seizure of vessels fitted out for piracy.

5 Aug., 1861, c. 48, s. 1, v. 12, p. 314.

SEC. 4297. Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

What vessels may be authorized to seize pirates.

SEC. 4298. The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of

5 Aug., 1861, c. 48, s. 2, v. 12, p. 315.

any letters of marque and reprisal granted by Congress, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section.

Duties of officers of customs and marshals.

Ibid., s. 3.

SEC. 4299. The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section forty-two hundred and ninety-seven, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

CHAPTER NINE.

SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS.

Sec.
4300. When summary trials may be had.
4301. Complaint and answer.
4302. Amendments and adjournments.
4303. Challenges to jurors.
4304. Limit of sentences.
4305. Recovery of penalties and forfeitures under navigation laws.

When summary trials may be had.

11 June, 1864, c. 121, s. 2, v. 13, p. 124.

SEC. 4300. Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term-time or vacation. [See § 563.]

Complaint and answer.

Ibid., ss. 3, 4, p. 125.

SEC. 4301. At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

Amendments and adjournments.

11 June, 1864, c. 121, s. 6, v. 13, p. 125.

SEC. 4302. It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

Challenges to jurors.

Ibid., s. 7.

SEC. 4303. At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers. [See § 819.]

Limit of sentences.

SEC. 4304. It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

Ibid., s. 5.

Recovery of penalties and forfeitures under navigation laws.

SEC. 4305. All the penalties and forfeitures which may be incurred for offenses against this Title may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.

TITLE XLIX.

REGULATION OF VESSELS IN FOREIGN COMMERCE.

Sec.
4306. Passports of United States vessels on departure to foreign country.
4307. Penalty for departing without passport.
4308. Passports of unregistered vessels.
4309. Deposit of ship's papers with consul.
4310. Penalty for failure to deposit papers with consul.

Passports of United States vessels on departure to foreign country.

1 June, 1796, c. 45, ss. 1, 2, v. 1, p. 489.
12 Feb., 1831, c. 20, v. 4, p. 441.

SEC. 4306. Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

Penalty for departing without passport.

1 June, 1796, c. 45, s. 4, v. 1, p. 490.

SEC. 4307. If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of two hundred dollars for every such offense.

Passports of unregistered vessels.

2 Mar., 1803, c. 16, s. 1, v. 2, p. 208.

SEC. 4308. Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport, for which the master shall be subject to the rules and conditions prescribed for vessels of the United States.

Deposit of ship's papers with consul.

28 Feb., 1803, c. 9, s. 2, v. 2, p. 203.

SEC. 4309. Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea-letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers. [See § 1718.]

Penalty for failure to deposit papers with consul.

Ibid.

SEC. 4310. Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of five hundred dollars, to be recovered by such consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

TITLE L.

REGULATION OF VESSELS IN DOMESTIC COMMERCE.

Sec.
4311. What are deemed vessels of the United States.
4312. What vessels may be enrolled.
4313. Enrollment of vessels owned by corporations.
4314. Oath of president, &c., of corporation.
4315. Death, &c., of president of Corporation.
4316. Enrollment of steamboats owned by aliens.
4317. Bond by alien owner.
4318. Enrollment of vessels on frontiers.
4319. Form of enrollment of vessels.
4320. License of vessels.
4321. Form of license.
4322. Exchange of enrollment and registry.
4323. Exchange when vessel is in another district.
4324. Expiration of license.
4325. Surrender of license.
4326. Loss of license.
4327. Renewal of license.
4328. Renewal when vessel is in another district.
4329. Renewal upon sale of vessel.
4330. Oath as to payment for repairs.
4331. Measurement of vessels less than twenty tons.
4332. Signatures to enrollment, license, &c.
4333. Record of licenses.
4334. Name and port to be painted on stern of vessel.
4335. Change of master.
4336. Inspection.
4337. Penalty for unlawfully proceeding upon foreign voyage.
4338. Certificate for vessels proceeding upon foreign voyage.
4339. Papers for vessels in whale-fishery.
4340. Enrollments at Jersey City.
4341. Enrollments at Camden.
4342. Enrollments at Wilmington, N. C.
4343. Enrollments at Chesapeake City.
4344. Surveyors may be authorized to enroll vessels.
4345. Surveyors at Cold Spring, Greenport, and Port Jefferson.
4346. Fees of surveyors for enrollment.
4347. Transportation of merchandise in foreign vessels.
4348. Establishment of great districts.
4349. Manifests and permits for vessels trading between neighboring districts.
Exemptions.
4350. Penalty for proceeding without manifest and permit.
4351. Delivery of manifest before unlading.
Sec.
4352. Penalty for not delivering up manifest.
4353. Manifests and permits for vessels trading between remote districts.
4354. Penalty for proceeding without manifest and permit.
4355. Delivery of manifest before unlading.
4356. Penalty for not delivering up manifest.
4357. Trade between Long Island and Rhode Island.
4358. Trade between Alaska and other districts.
4359. Exemption from requirements as to manifests and permits.
4360. Penalties for not exhibiting manifests, &c.
4361. Registered vessels.
4362. Permits for transportation inland.
4363. Penalty for failure to report arrival of merchandise transported inland.
4364. Permit to touch at foreign port.
4365. Penalty for touching at foreign port without permission.
4366. Report of arrival at port other than that of destination.
4367. Foreign vessels bound coastwise.
4368. Delivery of manifest by foreign vessel.
4369. Penalty against foreign vessel trading coastwise.
4370. Penalty upon foreign tug-boats towing vessels between United States ports.
4371. Penalty for trading without license.
4372. Expiration of license at sea.
4373. Penalty for illegal enrollment or license.
4374. Penalty for malfeasance.
4375. Penalty for forgery and alteration.
4376. Penalty for obstructing officers.
4377. Penalty for violations of license.
4378. Exceptions to forfeitures.
4379. Notice of seizure.
4380. Recovery of forfeitures and penalties.
4381. Fees.
4382. Fees on frontiers.
4383. Posting table of fees.
4384. Vessels liable for fees for enrollment.
4385. Lighters and boats.
4386. Transportation of animals.
4387. Animals to be fed and watered; lien.
4388. Penalty for neglect.
4389. Penalties, how recovered; prosecutions.
4390. Lien, how enforced.

What are deemed vessels of the United States.

18 Feb., 1793, c. 8, s. 1, v. 1, p. 305.

SEC. 4311. Vessels of twenty tons and upward, enrolled in pursuance of this Title, and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by this Title, and no others, shall be deemed vessels of the United States

18 *April*, 1874, *c.* 110, *r.* 18, *p.* 31.

entitled to the privileges of vessels employed in the coasting-trade or fisheries. [See § 4220.]

Gibbons *v.* Ogden, 9 Wh., 1; Wilson *v.* The Blackbird Creek Marsh Company, 2 Pet., 245; License Cases, 5 How., 583, 4, 5; Pennsylvania *v.* Wheeling Bridge Company, 13 How., 385, 6; Sinot *v.* Davenport, 22 How., 227; Foster *v.* Davenport, 22 How., 244.

What vessels may be enrolled.

18 Feb., 1793, c. 8, p. 2, v. 1, p. 305.

The Mohawk, 5 Wall., 566; The Acorn, 2 Abb. U. S., 434; Schooner Two Friends, 1 Gallis., 118; U. S. *v.* Steamboat Forrester, Newb., 81.

SEC. 4312. In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel; and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels, as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels. [See §§ 4131–4196.]

Enrollment of vessels owned by corporations.

3 Mar., 1825, c. 99, s. 1, v. 4, p. 129.

SEC. 4313. Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

Oath of president, &c., of corporation.

Ibid., s. 4.

SEC. 4314. Previously to granting enrollment and license for any vessel, owned by any company, the president or secretary of such company shall swear to the ownership of such vessel, by such company, without designating the names of the persons composing such company; which oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

Death, &c., of president of corporation.

Ibid., s. 3.

SEC. 4315. Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any [steamboat or] vessel, a new enrollment and license shall be taken out for such steamboat or vessel.

27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 251.

Enrollment of steamboats owned by aliens.

12 Mar., 1812, c. 40, s. 1, v. 2, p. 694.

SEC. 4316. Any steamboat employed or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed, as if the same belonged to a citizen of the United States, subject to all the provisions of this Title, except that, in such case, no oath shall be required that the boat belongs to a citizen of the United States.

Bond by alien owner.

Ibid., s. 2.

SEC. 4317. Such resident alien, owner of any steamboat, upon application for enrollment or license, shall give bond to the collector of the district, for the use of the United States, in the penalty of one thousand dollars, with sufficient surety, conditioned that the boat shall not be employed in other waters than the rivers and bays of the United States.

Enrollment of vessels on frontiers.

17 June, 1864, c. 130, s. 1, v. 13, p. 134.

27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 251.

The Mohawk, 3 Wall., 566; U. S. *v.* Steamboat Forrester, Newb., 81.

SEC. 4318. Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of [*register*] [registry] shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels.

Form of enrollment of vessels.

18 Feb., 1793, c. 8, s. 2, v. 1, p. 305.

29 July, 1850, c. 27, s. 5, v. 9, p. 441.

27 *Feb.*, 1877, *c.* 69, *r.* 119, *p.* 251.

Fox *v.* The Lodemia, Crabbe, 271.

SEC. 4319. The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following [form]: Enrollment. In conformity to Title L, "REGULATION OF VESSELS IN DOMESTIC COMMERCE," of the Revised Statutes of the United States, (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,) having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she, and if more than one owner adding the words 'together with,' and the name or names, occupation or occupations, place or places of abode of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) a citizen (or citizens) of the United States, and sole

owner (or owners) of the ship or vessel called the (inserting here her name), of (inserting here the name of the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said ship or vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed and measured), having certified that the said ship or vessel has (inserting here the number of decks), and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head), and the said (naming the owner or the master, or other person acting in behalf of the owner or owners) by whom the certificate of measurement shall have been countersigned), having agreed to the description and measurement above specified, and sufficient security having been given, according to the said [*act*] [title,] the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length)."

License of vessels.

18 Feb., 1793, c. 8, s. 4, v. 1, p. 306. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

U. S. *v.* Steamer Planter, Newb., 262.

SEC. 4320. In order to the licensing of any vessel for carying on the coasting-trade or fisheries, the husband or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such vessel be of the burden of five tons and less than twenty tons, the sum of one hundred dollars; and if twenty tons and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such vessel has been employed in any trade whereby the revenue of the United States has been defrauded, during the time the license granted to such vessel remained in force. The master of such vessel shall also swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it is specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessel be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong, [*the duty of six cents per ton being first paid,*] to grant a license.

Form of license.

18 Feb., 1793, c. 8, s. 4, v. 1, p. 307. 24 May, 1828, c. 119, v. 4, p. 312.

U. S. *v.* Schooner Paryntha Davis, 1 Cliff., 532; The Schooner Nymph, 1 Sumn., 516; U. S. *v.* Steamer Planter, Newb., 262.

SEC. 4321. The form of a license for carrying on the coasting-trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be).

"In pursuance of Title L, 'REGULATION OF VESSELS IN DOMESTIC COMMERCE,' of the Revised Statutes of the United States, (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode), having given bond that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not

be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting-trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length").

Exchange of enrollment and registry.

18 Feb., 1793, c. 8, s. 3, v. 1, p. 306.

SEC. 4322. The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be enrolled, upon such enrollment and license being given up.

U. S. *v.* Rogers, 3 Sumn., 342.

Exchange when vessel is in another district.

Ibid.

The Vincennes, Ware, 171.

SEC. 4323. When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the register or enrollment and license may be given up shall transmit the same to the Register of the Treasury; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district, and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of one hundred dollars.

Expiration of license.

Ibid., s. 5.

SEC. 4324. No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed.

Surrender of license.

Ibid., s. 9, p. 308.

SEC. 4325. The license granted to any vessel shall be given up to the collector of the district who may have granted the same, within three days after the expiration of the time for which it was granted, in case such vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterward, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor; and if the master thereof shall neglect or refuse to deliver up the license, he shall be liable to a penalty of fifty dollars.

Loss of license.

Ibid.

SEC. 4326. If such license, however, shall have been previously given up to the collector of any other district, as authorized by this Title, and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid so that it cannot be found, and the master of such vessel shall make and subscribe an oath that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew.

Renewal of license.

18 Feb., 1793, c. 8, s. 10, v. 1, p. 309.

18 July, 1866, c. 211, s. 43, v. 14, p. 188.

SEC. 4327. The owner of any licensed vessel may return such license to the collector who granted the same, at any time within the year for which it was granted; and thereupon the collector shall cancel the same, and shall license such vessel anew, upon the application of the owner, and upon the conditions hereinbefore required being complied with.

Renewal when vessel is in another district.

28 Feb., 1865, c. 69, v. 13, p. 444.
17 *April*, 1874, *c.* 106, *v.* 18, *p.* 30.

SEC. 4328. Whenever it becomes necessary for the owner of any vessel of the United States navigating the western rivers or the waters on the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then is, as are required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the giving of bond and the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon, on the owner giving bond as required in other cases, duly enroll the vessel and issue license in the same form as if the application had originally been made in his office; and shall either deliver the license to the owner, or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel.

Renewal upon sale of vessel.

2 Mar., 1797, c. 7, v. 1, p. 498.

SEC. 4329. Whenever it appears, by satisfactory proof, to the Secretary of the Treasury that any vessel has been sold and transferred by process of law, and that the certificate of enrollment or license of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, under such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel, on a transfer or sale of the same.

Oath as to payment for repairs.

18 July, 1866, c. 201, s. 23, v. 14, p. 184.

SEC. 4330. No license, or enrollment and license, nor renewal of either, shall hereafter be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master, that all equipments and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited. [See §§ 3114, 3115.]

Measurement of vessels less than twenty tons.

18 Feb., 1793, c. 8, s. 26, v. 1, p. 315.
6 May, 1864, c. 83, s. 1, v. 13, p. 69.

SEC. 4331. Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled; but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless such vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license. [See §§ 4148–4155.]

Signatures to enrollment, license, &c.

18 Feb., 1793, c. 8, s. 25, v. 1, p. 315.

SEC. 4332. In every case where the collector is by this Title directed to grant any enrollment, license, certificate, permit, or other document, the naval officer residing at the port, if there be one, shall sign the same; and every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest, or any permit, as is provided for in this Title, shall make return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides.

Record of licenses.

Ibid., s. 7, p. 308.

SEC. 4333. The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Register of the Treasury copies of the licenses which shall have been so granted by him; and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this Title. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is

afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered by her former name.

Name and port to be painted on stern of vessel

Ibid., s. 11, p. 309.

SEC. 4334. Every licensed vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner prescribed for registered vessels; and if any licensed vessel be found without such painting, the owner thereof shall be liable to a penalty of twenty dollars. [See § 4178.]

Change of master.

Ibid., s. 12.

SEC. 4335. Whenever the master of any licensed vessel, ferry-boats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded, shall indorse such change on the license, with the name of the new master. Whenever such change is not reported, and indorsed, as herein required, such vessel, if found carrying on the coasting-trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of ten dollars.

Inspection.

Ibid., s. 13.

SEC. 4336. Any officer concerned in the collection of the revenue may at all times inspect the enrollment or license of any vessel; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of one hundred dollars.

Penalty for unlawfully proceeding upon foreign voyage.

Ibid., s. 8, p. 308.

SEC. 4337. If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported therein, shall be liable to seizure and forfeiture.

The Sloop Active, 7 Cr., 100; Taber *v.* U. S., 1 Story, 1; U. S. *v.* Schooner Hawk, Bee, 34; Sloop Julia, 1 Gallis., 43; Friendship and Cargo, 1 Gallis., 45; Lark and Cargo, 1 Gallis, 55; Three Brothers, 1 Gallis., 142.

Certificate for vessel proceeding upon foreign voyage.

Ibid.

SEC. 4338. If the port from which any vessel, so enrolled or licensed is about to proceed on a foreign voyage, is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector who may have granted such enrollment and license.

Papers for vessels in whale-fishery.

4 April, 1840, c. 6, s. 1, v. 5, p. 370.

SEC. 4339. All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries.

Enrollments at Jersey City.

25 Feb., 1865, c. 55, v. 13, p. 438.

SEC. 4340. The assistant collector at Jersey City may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of the counties of Hudson and Bergen, in the State of New Jersey.

Enrollments at Camden.

28 Feb., 1867, c. 103, s. 2, v. 14, p. 417.

SEC. 4341. The assistant collector for the port of Camden, in New Jersey, may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's Creek, in the county of Salem, in the State of New Jersey.

Enrollments at Wilmington, N. C.

3 Mar., 1849, c. 122, s. 7, v. 9, p. 410.

SEC. 4342. The owners of vessels residing on New River, in Onslow County, in the State of North Carolina, shall have the privilege of taking out registers or enrollments and licenses at Wilmington, in that State, and the collector of that district may grant the same on the conditions required by law.

Enrollments at Chesapeake City, Md.

SEC. 4343. The deputy collector who may be appointed to reside at Chesapeake City, in Maryland, shall have power to grant enrollments and licenses to vessels.

3 Mar., 1849, c. 127, s. 2, v. 9, p. 414.

Surveyors may be authorized to enroll vessels.

SEC. 4344. The Secretary of the Treasury may authorize the surveyor of any port of delivery, under such regulations as he shall deem necessary, to enroll and license vessels to be employed in the coasting-trade and fisheries, in like manner as collectors of ports of entry are authorized to do.

11 Feb., 1830, c. 14, s. 1, v. 4, p. 372.

Surveyors at Cold Spring, Greenport, and Port Jefferson.

SEC. 4345. The surveyors appointed for the ports of Cold Spring, on the north side of Long Island, Greenport and Port Jefferson, all in the State of New York, shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear, and grant registers and other usual papers to vessels employed in the whale-fisheries, under such restrictions and regulations as the Secretary of the Treasury may deem necessary.

26 Jan., 1848, c. 5, v. 9, p. 209.
31 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

Fees of surveyor for enrollment.

SEC. 4346. Any surveyor who shall perform the duties directed to be performed by the two preceding sections shall be entitled to receive the same commissions and fees as are allowed by law to collectors, for performing the same duties.

11 Feb., 1830, c. 14, s. 2, v. 4, p. 373.

Transportation of merchandise in foreign vessels.

SEC. 4347. No merchandise shall be [*imported*] [transported] under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power; but this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no merchandise, other than that imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States: *Provided, however*, That from the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May eighth, eighteen hundred and seventy-one, as contained in articles eighteen to twenty-five, inclusive, and article thirty of said treaty; and so long as said articles remain in force, according to the terms and conditions of article thirty-third of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the Saint Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *And provided further*, That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the government of Her Britannic Majesty and the Government of the United States: *And provided further*, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in article twenty-seventh of said treaty: *And provided further*, That in case any export or other duty continues to be levied after the sixteenth day of June, eighteen hundred and seventy-two, [*no*] [on] lumber or timber of any kind cut on that portion of the American territory, in the State of Maine, watered by the river Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case, the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

1 Mar., 1817, c. 31, s. 4, v. 3, p. 251.
3 Mar., 1873, c. 213, s. 4, v. 17, p. 483.
18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 320.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 251.

Establishment of great districts.

SEC. 4348. The sea-coast and navigable rivers of the United States shall be divided into three great districts: the first to include all the collection-districts on the sea-coast and navigable rivers, between the

2 Mar., 1819, c. 48, s. 1, v. 3, p. 492. 7 May, 1822, c. 62, s. 11, v. 3, p. 685.

eastern limits of the United States and the southern limits of Georgia; the second to include all the collection-districts on the sea-coast and navigable rivers between the river Perdido and the Rio Grande; and the third to include all the collection-districts on the sea-coast and navigable rivers between the southern limits of Georgia and the river Perdido.

Manifests and permits for vessels trading between neighboring districts.

18 Feb., 1793, c. 8, s. 14, v. 1, p. 309. 2 Mar., 1819, c. 48, s. 2, v. 3, p. 493.

SEC. 4349. The master of every vessel under twenty tons burden licensed for carrying on the coasting-trade, destined from a district in one State to a district in the same or an adjoining State, on the sea-coast or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined from a district within one of the great districts to another district within the same great district, or from a State in one great district to an adjoining State in another great district, having on board either distilled spirits in casks exceeding five hundred gallons, wines in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such vessel, specifying in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each. If there be a collector or surveyor residing at such port, or within five miles thereof, he shall deliver such manifest to the collector, if there be one; otherwise to the surveyor, before whom he shall swear, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States that the duties thereupon have been paid or secured. Thereupon the collector or surveyor shall certify the same on the manifests, one of which he shall return to the master, with a permit, specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to the port of his destination. [See § 3977.]

12 *July*, 1876, c. 185, *r.* 19, *p.* 90.

[AN ACT to exempt vessels engaged in navigating the Mississippi River and its tributaries above the port of New Orleans from entries and clearances.

Exemptions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections forty-three hundred and forty-nine, forty-three hundred and fifty, forty-three hundred and fifty-one, forty-three hundred and fifty-two, forty-three hundred and fifty-three, forty-three hundred and fifty-four, forty-three hundred and fifty-five, and forty-three hundred and fifty-six of the Revised Statutes, requiring the master of every vessel licensed to carry on the coasting-trade, laden in part with foreign merchandise or distilled spirits, to procure a permit from the customs' officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unlading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans.]

Penalty for proceeding without manifests and permit.

18 Feb., 1793, c. 8, s. 14, v. 1, p. 310. 12 *July*, 1876, c. 185, *v.* 19, *p.* 90.

SEC. 4350. If any vessel, being laden and destined, as mentioned in the preceding section, shall depart from the port where she may then be without the master having first made out and subscribed duplicate manifests of the lading on board such vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the collector or surveyor, and obtaining a permit, such master shall be liable to a penalty of one hundred dollars.

Delivery of manifest before unlading.

SEC. 4351. The master of every vessel licensed for carrying on the coasting-trade, having on board either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty

gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea-coast, or on a navigable river, or, if of the burden of twenty tons or upward, arriving at a district within one of the great districts from another district within the same great district, or from a State adjoining such great district, shall, previous to the unlading of any part of the cargo of such vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed if there be such manifest, otherwise the duplicate manifests thereof, as is hereinbefore directed, to the truth of which, before such officer, he shall swear. If there have been taken on board such vessel any other or more goods than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the master shall make known and particularize the same to the collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear. Thereupon the collector or surveyor shall grant a permit for unlading a part or the whole of such cargo, as the master or commander may request. If there is no collector or surveyor residing at or within five miles of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, but shall deliver to the collector or surveyor residing at the first port where he may next afterward arrive, and within twenty-four hours of his arrival, the manifest or manifests, noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or surveyor, he shall swear.

18 Feb., 1793, c. 8, s. 15, v. 1, p. 310. 2 Mar., 1819, c. 48, v. 3, p. 492. 12 *July*, 1876, *c.* 185, *v.* 19, *p.* 90.

Schooner America, 1 Gallis., 231.

Penalty for not delivering up manifest.

SEC. 4352. If the master of any such vessel, being laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver manifests, at the times and in the manner directed, he shall be liable to a penalty of one hundred dollars.

3, s. 15, v. 1, p. 310. 12 *July*, 1876, *c.* 185, *v.* 19, *p.* 90.

Manifests and permits for vessels trading between remote districts.

SEC. 4353. The master of every vessel under twenty tons of burden licensed for carrying on the coasting-trade, and destined from any district of the United States to a district other than a district in the same or an adjoining State, on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined to a district other than a district within the same great district, or within a State adjoining such great district, shall, previous to her departure, deliver to the collector residing at the port where such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such vessel may be, duplicate manifests of the whole cargo on board such vessel; or if there is no cargo on board, he shall so certify; and if there are any distilled spirits, or merchandise of foreign growth or manufacture on board, other than what may by the collector be deemed sufficient for sea-stores, he shall specify in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name, and place of residence of every shipper and consignee of such distilled spirits, or merchandise of foreign growth or manufacture, and the quantity shipped by and to each. The manifests or certificates shall be subscribed and sworn to by him; and he shall also swear, before the collector or surveyor, that such merchandise of foreign growth or manufacture was, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or, if spirits distilled within the United States,

18 Feb., 1793, c. 8, s. 16, v. 1, p. 311. 12 *July*, 1876, *c.* 185, *v.* 19, *p.* 90.

U. S. *v.* Carr, 8 How., 1.

that the duties thereupon have been duly paid or secured. Upon the performance of these provisions, and not before, the collector or surveyor shall certify the same on the manifests or certificates; one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination.

Penalty for proceeding without manifest and permit.

18 Feb., 1793, c. 3, s. 16, v. 1, p. 311.
12 *July*, 1876, c. 185, *r.* 19, *p.* 90.

SEC. 4354. If any such vessel, destined as mentioned in the preceding section, shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise of foreign growth or manufacture on board, without complying with the requirements of the preceding section, the master thereof shall be liable to a penalty of one hundred dollars; or if, the lading be of goods the growth or manufacture of the United States only, or if such vessel have no cargo, and she depart without the several things required in the preceding section being complied with, the master shall be liable to a penalty of fifty dollars.

Delivery of manifest before unlading.

18 Feb., 1793, c. 8, s. 17, v. 1, p. 311.
2 Mar., 1819, c. 48, v. 3, pp. 492, 493.
12 *July*, 1876, c. 185, *r.* 19, *p.* 90.

SEC. 4355. The master of every vessel under twenty tons burden licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward arriving from a district other than a district within the same great district, or from a State adjoining such great district, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival, and previous to the unlading any of the goods brought in such vessel, the manifest of the cargo, if there be any, certified by the collector or surveyor of the district from whence she last sailed; and shall make oath, before the collector or surveyor, that there was not when he sailed from the district where his manifest was certified, and has not been since, and is not then, any more or other merchandise of foreign growth or manufacture, or distilled spirits, if there be any, other than sea-stores, on board such vessel, than is therein mentioned; and if there be none such, he shall so swear; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed that such is the case. Thereupon such collector or surveyor shall grant a permit for unlading the whole or part of such cargo, if there be any within his district, as the master may request; and where a part only of the merchandise of foreign growth or manufacture, or of distilled spirits, brought in such vessel, is intended to be landed, the collector or surveyor shall make an indorsement of such part on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, indorsing also thereon his permission for such vessel to proceed to the place of her destination.

Penalty for not delivering up manifest.

18 Feb., 1793, c. 3, s. 17, v. 1, p. 311.
12 *July*, 1876, c. 185, *r.* 19, *p.* 90.

SEC. 4356. If the master of such vessel, laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver the manifest, or, if she has no cargo, the certificate, within the time directed in the preceding section, he shall be liable to a penalty of one hundred dollars, and the merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified as required, shall be forfeited; and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

Trade between Long Island and Rhode Island.

2 Mar., 1795, c. 41, v. 1, p. 426.

SEC. 4357. Coasting-vessels, going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

Trade between Alaska and other districts.

27 July, 1868, c. 273, s. 5, v. 15, p. 241.

SEC. 4358. The coasting trade between the territory ceded to the United States by the Emperor of Russia and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts. [See §§ 1954–1958.]

Exemption from requirements as to manifests and permits.

18 Feb., 1793, c. 8, s. 18, v. 1, p. 312. 2 Mar., 1819, c. 48, v. 3, p. 492.

SEC. 4359. Nothing in this Title shall be so construed as to oblige the master of any vessel of less than twenty tons burden, licensed for carrying on the coasting trade, bound from a district in one State to a district in the same or an adjoining State on the sea-coast, or on a navigable river, or of any vessel of the burden of twenty tons or upward, bound from a district within one of the great districts to a district within the same great district, or within a State adjoining such great district, having on board merchandise of the growth, product, or manufacture of the United States only, except distilled spirits, or distilled spirits not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, or foreign merchandise in packages, as imported, of not more value than four hundred dollars, or merchandise consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or, on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or merchandise of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each. Such manifest shall be by him exhibited, for the inspection of any officer of the revenue, when required by such officer; and he shall also inform such officer from whence such vessel last sailed, and how long she has been in port, when by him so interrogated.

Penalties for not exhibiting manifest, &c.

18 Feb., 1793, c. 8, s. 18, v. 1, p. 312. 18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 320.

SEC. 4360. Whenever the master of such vessel, laden and destined as described in the preceding section, is not provided, on his arrival within any such district, with a manifest, [and] does not exhibit the same, as required in the preceding section, if the lading of such vessel consist wholly of merchandise the produce or manufacture of the United States, distilled spirits excepted, he shall be liable to a penalty of twenty dollars, or if there be distilled spirits, or merchandise of foreign growth or manufacture, on board, excepting what may be sufficient for sea-stores, he shall be liable to a penalty of forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall be liable to a penalty of one hundred dollars. If any of the merchandise laden on board such vessel be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such vessel, and not included in the manifest exhibited by such master, shall be forfeited.

Registered vessels.

18 Feb., 1793, c. 8, s. 20, v. 1, p. 313.

SEC. 4361. Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting-trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States, in such vessel, from a foreign port, and on which the duties have not been paid according to law.

Permits for transportation inland.

Ibid., s. 19, p. 313.

SEC. 4362. The collector of the district of Philadelphia may grant permits for the transportation of merchandise of foreign growth or manufacture across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and the collector of the district of New York may grant like permits for transportation across the State of New Jersey; and the collector of any district of Maryland or Virginia may grant like permits

for transportation across the State of Delaware to the district of Philadelphia. Every such permit shall express the name of the owner, or person sending the merchandise, and of the person to whom the merchandise is consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner, or person sending such goods, shall swear that they were legally imported, and the duties paid. Where the merchandise, to be so transported, shall be of less value than eight hundred dollars, the permit shall not be deemed necessary.

Penalty for failure to report arrival of merchandise transported inland.

Ibid.

Priestman *v.* U. S., 4 Dall., 28.

SEC. 4363. The owner or consignee of all merchandise transported under the provisions of the preceding section and for the transportation whereof a permit is necessary, shall, within twenty-four hours after the arrival thereof at the place to which such merchandise was permitted to be transported, report the same to the collector of the district where it has arrived, and shall deliver up the permit accompanying the same; and if the owner or consignee shall neglect or refuse to make due entry of such merchandise within the time and in the manner directed, all such merchandise shall be subject to forfeiture; and if the permit granted shall not be given up within the time limited for making the report, the person to whom it was granted, neglecting or refusing to deliver it up, shall be liable to a penalty of fifty dollars for every twenty-four hours it shall be withheld afterward.

Permit to touch at foreign port.

Ibid., s. 21, p. 313.

SEC. 4364. Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

Penalty for touching at foreign port without permission.

Ibid.

SEC. 4365. Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Report of arrival at port other than that of destination.

Ibid., s. 22, p. 314.

SEC. 4366. The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of twenty dollars.

Foreign vessels bound coastwise.

Ibid., s. 24.

SEC. 4367. The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination.

Delivery of manifest by foreign vessel.

Ibid.

SEC. 4368. The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unlading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the

place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

Penalty against foreign vessels trading coastwise.

SEC. 4369. Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of one hundred dollars. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law.

Ibid.

Penalty upon foreign tug-boats towing vessels between United States ports.

SEC. 4370. All steam tug-boats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of fifty cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

18 July, 1866, c. 201, s. 21, v. 14, p. 183.

23 Feb., 1867, c. 78, v. 14, p. 410.

Penalty for trading without license

SEC. 4371. Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this Title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

18 Feb., 1793, c. 8, s. 6, v. 1, p. 307.

Expiration of license at sea.

SEC. 4372. If any vessel be at sea at the expiration of the time for which the license was given, and the master of such vessel shall swear that such was the case, and shall also, within forty-eight hours after his arrival, deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture prescribed in the preceding section shall not be incurred, nor shall the vessel be liable to pay the fees and tonnage therein required. [See § 4219.]

18 Feb., 1793, c. 8, s. 6, v. 1, p. 308.

Penalty for illegal enrollment or license.

SEC. 4373. Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this Title, or takes any other or greater fees than are by this Title allowed, or receives for any service performed pursuant to this Title, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or naval officer a false description of any vessel, to be enrolled or licensed, in pursuance of this Title, shall be liable to a penalty of five hundred dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

18 Feb., 1793, c. 8, s. 29, v. 1, p. 315.

Penalty for malfeasance.

SEC. 4374. Every person, authorized and required by this Title to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of this Title, shall, if not subject to the penalty and disqualifications prescribed in the preceding section, be liable to a penalty of five hundred dollars for the first offense, and of like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States.

18 Feb., 1793, c. 8, s. 29, v. 1, p. 315.

Penalty for forgery and alteration.

SEC. 4375. Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in this Title, to be granted by any officer of the revenue, such person, so offending, shall be liable to a penalty of five hundred dollars. [See § 5423.]

18 Feb., 1793, c. 8, s. 30, v. 1, p. 316.

Penalty for obstructing officers.

18 Feb., 1793, c. 8, s. 31, v. 1, p. 316.

SEC. 4376. Every person who assaults, resists, obstructs, or hinders any officer in the execution of any act or law relating to the enrollment, registry, or licensing of vessels, or of this Title, or of any of the powers or authorities vested in him by any such act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of five hundred dollars.

Penalty for violation of license.

18 Feb., 1793, c. 8, s. 32, v. 1, p. 316. 2 April, 1836, c. 55, v. 5, p. 16.

SEC. 4377. Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is found with a forged or altered license, or one granted for any other vessel, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel-fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever.

Sloop Active *v.* U. S., 7 Cr., 100; U. S. *v.* Schooner Hawk, Bee, 34; Schooner Two Friends, 1 Gallis., 118; The Sloop Julia, 1 Gallis., 233; U. S. *v.* Schooner Mars, 1 Gallis., 237; The Boat Eliza and Cargo, 2 Gallis., 4; U. S. *v.* Schooner Paryntha Davis, 1 Cliff., 532; The Schooner Nymph, 1 Sumn., 516.

Exception to forfeiture.

18 Feb., 1793, c. 8, s. 33, v. 1, p. 316.

SEC. 4378. Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under this Title.

The Sloop Active, 7 Cr., 100; Schooner Two Friends, 1 Gallis, 118.

Notice of seizure.

18 Feb., 1793, c. 8, s. 28, v. 1, p. 315.

SEC. 4379. In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or were consigned, at the time of such seizure, if the same be known to him.

Recovery of forfeitures and penalties.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

SEC. 4380. All penalties and forfeitures which shall be incurred by virtue of this Title may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed. [See §§ 3086–3090.]

Keene *v.* U. S., 5 Cr., 304.

Fees.

18 Feb., 1793, c. 8, s. 34, v. 1, p. 316. 1 July, 1870, c. 185, s. 7, v. 16, p. 177. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

SEC. 4381. The following fees shall be levied and collected from the owners and masters of all vessels except those navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea:

First. For measuring every vessel, in order to the enrollment or licensing and recording the same, the fees prescribed for like services in order to the registry of vessels.

Second. For every certificate of enrollment, fifty cents.

Third. For every indorsement on a certificate of enrollment, twenty cents.

Fourth. For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty and not more than one hundred tons, fifty cents; and if more than one hundred tons, one dollar.

Fifth. For every indorsement on a license, twenty cents.

Sixth. For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty five cents [,] if less than fifty tons [;] and if above fifty tons, fifty cents.

Seventh. For receiving a certified manifest, and granting a permit, on the arrival of such vessel, twenty-five cents, if less than fifty tons; and if above fifty tons, fifty cents.

Eighth. For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one dollar and fifty cents.

Ninth. For receiving a certified manifest, and granting a permit on the arrival of such registered vessel, one dollar.

Tenth. For granting a permit for a vessel not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two dollars.

Eleventh. For receiving a manifest, and granting a permit, to unload, for such last-mentioned vessel, on her arrival in one district from another district, two dollars.

Twelfth. For granting a permit for a vessel carrying on the fishery to trade at a foreign port, twenty-five cents, and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

[Where a surveyor certifies a manifest, or grants a permit, or receives a certified manifest and grants a permit, the fees arising therefrom shall be received by him solely for his use; and all other fees arising by virtue of this section shall be received and accounted for by the collector, or, at his option, by the naval officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided monthly between the said officers; and where there is no naval officer, two-thirds to the collector and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportional part of such fees as shall arise at the port for which he is appointed; and in all cases where the tonnage of any ship or vessel shall be ascertained by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor out of the fees aforesaid, before any distribution thereof as aforesaid.] 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

Fees on frontiers.

SEC. 4382. The following fees shall be levied and collected from the owners and masters of vessels navigating the waters of the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea: 1 July, 1870, c. 185, s. 7, v. 16, p. 178.

First. For the measurement of any vessel, the fees prescribed in Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION." 10 Feb., 1871, Res. 27, s. 2, v. 16, p. 595.

Second. For certificate of enrollment, including bond and oath, one dollar and ten cents.

Third. For granting license, including bond and oath, if not over twenty tons, forty-five cents.

Fourth. For granting license, including bond and oath, above twenty and not over one hundred tons, seventy cents.

Fifth. For granting license, including bond and oath, above one hundred tons, one dollar and twenty cents.

Sixth. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, under fifty tons, twenty-five cents.

Seventh. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, over fifty tons, fifty cents.

Eighth. For receiving manifest, including master's oath, on arrival of a vessel from one collection district to another, whether touching at foreign intermediate ports or not, under fifty tons, twenty-five cents.

Ninth. For receiving manifest, including master's oath, on arrival of a vessel from one collection-district to another, whether touching at foreign intermediate ports or not, over fifty tons, fifty cents.

Tenth. For certifying a manifest, including master's oath, and granting permit to a vessel under fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, twenty-five cents.

Eleventh. For certifying a manifest, including master's oath, and granting permit to a vessel above fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, fifty cents.

Twelfth. For the entry of a vessel direct from a foreign port, fifty cents.

Thirteenth. For the clearance of a vessel direct to a foreign port, fifty cents.

Fourteenth. Vessels departing to or arriving from a port in one district to or from a port in an adjoining district, and touching at intermediate foreign ports, are exempted from the payment of the entry fees.

Fifteenth. For a port entry of such vessel, two dollars.

Sixteenth. For permit to land or deliver goods, twenty cents.

Seventeenth. For a bond taken officially, not otherwise provided for, fifty cents.

Eighteenth. For permit to load goods for exportation entitled to drawback, thirty cents.

Nineteenth. For debenture or other official certificate not otherwise provided for, twenty cents.

Twentieth. For recording all bills of sale, mortgages, hypothecations, or conveyances of vessels, fifty cents.

Twenty-first. For recording all certificates for discharging and canceling any such conveyances, fifty cents.

Twenty-second. For furnishing a certificate setting forth the names of the owners of any registered or enrolled vessel, the parts or proportions owned by each, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance; the date, amount of such incumbrance, and from and to whom made, one dollar.

Twenty-third. For furnishing copies of such records for each bill of sale, mortgage, or other conveyance, fifty cents.

Twenty-fourth. For receiving manifest of each railroad-car or other vehicle laden with goods, wares, or merchandise from a foreign contiguous territory, twenty-five cents.

Twenty-fifth. For entry of goods, wares, or merchandise for consumption, warehouse, rewarehouse, transportation, or exportation, including oath and permit to land or deliver, fifty cents.

Twenty-sixth. For certificate of registry, including bond and oath, two dollars and twenty-five cents.

Twenty-seventh. For indorsement of change of masters on registry, one dollar.

Posting table of fees.

SEC. 4383. Every collector and naval officer, and every surveyor residing at a port where there is no collector, shall cause to be affixed and constantly kept in some conspicuous place in his office a fair table of the rates of fees demandable by this Title.

18 Feb., 1793, c. 8, s. 34, v. 1, p. 316.

Vessels liable for fees for enrollment.

SEC. 4384. All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs officers incident thereto.

18 July, 1866, c. 201, s. 28, v. 14, p. 184.

Lighters and boats.

SEC. 4385. Nothing in this Title shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city.

18 Feb., 1793, c. 8, s. 37, v. 1, p. 317.

Transportation of animals.

SEC. 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated.

3 Mar., 1873, c. 252, s. 1, v. 17, p. 584.

Animals to be fed and watered; lien.

SEC. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners or masters of boats or vessels transporting the same at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.

Ibid., p. 585.

Penalty for neglect.

Ibid.

SEC. 4388. Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections, shall, for every such failure, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

Penalties, how recovered; prosecutions.

Ibid., s. 2.

SEC. 4389. The penalty created by the preceding sections shall be recovered by civil action in the name of the United States, in the circuit or district court of the United States, holden within the district where the violation may have been committed, or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge.

Lien, how enforced.

Ibid., s. 3.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

SEC. 4390. Any person or corporation entitled to a lien under section [*forty-four hundred and fifty-three*] [forty-three hundred and eighty-seven] may enforce the same by a petition filed in the district court holden within the district where the food, care, and custody have been furnished, or the owner or custodian of the property resides; and the court shall have power to issue all suitable process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges, and expenses of proceedings under the provisions of this and the preceding sections.

TITLE LI.

REGULATION OF FISHERIES.

Sec.
4391. Agreement for fishing-voyage.
4392. Penalty for violating agreement.
4393. Recovery of shares of fish under agreement.
4394. Discharge of vessel upon bond of owner.
4395. Appointment of commissioner of fish and fisheries.
4396. Duties of commissioner.
4397. Executive Department to aid investigations.
4398. Powers of commissioner.

Agreement for fishing voyage.

19 June, 1813, c. 2, s. 1, v. 3, p. 2.
3 Mar., 1865, c. 117, v. 13, p. 535.

SEC. 4391. The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel-fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing-voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing-season, and shall also express that the fish or the proceeds of such fishing-voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing-vessel or his agent. [See §§ 4820, 4821.]

Penalty for violating agreement.

19 June, 1813, c. 2, s. 1, v. 3, p. 2.

SEC. 4392. If any fisherman, having engaged himself for a voyage or for the fishing-season in any fishing-vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing-voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing-voyage refuses or neglects his proper duty on board the fishing-vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hinderance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

Recovery of shares of fish under agreement.

19 June, 1813, c. 2, s. 2, v. 3, p. 2.

SEC. 4393. Whenever an agreement or contract is so made and signed for a fishing-voyage or for the fishing-season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing-voyage and of other supplies therefor made to either of the

demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

Discharge of vessel upon bond by owner.

19 June, 1813, c. 2, s. 2, v. 3, p. 2.

SEC. 4394. When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof.

Appointment of commissioner of fish and fisheries.

9 Feb., 1871, Res. No. 22, s. 1, v. 16, p. 594.

SEC. 4395. There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employés of the Government, a commissioner of fish and fisheries, who shall be a person of proved scientific and practical acquaintance with the fishes of the coast, and who shall serve without additional salary.

Duties of the commissioner.

9 Feb., 1871, Res. No. 22, s. 2, v. 16, p. 594.

SEC. 4396. The commissioner of fish and fisheries shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food-fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress.

Executive Departments to aid investigations.

Ibid., s. 3.

SEC. 4397. The heads of the several Executive Departments shall cause to be rendered all necessary and practicable aid to the commissioner in the prosecution of his investigations and inquiries.

Powers of commissioner.

Ibid., s. 4.

SEC. 4398. The commissioner may take or cause to be taken at all times, in the waters of the sea-coast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding.

TITLE LII.

REGULATION OF STEAM-VESSELS.

CHAPTER ONE.

INSPECTION.

Sec.
4399. What vessels are deemed steam-vessels.
4400. What vessels are subject to the provisions of this Title.
4401. Vessels navigating coastwise and by the lakes.
4402. Supervising inspector-general, qualifications and appointment of.
4403. Duties of supervising inspector-general.
4404. Supervising inspectors, qualifications and appointment of.
4405. Meetings of board; assignment of districts.
4406. Duties of supervising inspectors.
4407. Duties of supervising inspectors as to violation of law.
4408. Supervision of local boards.
4409. Supervision of districts not having inspectors.
4410. Reports of supervising inspectors to board.
4411. Regulations as to furnishing information to local inspectors.
4412. Regulations as to steamers passing each other.
4413. Penalty for violation of regulations.
4414. Number and salaries of local inspectors.
4415. Qualifications and appointment of local inspectors.
4416. What persons are not eligible as inspectors.
4417. Inspection of hulls.
4418. Inspection of boilers.
4419. Control of safety-valves and steam-registers.
4420. Amount of steam pressure allowed freight-boats on Mississippi River, &c.
4421. Certificate of inspectors.
4422. License by inspectors to carry gunpowder.
4423. Disposal of certificates of inspection.
4424. Penalty for carrying passengers or gunpowder contrary to law.
4425. Punishment of inspector certifying falsely.

Sec.
4426. Ferry-boats, canal-boats, yachts, &c.
4427. Tug-boats, freight-boats, &c.
4428. Construction of boilers.
4429. Punishment for improper construction of boilers.
4430. Inspection of boiler-plates.
4431. Stamping boiler-plates.
4432. Punishment for counterfeiting stamps.
4433. Pressure of steam allowable.
4434. Thickness of boiler-plate and space between flues.
4435. Feed and connecting pipes.
4436. Safety-valves, fusible plugs, &c.
4437. Punishment for obstructing safety-valve, &c.
4438. Licenses of officers by inspectors.
4439. License of captain.
4440. License of chief mate.
4441. License of engineer.
4442. License of pilot.
4443. License of captain or mate as pilot.
4444. State regulation of pilots.
4445. Oath of licensed officers.
4446. Licenses to be exhibited.
4447. Renewal of officer's license.
4448. Licensed officers to assist inspectors in examinations.
4449. Revocation of officer's license for refusal to serve.
4450. Investigation of conduct of officers.
4451. Payment of marshal and witnesses.
4452. Appeal to supervising inspector.
4453. Re-inspection and notice for repairs.
4454. Penalty for failure to make repairs upon notice.
4455. Effect of decision by inspector.
4456. Inspection in districts not having inspectors.
4457. Records and reports by local inspectors.
4458. Fees.
4459. Bonds of inspectors.
4460. Instruments, stationery, printing, &c., for local boards.
4461. Payment of salaries and expenses.
4462. Regulations to be made by the Secretary of the Treasury.

What vessels are deemed steam-vessels.

SEC. 4399. Every vessel propelled in whole or in part by steam shall be deemed a steam-vessel within the meaning of this Title.

28 Feb., 1871, c. 100, s. 1, v. 16, p. 440.

What vessels are subject to the provisions of this Title.

SEC. 4400. All steam-vessels navigating any waters of the United States which are common highways of commerce, or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this Title.

Ibid., s. 41, p. 453.

Vessels navigating coastwise and on the great lakes.

SEC. 4401. All coastwise sea-going vessels, and vessels navigating the great lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam-vessels in passing, as provided by this Title; and every coastwise sea-going steam-vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

Ibid., s. 51, p. 455.

Supervising inspector-general, qualifications and appointment of.

SEC. 4402. There shall be a supervising inspector-general, who shall be appointed from time to time by the President, by and with the advice and consent of the Senate, and who shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the steamboat-inspection service, and who shall be entitled to a salary of three thousand five hundred dollars a year, and his reasonable traveling expenses, or mileage at the rate of ten cents a mile, incurred in the performance of his duty.

Ibid., s. 63, p. 458.

Duties of supervising inspector-general.

SEC. 4403. The supervising inspector-general shall, under the direction of the Secretary of the Treasury, superintend the administration of the steamboat-inspection laws, preside at the meetings of the board of supervising inspectors, receive all reports of inspectors, receive and examine all accounts of inspectors, report fully at stated periods to the Secretary of the Treasury upon all matters pertaining to his official duties, and produce a correct and uniform administration of the inspection laws, rules, and regulations.

Ibid.

Supervising inspectors, qualifications and appointment of.

SEC. 4404. There shall be ten supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam-vessels, and of all parts of the machinery employed in steaming. Each supervising inspector shall be entitled to a salary of three thousand dollars a year, and his actual and reasonable traveling expenses at the rate of ten cents a mile, incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as may be given by the Secretary of the Treasury.

28 Feb., 1871, c. 100, ss. 23, 62, v. 16, pp. 448, 457.

Meetings of board; assignment of districts.

SEC. 4405. The supervising inspectors and the supervising inspector-general shall assemble as a board once in each year, at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of the Treasury shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this Title, and such regulations, when approved by the Secretary of the Treasury, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meetings he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe.

Ibid., s. 23, p. 449.

The American Eagle, 1 Low., 425.

Duties of supervising inspectors.

SEC. 4406. Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties; and shall, whenever he thinks it expedient, visit any vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this Title have been observed and complied with, both by the board of inspectors and the master and owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such

Ibid., s. 24, p. 449.

vessel so visited, and her machinery for steaming, and the manner of managing both.

Duties of supervising inspectors as to violations of law.

Ibid.,s.25,p.449.

SEC. 4407. Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam-vessel fails to perform his duties according to the provisions of this Title, he shall report the facts in writing to the board of local inspectors in the district where the vessel was inspected or belongs; and, if need be, he shall cause the negligent or offending party to be prosecuted; and if the supervising inspector has good reason to believe there has been, through negligence or any other cause, a failure of the board which inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the Treasury; who shall cause immediate investigation into the truth of the complaint, and, if he deems the cause sufficient, shall remove any officer found delinquent.

Supervision of local boards.

Ibid.,s.26,p.449.

SEC. 4408. The supervising inspectors shall see that the several boards of local inspectors within their respective districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, by following out the provisions of this Title according to the true intent and meaning thereof; and they shall, as far as practicable, harmonize differences of opinion existing in different local boards.

Supervision of districts not having inspectors.

Ibid.,s.27,p.449.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 251.

SEC. 4409. The supervising inspector shall visit any collection-district in which there is at any time no board of inspectors, and within which steam-vessels are owned [*and*] [or] employed. Each supervising inspector shall have full power in any such district, or in any district where, from distance or other cause, it is inconvenient to resort to the local board, to inspect any steam-vessel and the boilers of such steamer, and to grant certificates of approval, and to do and perform all the duties imposed upon local boards.

Reports of supervising inspectors to board.

28 Feb., 1871, c. 100, s. 28, v. 16, p. 449.

SEC. 4410. Each supervising inspector shall report, in writing, at the annual meetings of the board, the general business transacted in his district during the year, embracing all violations of the laws regulating steam-vessels, and the action taken in relation to the same, all investigations and decisions by local inspectors, and all cases of appeal, and the result thereof; and the board shall examine into all the acts of each supervising inspector and local board, and all complaints made against the same, in relation to the performance of their duties under the law, and the judgment of the board in each case shall be entered upon their journal; and the board shall, as far as possible, correct mistakes where they exist.

Regulations as to furnishing information to local inspectors.

Ibid.

SEC. 4411. The board of supervising inspectors shall establish such regulations as may be necessary to make known in a proper manner, to local inspectors, the names of all persons licensed under the provisions of this Title, the names of all persons from whom licenses have been withheld, and the names of all whose licenses have been suspended or revoked; also the names of all steam-vessels neglecting or refusing to make such repairs as may be ordered pursuant to law, and the names of all that have been refused certificates of inspection.

Regulations as to steamers passing each other.

Ibid.,s.29,p.470.

SEC. 4412. The board of supervising inspectors shall establish such regulations to be observed by all steam-vessels in passing each other, as they shall from time to time deem necessary for safety; two printed copies of such regulations, signed by them, shall be furnished to each of such vessels, and shall at all times be kept posted up in conspicuous places in such vessels.

Penalty for violation of regulations.

Ibid.

SEC. 4413. Every pilot, engineer, mate, or master of any steam-vessel who neglects or willfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a penalty of fifty dollars, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal.

Number and salaries of local inspectors.

28 Feb., 1871, c. 100, s. 62, v. 16, p. 457.

SEC. 4414. There shall be, in each of the following collection-districts, one inspector of hulls and one inspector of boilers; who shall be entitled to the following salaries, to be paid annually, under the directions of the Secretary of the Treasury:

In the districts of New York and New Orleans, to a salary of two thousand two hundred dollars a year each. 3 Mar., 1873, c. 259, v. 17, p. 600.

In the districts of Philadelphia, Baltimore, Buffalo, Saint Louis, Louisville, Cincinnati, Pittsburgh, San Francisco, Boston, Detroit, Chicago, Milwaukee, Huron, and Galena, to a salary of two thousand dollars a year each.

In the district of Michigan, to a salary of nine hundred dollars a year.

In the districts of Mobile, Memphis, and Cleveland, to a salary of one thousand five hundred dollars a year each.

In the districts of Willamette, New London, Norfolk, Charleston, Savannah, Galveston, Albany, Wheeling, Nashville, Portland, and Evansville, to a salary of one thousand two hundred dollars a year each.

In the districts of Puget Sound, Apalachicola, Oswego, Burlington, and Superior, to a salary of eight hundred dollars a year each.

And in addition, the Secretary of the Treasury may appoint in such districts, where their services are actually required, assistant inspectors, at a salary, for the district of New York, of two thousand dollars a year each; and for all other districts, at a salary not exceeding one thousand six hundred dollars a year each; and he may appoint a clerk to any such board at a compensation not exceeding one thousand two hundred dollars a year to each person so appointed. Every inspector shall be paid for his actual and reasonable traveling expenses, at the rate of ten cents per mile, incurred in the performance of his duty; together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury.

Qualifications and appointment of local inspectors.

SEC. 4415. Whenever any vacancy occurs in any local board of inspectors, or whenever local inspectors are to be appointed for a new district, the supervising inspectors shall notify the collector or other chief officers of the customs for the district, and the judge of the district court for the district in which such appointment is to be made, who, together with the supervising inspector, shall meet together as a board of designators, and fill the vacant or new inspectorship. Such board, or the major part thereof, when designating an inspector of hulls, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of hulls, and who, from his practical knowledge of ship-building and navigation and the uses of steam in navigation, is fully competent to make a reliable estimate of the strength, sea-worthiness, and other qualities of the hulls of steam-vessels and their equipment, deemed essential to safety of life in their navigation; and when designating an inspector of boilers, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of boilers, who, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery, and appurtenances therewith connected, is [*liable*] [able] to form a reliable opinion of the strength, form, workmanship, and suitableness of boilers and machinery to be employed without hazard to life, from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. No appointment of an inspector of hulls [or an inspector of boilers] shall be made without the concurrence of the supervising inspector. The [*inspectors*] [inspector] of hulls and the [*inspectors*] [inspector] of boilers thus designated, when approved by the Secretary of the Treasury, shall, from the date of designation, constitute a board of local inspectors. 28 Feb., 1871, c. 100, s. 11, v. 16, p. 443. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

What persons are not eligible as inspectors.

SEC. 4416. No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this Title, or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is directly or indirectly pecuniarily interested in any steam-vessel, or who has not the qualifications and acquirements prescribed by this Title, or who is intemperate in his habits, shall be eligible to hold the office of either supervising or local inspector, or to discharge the duties thereof; and if any such person shall attempt to Ibid., s. 33, p. 451.

exercise the functions of the office of either inspector, he shall be deemed guilty of a misdemeanor, punishable by a fine of five hundred dollars, and shall be dismissed from office.

Inspection of hulls

Ibid., s. 11, p. 443.

SEC. 4417. The local inspectors shall, once in every year, at least, upon application in writing of the master or owner, carefully inspect the hull of each steam-vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, cables, and other things, are faithfully complied with; and if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

Inspection of boilers.

Ibid.

SEC. 4418. The local inspectors shall also inspect the boilers of all steam-vessels before the same shall be used, and once at least in every year thereafter. They shall subject all boilers to the hydrostatic pressure; and shall satisfy themselves by thorough examination that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction; that the spaces between and around the flues are sufficient; that the flues are circular in form; that the fire-line of the furnace is at least two inches below the prescribed minimum water-line of the boilers; that the arrangement for delivering the feed-water is such that the boilers cannot be injured thereby; and that such boilers and machinery, and the appurtenances, may be safely employed in the service proposed in the written application, without peril to life. They shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, and well arranged; and that the weights of the safety-valves are properly adjusted, so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there is a sufficient number of gauge-cocks properly inserted, and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit and the highest point attained; and that there are reliable low-water gauges; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace, whenever the water in the boilers falls below its prescribed limits; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not, so that in high-pressure boilers the water shall not be less than four inches above the top of the flues; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers, when they are under pressure of steam. In subjecting to the hydrostatic tests boilers usually designated and known as high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch, as the maximum pressure allowable as a working-power for a new boiler of forty-two inches in diameter, made in the best manner, of inspected iron plates, one-fourth of an inch thick, and of a quality required by law, and shall rate the working-power of all high-pressure boilers, whether old or new, according to their strength, compared with this standard; and in all cases the test applied shall exceed the working-power allowed, in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting to the hydrostatic tests boilers usually designated and known as low-pressure boilers, the inspectors shall allow as a working-power for each new boiler, a pressure of only three-fourths the number of pounds to the square inch to which it has been subjected by the hydrostatic test, and for which it has been found to be sufficient. Should the inspectors be of the opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure as is above described, they may, for reasons to be stated specially in their certificate, fix the working-pressure of such

boiler at less than three-fourths of the test-pressure. All boilers used on steam-vessels and constructed of iron or steel plates, inspected under the provisions of section forty-four hundred and thirty, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam-power allowed. No boiler or pipe, nor any of the connections therewith, shall be approved, which is made, in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause.

Control of safety-valves and steam-registers.

SEC. 4419. One of the safety-valves may, if in the opinion of the local inspectors it is necessary to do so, and the steam-registers shall, be taken wholly from the control of all persons engaged in navigating such vessel and secured by the inspectors.

Ibid.

Amount of steam-pressure allowed freight-boats on Mississippi River, &c.

SEC. 4420. In applying the directions of the preceding [*section*] [sections] to steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, the local inspectors shall substitute, for such boats, one hundred and fifty pounds of steam-pressure in place of one hundred and ten pounds for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness; and such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business for a period of twelve months from the seventeenth day of December, eighteen hundred and seventy-two, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds, to the square inch.

17 Dec., 1872, c. 4, s. 9, v. 17, p. 400.
6 *Jan.*, 1874, *c.* 6, *v.* 18, *p.* 2.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

Certificate of inspectors.

SEC. 4421. When the inspection of a steam-vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made[,] in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of the inspectors signing it before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval.

28 Feb., 1871, c. 100, s. 11, v. 16, p. 443.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 251.

License by inspectors to carry gunpowder.

SEC. 4422. Upon the application of any master or owner of any steam-vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chest, safes, or compartments, the article of gunpowder.

28 Feb., 1871, c. 100, s. 12, v. 16, p. 445.

Disposal of certificates of inspection.

SEC. 4423. Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof; two of which shall be placed by such master or owner in conspicuous places in the vessel where they will be most likely to be observed by passengers and others, and there kept at all times, framed under glass; and the other shall be retained by such master or owner, as evidence of the authority thereby conferred.

Ibid., s. 31, p. 450.

Penalty for carrying passengers or gunpowder contrary to law.

SEC. 4424. Whenever any passenger is received on board any steam-vessel not having the certified copies of the certificate of approval placed and kept as required by this Title, or whenever any passenger steam-vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, and a certified copy thereof placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam-vessel shall be liable to a penalty of one hundred dollars for each offense. [See §§ 4474–4476.]

Ibid.

Punishment of inspector certifying falsely.

Ibid., s. 32.

SEC. 4425. Every inspector who willfully certifies falsely touching any steam-vessel, as to her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall be punished by fine of not more than five hundred dollars, or imprisonment for not more than six months, or both. [See § 5482.]

Ferry-boats, canal-boats, yachts, &c.

Ibid., s. 58, p. 456.

SEC. 4426. The hull and boilers of every ferry-boat, canal-boat, yacht, or other small craft of like character, propelled by steam, shall be inspected under the provisions of this Title. Such other provisions of law for the better security of life, as may be applicable to such vessels, shall, by the regulations of the board of supervising inspectors, also be required to be complied with, before a certificate of inspection shall be granted; and no such vessel shall be navigated without a licensed engineer and a licensed pilot.

Tug-boats, freight-boats, &c.

Ibid.

SEC. 4427. The hull and boiler of every tug-boat, towing-boat, and freight-boat shall be inspected, under the provisions of this Title; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety-valves, gauge-cocks, low-water alarm-indicators, steam-gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this Title, and shall be subject to the same provisions of law as officers navigating passenger-steamers.

Construction of boilers.

Ibid., s. 35, p. 451.

SEC. 4428. Every boiler manufactured to be used on steam-vessels, and made of iron or steel plates, shall be constructed of plates that have been stamped in accordance with the provisions of this Title.

Punishment for improper construction of boilers.

Ibid.

SEC. 4429. Every person who constructs a boiler, or steam-pipe connecting the boilers, to be used on steam-vessels, of iron or steel plates which have not been duly stamped and inspected according to the provisions of this Title, or who knowingly uses any defective, bad, or faulty iron or steel in the construction of such boilers; or who drifts any rivet-hole to make it come fair; or who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be fined one thousand dollars, one-half for the use of the informer. Nothing in this Title shall be so construed as to prevent from being used, on any steamer, any boiler or steam-generator which may not be constructed of riveted iron or steel plates, when the board of supervising inspectors have satisfactory evidence that such boiler or steam-generator is equal in strength, and as safe from explosion, as a boiler of the best quality constructed of riveted iron or steel plates.

Inspection of boiler-plates.

Ibid., s. 36

SEC. 4430. Every iron or steel plate used in the construction of steamboat-boilers, and which shall be subject to a tensile strain, shall be inspected in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of the Treasury, so as to enable the inspectors to ascertain its tensile strength, homogeneousness, toughness, and ability to withstand the effect of repeated heating and cooling; and no iron or steel plate shall be used in the construction of such boilers which has not been inspected and approved under those rules.

Stamping boiler-plates.

Ibid., s. 37.

SEC. 4431. Every plate of boiler-iron or steel, made for use in the construction of steamboat-boilers, shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are worked into boilers, with the name of the manufacturer, the place where manufactured, and the number of pounds tensile strain it will bear to the sectional square inch; and the inspectors shall keep a record in their office of the stamps upon all boiler-plates and boilers which they inspect.

Punishment for counterfeiting stamps.

Ibid., s. 38, p. 452.

SEC. 4432. Every person who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for boiler-iron or steel plates, or who designedly stamps, or causes to be stamped falsely, any such plates; and every person who stamps or marks, or causes to be stamped or marked, any such iron or steel plates with the name or trade-mark of another,

with the intent to mislead or deceive, shall be fined two thousand dollars, one-half to the use of the informer, and may, in addition thereto, at the discretion of the court, be imprisoned not exceeding two years.

Pressure of steam allowable.

SEC. 4433. The working steam-pressure allowable on boilers constructed of plates inspected as required by this Title, when single-riveted, shall not produce a strain to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double-riveted, and the rivet-holes for such boilers have been fairly drilled instead of punched, an addition of twenty per centum to the working-pressure provided for single-riveting may be allowed: *Provided*, That all other parts of such boilers shall correspond in strength to the additional allowances so made; and no split-calking shall in any case be permitted.

Ibid., s. 39.

Thickness of boiler-plate, and space between flues.

SEC. 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam-vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues.

Ibid.

Feed and connecting pipes.

SEC. 4435. The feed-water shall be delivered into the boilers in such manner as to prevent it from contracting the metal, or otherwise injuring the boilers. And when boilers are so arranged on a vessel that there is employed a water-connecting pipe through which the water may pass from one boiler to another, there shall also be provided a similar steam-connection, having an area of opening into each boiler of at least one square inch for every two square feet of effective heating-surface contained in any one of the boilers so connected, half the flue and all other fire-surfaces being computed as effective. Adequate provision shall be made on all steam-vessels to prevent sparks or flames from being driven back from the fire-doors into the vessel.

Ibid.

Safety-valves, fusible plugs, &c.

SEC. 4436. Every boiler shall be provided with a good, well-constructed safety-valve or valves, of such number, dimensions, and arrangements as shall be prescribed by the board of supervising inspectors, and shall also be provided with a sufficient number of gauge-cocks and a reliable low-water indicator that will give alarm when the water falls below its prescribed limits; and in addition thereto there shall be inserted, in a suitable manner, in the flues, crown-sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, a plug of good Banca tin.

Ibid.

Punishment for obstructing safety-valves, &c.

SEC. 4437. Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety-valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined two hundred dollars, and may also be imprisoned not exceeding five years.

Ibid., s. 40.

Licenses of officers by inspectors.

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, engineers, and pilots of all steam-vessels. It shall be unlawful to employ any person, or for any person to serve as a master, chief mate, engineer, or pilot on any steamer, who is not licensed by the inspectors; and any one violating this section shall be liable to a penalty of one hundred dollars for each offense.

Ibid., s. 14, p. 446.

License of captain.

SEC. 4439. Whenever any person applies to be licensed as master of a steam-vessel, the inspector shall make diligent inquiry as to his character, and shall carefully examine the applicant, as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can be safely intrusted with the duties and responsibilities

Ibid., s. 15.

of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of one year; but such license shall be suspended or revoked, upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this Title.

License of chief mate.

Ibid., s. 16.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 251.

SEC. 4440. Whenever any person applies for authority to be employed as chief mate of steam-vessels, the [*inspector*] [inspectors] shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo, and in handling and stowage of freight, and shall examine him as to his knowledge and ability in navigation and managing such vessels, and all other duties pertaining to his station; and if satisfied of his qualifications and good character, they shall grant him a license, authorizing him to perform such duties for the term of one year; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station, or the willful violation of any provision of this Title.

License of engineer.

28 Feb., 1871, *c.* 100, *s.* 17, *v.* 16, *p.* 446.
17 *April*, 1874, *c.* 107, *r.* 88, *p.* 30.
27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 252.

SEC. 4441. Whenever any person applies for authority to perform the duties of engineer of any steam-vessel, the [*inspector*] [inspectors] shall examine the applicant as to his knowledge of steam machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of one year, in which they shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of this Title. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor.

License of pilot.

28 Feb., 1871, *c.* 100, *s.* 18, *v.* 16, *p.* 447.
17 *April*, 1874, *c.* 107, *r* 18, *p.* 30.

SEC. 4442. Whenever any person claiming to be a skillful pilot of steam-vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of one year to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this Title.

License of captain or mate as pilot.

SEC. 4443. Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity.

28 Feb., 1871, *c.* 100, *s.* 18, *v.* 16, *p.* 447.

State regulation of pilots.

Ibid., *s.* 51, *p.* 455.

Flanders *v.* Tripp, 2 Low., 15.

SEC. 4444. No State or municipal government shall impose upon pilots of steam-vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title; nor shall any pilot-charges be levied by any such authority upon any steamer piloted as provided by this Title; and in no case shall the fees charged for the pilotage of any steam-vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this Title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving

a port in any such State, other than coastwise steam-vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

Oath of licensed officers.

SEC. 4445. Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Ibid., s. 56, p. 456.

License to be exhibited.

SEC. 4446. Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license.

Ibid., s. 18, p. 447.

Renewal of officer's license.

SEC. 4447. When any licensed officer is employed on a steamer in a district distant from any local board of inspectors, such inspectors, or the supervising inspector of the district, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the board of supervising inspectors shall prescribe.

Ibid., s. 56, p. 456.

Licensed officers to assist inspectors in examinations.

SEC. 4448. All officers licensed under the provisions of this Title shall assist the inspectors in their examination of any vessel to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and also shall make known to the inspectors, at the earliest opportunity, all accidents or occurrences producing serious injury to the vessel, her boilers, or machinery; and in default thereof the license of any such officer so neglecting or refusing shall be revoked.

Ibid., s. 54, p. 456.

Revocation of officer's license for refusal to serve, &c.

SEC. 4449. If any licensed officer shall, to the hinderance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any steamer, as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engineer shall refuse to admit into the pilot-house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked, upon the same proceedings as are provided in other cases of revocation of such licenses.

Ibid., s. 55, p. 456.

Investigation of conduct of officers.

SEC. 4450. The local boards of inspectors shall investigate all acts of incompetency or misconduct committed by any licensed officer while acting under the authority of his license, and shall have power to summon before them any witnesses within their respective districts, and compel their attendance by a similar process as in the United States circuit or district courts; and they may administer all necessary oaths to any witnesses thus summoned before them; and after reasonable notice in writing, given to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined, under oath, touching the performance of his duties by any such licensed officer; and if the board shall be satisfied that such licensed officer is incompetent, or has been guilty of misbehavior, negligence, or unskilifulness, or has endangered life, or willfully violated any provision of this Title, they shall immediately suspend or revoke his license.

Ibid., s. 19, p. 447.

Payment of marshal and witnesses.

SEC. 4451. The chief officer of the customs for the district shall pay out of the revenues received under the provisions of this Title such fees to the United States marshal for his services, and to any witness, so summoned, for his actual travel and attendance, as shall be officially certified to by any inspector hearing the case, upon the back of such summons, not exceeding the rate allowed for fees and to witnesses for travel and attendance in any circuit or district courts of the United States. [See §§ 829-848.]

Ibid.

Appeal to supervising inspector.

SEC. 4452. Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the

Ibid., s. 20, p. 447.

license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance, and to administer oaths, that are conferred on local inspectors; and such witnesses and the marshal shall be paid in the same manner as provided for by the preceding section; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam-vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case.

Re-inspections and notice for repairs.

Ibid., s. 21, p. 448.

SEC. 4453. In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a re-examination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them.

Penalty for failure to make repairs upon notice.

Ibid.

SEC. 4454. If any master or owner of any steamer shall refuse or neglect to comply with the requirements of the local inspectors, made in pursuance of the preceding section, and shall, contrary thereto and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable to a penalty of five hundred dollars for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their baggage which shall occur from any defects as stated in the notice prescribed by the preceding section. [See § 5344.]

Effect of decisions by inspectors.

Ibid.

SEC. 4455. The inspectors of one district shall not modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things, demanding more repairs than were thought necessary when the order was made. Nor shall the inspectors of one district license a person coming from another district, if such person has been rejected for unfitness or want of qualifications.

Inspection in districts not having inspectors.

Ibid., s. 22.

SEC. 4456. The local boards of inspectors, when so requested in writing by any master of owner, shall, under the direction of the supervising inspector, inspect steamers in other collection-districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by such local board and unreversed by the supervising inspector of the district, are removed. Nothing in this section shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if in their opinion it can be done with safety.

Records and reports by local inspectors.

Ibid., ss. 13, 61, pp. 445, 457.

SEC. 4457. The local inspectors shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded,

the original shall be delivered to the collector or other chief officer of the customs of the district. They shall also keep a like record of certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of license, of all refusals, suspensions, or revocations of which they shall receive notices from other districts; and shall report to the supervising inspector of their respective districts, in writing, their decisions in cases of refusal of licenses or of the suspension or revocation thereof, and all testimony received by them in such proceedings. They shall also report promptly to such supervising inspector all violations of the steamboat-laws that come to their knowledge. They shall also keep an accurate account of every steamer boarded by them during the year, and of all their official acts and doings, which, in the form of a report, they shall communicate to the supervising inspector of the district, at such times as the board of supervising inspectors, by their established rules, shall direct.

Fees.

Ibid., s. 60, p. 457.

SEC. 4458. Before issuing any license to any steamer, the collector or other chief officer of the customs for the port or district, shall demand and receive from the owners thereof, as a compensation for the inspections and examination made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, twenty-five dollars; and in addition thereto, for each and every ton in excess of one hundred tons, five cents. Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay for every certificate, granted by any inspector or inspectors, the sum of ten dollars; and every chief mate, engineer, and pilot of an inferior grade shall pay, for every certificate so granted, the sum of five dollars. Such fees shall be paid over to the chief officer of the customs in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

Bonds of inspectors.

Ibid., s. 67, p. 458.

SEC. 4459. Every supervising and local inspector of steamboats shall execute a proper bond, to be approved by the Secretary of the Treasury, in such form and upon such conditions as the Secretary may prescribe, for the faithful performance of the duties of his office, and the payment in the manner provided by law of all moneys that may be received by him.

Instruments, stationery, printing, &c., for local boards.

Ibid., s. 65.

SEC. 4460. The Secretary of the Treasury shall procure for the several supervising inspectors and local boards of inspectors such instruments, stationery, printing, and other things necessary for the use of their respective offices as may be required therefor.

Payment of salaries and expenses.

Ibid.

SEC. 4461. The salaries of the supervising inspector-general, of all supervising inspectors, local inspectors, assistant inspectors, and clerks, provided for by this Title, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this Title, shall be paid for, under the direction of the Secretary of the Treasury, out of the revenues received into the Treasury from the inspection of steam-vessels, and the licensing of the officers of such vessels, which revenues, or so much of them as may be necessary for these purposes, shall be permanently appropriated therefor.

Regulations to be made by Secretary of the Treasury.

Ibid., s. 65.

SEC. 4462. The Secretary of the Treasury shall make such regulations as may be necessary to secure the proper execution of this Title.

CHAPTER TWO.

TRANSPORTATION OF PASSENGERS AND MERCHANDISE.

Sec.
4463. Officers and crew of passenger-steamers.
4464. Number of passengers allowable.
4465. Penalty for carrying too great a number of passengers.
4466. Special permit for excursions.
4467. List of passengers.
4468. Penalty for failure to keep passenger-list.
4469. Recovery of penalties.
4470. Precautions against fire.
4471. Fire-pumps and hose.
4472. Dangerous articles not to be carried on passenger-steamers.
4473. Penalty for unlawfully carrying cotton or hemp.
4474. License for use of petroleum in the production of motive-power.
4475. Mode of packing dangerous articles.
4476. Punishment for unlawfully shipping dangerous articles.
4477. Watchmen on passenger-steamers.
4478. Penalty for failure to keep watchmen.
4479. Fire-extinguishers.
4480. Wire tiller-ropes, bell-pulls, &c., for passenger-steamers.
4481. Boats for river-steamers.
4482. Life-preservers for river-steamers carrying passengers.
4483. Fire-buckets, axes, &c., for river-steamers carrying passengers.
4484. Stairways and gangways on river-steamers carying passengers on main deck.
4485. Accommodation of deck-passengers.
4486. Penalty for not providing proper accommodations for passengers.
4487. River-steamers to be anchored when navigation is unsafe.
4488. Life-boats, &c., on ocean, lake, and sound steamers.
4489. Penalty for failure to provide life-boats, &c.
4490. Water-tight bulk-heads, in lake-steamers carrying passengers.
4491. Use of instruments for security of life.
4492. Barges carrying passengers.
4493. Liability of master and owners for damage to passengers.
4494. Two copies of this Title to be kept on each passenger-steamer.
4495. Name of steamer to be exhibited.
4496. Duties of customs officers.
4497. Penalty for omission of duty by customs officer.
4498. Registry enrollment, &c., denied to vessels not complying with the law.
4499. Penalty for failure to comply.
4500. Penalty in cases not provided for.

Officers and crew of passenger-steamers.

28 Feb., 1871, c. 100, s. 14, v. 16, p. 446.

SEC. 4463. No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied, until others licensed can be obtained.

Number of passengers allowable.

Ibid., s. 48, p. 454.

SEC. 4464. The inspectors shall state in every certificate of inspection granted to steamers carrying passengers, other than ferry-boats, the number of passengers of each class that any such steamer has accommodations for, and can carry with prudence and safety.

Penalty for carrying too great a number of passengers.

Ibid.

SEC. 4465. It shall not be lawful to take on board of any steamer a greater number of passengers than is stated in the certificate of inspection; and for every violation of this provision the master or owner shall be liable, to any person suing for the same, to forfeit the amount of passage-money and ten dollars for each passenger beyond the number allowed.

Special permit for excursions.

Ibid.

SEC. 4466. If any passenger-steamer engages in excursions, the inspectors shall issue to such steamer a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried, and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions.

Lists of passengers.

Ibid., s. 49.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 4467. The master of every passenger-steamer shall keep a correct list of all the passengers received and delivered from day to day, noting the places where received and where landed, which record shall be [*opened*] [open] to the inspection of the inspectors and officers of the customs at all times; and the aggregate number of passengers shall be furnished to inspectors as often as called for; but on routes not exceeding one hundred miles, the number of passengers, if kept, shall be sufficient.

Penalty for failure to keep passenger-list.

SEC. 4468. Every master of any passenger-steamer who fails, through negligence or design, to keep a list of passengers, as required by the preceding section, shall be liable to a penalty of one hundred dollars.

28 Feb., 1871, c. 100, s. 49, v. 16, p. 454.

Recovery of penalties.

SEC. 4469. The penalties imposed by sections forty-four hundred and sixty-five and forty-four hundred and sixty-eight shall be a lien upon the vessel in each case; but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

Ibid.

Precautions against fire.

SEC. 4470. Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler, to convey steam into the hold and the different compartments thereof, to extinguish fire; and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all wood-work or other ignitable substances about the boilers, chimneys, cook-houses, and stove-pipes exposed to ignition, shall be thoroughly shielded by some incombustible material, in such a manner as to leave the air to circulate freely between such material and wood-work or other ignitable substance; and before granting a certificate of inspection, the inspector shall require all other necessary provisions to be made throughout such vessel to guard against loss or danger from fire.

Ibid., s. 2, p. 440.

Fire-pumps and hose.

SEC. 4471. Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire-pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop-cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding two hundred tons burden and carrying passengers shall be provided with two good double-acting fire-pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the twenty-eighth day of February, eighteen hundred and seventy-one, shall be of sufficient capacity to contain not less than one hundred cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump, of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding two hundred tons, one of such pumps may be dispensed with. Each fire-pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat; and no fire pump thus provided for shall be placed below the lower deck of the vessel. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof.

Ibid., s. 3.

Dangerous articles not to be carried on passenger-steamers.

SEC. 4472. No loose hay, loose cotton, or loose hemp, camphene, nitroglycerine, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered with bagging of similar fabric, and secured with good rope or iron bands; nor shall gunpowder be carried on any such vessel, except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof, or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum,

Ibid., s. 4, p. 441.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

Union Ins. Co. *v.* Shaw, 2 Dill., 14; U. S. *v.* The C. B. Church, 1 Woods, 275.

which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other [*practical*] [practicable] mode of transporting it, and under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of the Treasury; and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels, or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel; and friction-matches may be carried on such steamers when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying passengers or freight, to guard against and extinguish fire, as shall be prescribed by the board of supervising inspectors, and approved by the Secretary of the Treasury. [See §§ 4278–4280, 5353–5355.]

Penalty for unlawfully carrying cotton or hemp.

28 Feb., 1871, c. 100, s. 4, v. 16, p. 441.

SEC. 4473. Every bale of cotton or hemp that shall be shipped or carried on any passenger-steamer, without conforming to the provisions of the preceding section, shall be subject to a penalty of five dollars, and shall be liable to seizure and sale to secure the payment of such penalty.

License for use of petroleum in the production of motive-power.

Ibid., p. 442.

SEC. 4474. The Secretary of the Treasury may grant permission to the owner of any steam-vessel, to use any invention or process for the utilization of petroleum or other mineral oils or substances in the production of motive-power, and may make and enforce regulations concerning the application and use of the same for such purpose. But no such permission shall be granted, unless upon the certificate of the supervising inspector of steamboats for the district wherein such vessel is registered, and other satisfactory proof that the use of the same is safe and efficient; and upon such proof, and the approval of such certificate by the Secretary of the Treasury, a special license for the use of such process or invention shall issue under the seal of the Treasury Department. [See § 4424.]

Mode of packing dangerous articles.

Ibid., s. 5.

SEC. 4475. All gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, and all other articles of like character, when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on the outside, with the name or description of the article contained therein.

Punishment for unlawfully shipping dangerous articles.

Ibid.

SEC. 4476. Every person who packs or puts up, or causes to be packed or put up for shipment, any gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, or other articles of like character otherwise than as directed by the preceding section, or who knowingly ships or attempts to ship the same, or delivers the same to any such vessel as stores, unless duly packed and marked, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding two thousand dollars, or imprisonment not exceeding eighteen months, or both; one-half of the fine to go to the informer, and the articles to be liable to seizure and forfeiture. [See §§ 4278–4280, 5353–5355.]

Watchmen on passenger-steamers.

Ibid., s. 6.

SEC. 4477. Every steamer carrying passengers during the night-time shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

Punishment for failure to keep watchmen.

Ibid.

SEC. 4478. For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined one thousand dollars.

Fire-extinguishers.

Ibid.

SEC. 4479. The board of supervising inspectors may require steamers carrying either passengers or freight to be provided with such number and kind of good and efficient portable fire-extinguishers as, in the judgment of the board, may be necessary to protect them from fire when

such steamers are moored or lying at a wharf without steam to work the pumps.

Wire tiller-ropes, bell-pulls, &c., for passenger-steamers.

SEC. 4480. Every steamer carrying passengers shall be provided with wire tiller-ropes, or iron rods or chains, for the purpose of steering and navigating the vessel, and shall employ wire bell-pulls for signalizing the engineer from the pilot-house, together with tubes of proper size so arranged as to return the sound of the engine-bells to the pilot-house, or other arrangement to repeat back the signal. But on any such vessel navigated by the mariners' compass, so much of such wire rope or chain may be dispensed with and disused as shall influence or disturb the working of the compass.

Ibid., s. 10, p. 443.

Boats for river-steamers.

SEC. 4481. Every steam-vessel navigating rivers only, except ferry-boats, freight-boats, canal-boats, and towing-boats, of less than fifty tons, shall have at least one good substantial boat with lines attached, and properly supplied with oars, and kept in good condition at all times, and ready for immediate use; and in addition thereto, every such vessel carrying passengers shall have one or more metallic life-boats, fire-proof, and in all respects good and substantial boats, of such dimensions and arrangements as the board of supervising inspectors by their regulations shall prescribe, which boats shall be carried in the most convenient manner to be brought into immediate use in case of accident. But where the character of the navigation is such that, in the opinion of the supervising inspector, the metallic life-boats can be dispensed with, he may exempt any such vessel from carrying the same; or may require a substitute therefor, at his discretion.

Ibid., s. 7, p. 442.

Life-preservers for river-steamers carrying passengers.

SEC. 4482. Every such steam-vessel carrying passengers shall also be provided with a good life preserver, made of suitable material, for every cabin passenger for which she will have accommodation, and also a good life-preserver or float for each deck or other class passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life-preservers or floats shall be kept in convenient and accessible places on such vessel in readiness for immediate use in case of accident.

Ibid., s. 8, p. 443.

Fire-buckets, axes, &c., for river-steamers carrying passengers.

SEC. 4483. Every such steam-vessel carrying passengers, of two hundred tons burden or less, shall also keep at least eighteen fire-buckets and two water-barrels, and shall have not less than four axes; and every such steamer of over two hundred tons, and not less than five hundred tons burden, shall carry not less than twenty-four buckets, four water-barrels, and six axes; and every such steamer of over five hundred tons shall carry not less than thirty-five buckets, six water-barrels, and eight axes. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suitable dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels.

Ibid.

Stairways and gangways on river-steamers carrying passengers on main deck.

SEC. 4484. Every such steam-vessel carrying passengers on the main-deck shall be provided with permanent stairways and other sufficient means, convenient to the passengers, for their escape to the upper deck, in case of the vessel sinking or of other accident endangering life; and in the stowage of freight upon such deck, where passengers are carried, gangways or passages, sufficiently large to allow persons to pass freely through them, shall be left open both fore and aft of the vessel, and also to and along the guards on each side.

Ibid., s. 9.

Accommodation of deck-passengers.

SEC. 4485. The captain or mate of every such steam-vessel carrying passengers upon the main-deck shall assign to all deck-passengers, when taking passage, the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight, nor overcrowded by other persons, nor shall freight be stowed about the boilers or machinery, in such a manner as to obstruct or prevent the engineer from readily attending to his duties.

Ibid.

Penalty for not providing proper accommodations for passengers.

SEC. 4486. For every violation of the provisions of the two preceding sections the owners of the vessel shall be punished by a fine of three hundred dollars.

Ibid.

River-steamers to be anchored when navigation is unsafe.

Ibid., s. 42, p. 453.

Brown *v.* Gage et al., 1 Woods, 401.

SEC. 4487. On any steamers navigating rivers only, when, from darkness, fog, or other cause, the pilot or watch shall be of opinion that the navigation is unsafe, or, from accident to or derangement of the machinery of the boat, the chief engineer shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored as soon as it can prudently be done: *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger, or his baggage, from such causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or the owners.

Life-boats, &c., on ocean, lake, and sound steamers.

Ibid., s. 52, p. 455.

SEC. 4488. Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of life-boats, floats, rafts, life-preservers, and drags, as will best secure the safety of all persons on board such vessel in case of disaster; and every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the life-boats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise, and so as to allow such disengaging-apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the kind of life-boats, floats, rafts, life-preservers, and drags that shall be used on such vessels, and also the kind and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed.

Penalty for failure to provide life-boats, &c.

Ibid.

SEC. 4489. The owner of any such steamer who neglects or refuses to provide such life-boats, floats, rafts, life-preservers, drags, pumps, or appliances, as are, under the provisions of the preceding section, required by the board of supervising inspectors, and approved by the Secretary of the Treasury, shall be fined one thousand dollars.

Water-tight bulk-heads in lake-steamers carrying passengers.

Ibid., s. 53.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 4490. Every sea-going steamer, and every steamer navigating the great northern or northwestern lakes, [*carry*] [carrying] passengers, the building of which shall be completed after the twenty-eighth day of August, eighteen hundred and seventy-one, shall have not less than three water-tight cross-bulk-heads, such bulk-heads to reach to the main-deck in single-decked vessels, otherwise to the deck next below the main-deck; to be made of iron plates, sustained upon suitable frame-work; and to be properly secured to the hull of the vessel. The position of such bulk-heads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising inspectors.

Use of instruments for security of life.

28 Feb., 1871, c. 100, s. 11, v. 16, p. 445.

SEC. 4491. No kind of instrument, machine, or equipment, for the better security of life, provided for by this Title shall be used on any steam-vessel which shall not first be approved by the board of supervising inspectors, and also by the Secretary of the Treasury.

Barges carrying passengers.

Ibid., s. 46, p. 453.

SEC. 4492. Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this Title relating to fire-buckets, axes, life-preservers, and yawls, to such extent as shall be prescribed by the board of supervising inspectors; and for any violation of this section the penalty shall be two hundred dollars, recoverable one-half for the use of the informer.

Liability of master and owners for damage to passengers.

Ibid., s. 43.

Sherlock et al. *v.* Alling, adm., 93 U. S., 99.

SEC. 4493. Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage if it happens through any neglect or failure to comply with the provisions of this Title, or through known defects or imperfections of the steaming-appa-

ratus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot. [See § 5344.]

Two copies of this Title to be kept on each passenger-steamer.

SEC. 4494. Every master or commander of any steam-vessel carrying passengers shall keep on board of such vessel at least two copies of the provisions of this Title, to be furnished to him by the Secretary of the Treasury; and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of twenty dollars.

Ibid., s. 50, p. 455.

Name of steamer to be exhibited.

SEC. 4495. Every steam-vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length, on each outer side of the pilot-house, if it has such, and in case the vessel has side-wheels, also on the outerside of each wheel-house; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty and forfeiture as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

Ibid., s. 50, p. 455.

Duties of customs officers.

SEC. 4496. All collectors, or other chief officers of the customs, and all inspectors within the several districts, shall enforce the provisions of this Title against all steamers arriving and departing.

Ibid., s. 30, p. 450.

Penalty for omission of duty by customs officer.

SEC. 4497. Every collector, or other chief officer of the customs, or inspector, who negligently or intentionally omits any duty under the preceding section, shall be liable to removal from office, and to a penalty of one hundred dollars for each offense, to be sued for in an action of debt.

Ibid.

Registry, enrollment, &c., denied to vessels not complying with the law.

SEC. 4498. No license, register, or enrollment shall be granted, nor any other papers be issued, by any collector or other chief officer of the customs, to any vessel propelled in whole or in part by steam, until he shall have satisfactory evidence that all the provisions of this Title have been fully complied with.

Ibid., s. 1, p. 440.

Penalty for failure to comply.

SEC. 4499. If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this Title, the owner shall be liable to the United States in a penalty of five hundred dollars for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

Ibid.

Penalty in cases not provided for.

SEC. 4500. The penalty for the violation of any provision of this Title, not otherwise specially provided for, shall be a fine of five hundred dollars, recoverable one-half for the use of the informer.

Ibid., s. 68, p. 458.

TITLE LIII.

MERCHANT SEAMEN.

CHAPTER ONE.

SHIPPING-COMMISSIONERS.

Sec.
4501. Appointment of shipping-commissioners.
4502. Bond and oath of commissioners.
4503. When officers of the customs shall act as commissioners.
4504. Penalty for unlawfully acting as commissioner.
4505. Clerks of commissioner.
4506. Seal of commissioner.
4507. Office of commissioner.
4508. Duties of commissioner.

Appointment of shipping-commissioners.

7 June, 1872, c. 322, s. 1, v. 17, p. 262.

9 *June*, 1874, c. 260, *v.* 18, *p.* 64.

In re Shipping Commissioners Port of New York, 13 Blatch., 339.

SEC. 4501. The several circuit courts within the jurisdiction of which there is a port of entry which is also a port of ocean navigation, shall appoint a commissioner for each such port which in their judgment may require the same, such commissioners to be termed shipping-commissioners; and may, from time to time, remove from office any commissioner whom the court may have reason to believe does not properly perform his duties, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Such courts shall regulate the mode of conducting business in the shipping-offices to be established by the shipping-commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

Bond and oath of commissioner.

7 June, 1872, c. 322, ss. 2, 3, v. 17, p. 262.

SEC. 4502. Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

When officers of the customs shall act as commissioners.

Ibid., s. 8, p. 263.

SEC. 4503. In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title.

Penalty for unlawfully acting as commissioner.

Ibid., ss. 8, 12.

15 Jan., 1873, c. 35, v. 17, p. 410.

SEC. 4504. Any person other than a commissioner under this Title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on

the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

Clerks of commissioner.

7 June, 1872, c. 322, s. 3, v. 17, p. 262.

SEC. 4505. Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner.

Seal of commissioner.

Ibid.

SEC. 4506. Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

Office of commissioner.

Ibid., s. 4, p. 263.

SEC. 4507. Every shipping-commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping-commissioner's office.

Duties of commissioner.

Ibid.

SEC. 4508. The general duties of a shipping-commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

CHAPTER TWO.

SHIPMENT.

Sec.
4509. Apprentices.
4510. Indentures of apprentices to be produced to commissioner.
4511. Shipping-articles.
4512. Rules for shipping-articles.
4513. Exceptions as to shipping-articles.
4514. Penalty for shipping without agreement.
4515. Penalty for knowingly shipping seamen without articles.
4516. Lost seamen may be replaced.
4517. Shipping seamen in foreign ports.
4518. Penalty for violating preceding section.
4519. Posting copy of agreement.
4520. Shipping-articles for vessels in coasting trade.
4521. Penalty for shipping without articles.
4522. Penalty for omitting to begin voyage.
4523. Unlawful shipments void.

Apprentices.

7 June, 1872, c. 322, s. 9, v. 17, p. 263.

SEC. 4509. Every shipping-commissioner appointed under this Title shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that

he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping-commissioner shall keep a register of all indentures of apprenticeship made before him.

Indenture of apprentice to be produced to commissioner.

Ibid., s. 10, p. 264.

SEC. 4510. The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this Title; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

Shipping-articles.

Ibid., s. 12, p. 264.

15 Jan., 1873, c. 35, v. 17, p. 410.

Slocum *v.* Swift, 2 Low., 212.

SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress as proper to be adopted, and which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

Rules for shipping-articles.

7 June, 1872, c. 322, s. 13, v. 17, p. 265.

SEC. 4512. The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of ———, County of ———:

"On this ——— day of ———, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

Exception as to shipping-articles.

7 June, 1872, c. 322, s. 12, v. 17, p. 264.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 4513. The [*preceding section*] [section forty-five hundred and eleven] shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner, by either the seamen or the master.

Penalty for shipping without agreement.

7 June, 1872, c. 322, s. 14, v. 17, p. 265.

SEC. 4514. If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

Penalty for knowingly shipping seamen without articles.

Ibid., s. 14, p. 265.

The U. S. *v.* The Steamship City of Mexico, 11 Blatch., 489.

SEC. 4515. If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant-vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

Lost seamen may be replaced.

7 June, 1872, c. 322, s. 14, v. 17, p. 265.

SEC. 4516. In case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

Shipping seamen in foreign ports.

Ibid., s. 15.

SEC. 4517. Every master of a merchant-vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping-commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

Penalty for violating preceding section.

Ibid.

SEC. 4518. Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

Posting copy of agreement.

Ibid., s. 20, p. 266.

SEC. 4519. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

Shipping-articles for vessels in coasting-trade.

20 July, 1790, c. 29, s. 1, v. 1, p. 131.
7 June, 1872, c. 322, s. 12, v. 17, p. 264.

SEC. 4520. Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

Oliver *v.* Alexander, 6 Pet., 143; Gladding *v.* Constant, Sprague, 73; Milligan *v.* Propeller B. F. Bruce, Newb., 539; U. S. *v.* Hamilton, 1 Mas., 443; U. S. *v.* Haines, 5 Mas., 272.

Penalty for shipping without articles.

20 July, 1790, c. 29, s. 1, v. 1, p. 131.

Wope *v.* Hemmenway, Sprague, 300; The Cypress, Blatch. & H., 83; The Warrington, Blatch. & H., 335; The Sarah Jane, Blatch. & H., 401; Jameson *v.* Ship Regulus, 1 Pet. Adm., 212; Walton *v.* Ship Neptune, 1 Gilp., 219;

SEC. 4521. If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title.

Pet. Adm., 142; Snow *v.* Wope, 2 Cur., 301; Magee et al. *v.* The Moss, Bartlett *v.* Wyman, 14 Johns., 260; Johnson *v.* Dalton, 1 Cow., 543.

Penalty for omitting to begin voyage.

20 July, 1790, c. 29, s. 2, v. 1, p. 131.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 252.

SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward, there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any such seaman shall neglect to render himself on board the vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master of the vessel shall, on the day on which such neglect happened, make an entry in the log-book of such vessel, of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, every such seaman shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board, shall afterward desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, owner, or consignee of the vessel, a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed [on] the voyage.

Unlawful shipments void.

20 July, 1840, c. 48, v. 5, p. 395.
7 June, 1872, c. 322, s. 15, v. 17, p. 265.

SEC. 4523. All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

CHAPTER THREE.

WAGES AND EFFECTS.

Sec.
4524. Commencement of wages.
4525. Wages not dependent on freight.
4526. Termination of wages by loss of vessel.
4527. Wages in case of improper discharge.
4528. Suspension of wages.
4529. Time for payment.
4530. Payment of wages at ports, &c.
4531. Allotment of wages.
4532. Advances.
4533. Recovery in case of unlawful advances.
4534. Discount of advance security.
4535. Loss of lien.
4536. No attachment or assignment of wages.
4537. Limit of sums recoverable during voyage.
4538. Effects of deceased seamen.
4539. Proceedings in regard to effects.
4540. Penalty for neglect in regard to seamen's effects.
4541. Duties of consular officers in regard to deceased seamen's effects.
4542. Payment of wages in case of death within the United States.
4543. Payment to circuit court.
4544. Distribution of seamen's money and effects by circuit court.
4545. Unclaimed wages and effects of deceased seamen.
4546. Summons for non-payment of wages.
4547. Libel for wages.
4548. Wages payable in gold.

Commencement of wages.

SEC. 4524. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

7 June, 1872, c. 322, s. 30, v. 17, p. 268.—The Herman, 1 Low., 515.

Wages not dependent on freight.

SEC. 4525. No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

Ibid., s. 32.

Termination of wages by loss of vessel.

SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

Ibid., s. 33, p. 269.

Wages in case of improper discharge.

SEC. 4527. Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

Ibid., s. 21, p. 266.

Suspension of wages.

SEC. 4528. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

Ibid., s. 34, p. 269.

Time for payment.

SEC. 4529. The master or owner of every vessel making voyages from a port on the Atlantic to a port on the Pacific, or vice versa, shall pay to every seaman his wages, within two days after the termination of the agreement, or at the time such seaman is discharged, whichever first happens; and, in the case of vessels making foreign voyages, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him. Every

20 July, 1790, c. 29, s. 6, v. 1, p. 133. 7 June, 1872, c. 322, s. 35, v. 17, p. 269.

master or owner who neglects or refuses to make payment in manner hereinbefore mentioned, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods; which sum shall be recoverable as wages in any claim made before the court. But this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

Payment of wages at ports, &c.

20 July, 1790, c. 29, s. 6, v. 1, p. 133.

SEC. 4530. Every seaman shall be entitled to receive from the master of the vessel to which he belongs, one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall be then due.

Allotment of wages.

7 June, 1872, c. 322, s. 16, v. 17, p. 266.

SEC. 4531. All stipulations for the allotment of any part of the wages of a seaman, during his absence, which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

Advances.

Ibid., s. 17.

SEC. 4532. No advance of wages shall be made, or advance security given to any person, but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman except in the presence of the shipping-commissioner.

Recovery in case of unlawful advance.

Ibid., s. 18.

SEC. 4533. If any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the provisions of the two preceding sections, the wages of such seaman shall be recoverable by him, as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon, unless he was a party to such breach.

Discount of advance security.

Ibid., s. 19.

SEC. 4534. Whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the vessel from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the vessel from the port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security; and in any such proceeding it shall be sufficient for such person to prove that the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and receipted by the seaman; and the seaman shall be presumed to have sailed in the vessel from such port, and to be duly earning his wages, unless the contrary is proved.

Loss of lien.

Ibid., s. 31, p. 268.

SEC. 4535. No seaman shall, by any agreement other than is provided by this Title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

No attachment or assignment of wages.

Ibid., s. 61, p. 276.

SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party

making the same, except such advance securities as are authorized by this Title.

Limit of sum recoverable during voyage.

SEC. 4537. No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

20 July, 1790, c. 29, s. 4, v. 1, p. 133.

Effects of deceased seamen.

SEC. 4538. Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

7 June, 1872, c. 322, s. 43, v. 17, p. 271.

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

Proceedings in regard to effects of deceased seamen.

SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

Ibid., s. 44.

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping-commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

Penalty for neglect in regard to seaman's effects.

SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects

Ibid., s. 45.

of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

Duties of consular officers in regard to deceased seaman's effects.

Ibid., s. 46, p. 272.

SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district judge requires.

Payment of wages in case of death within the United States.

Ibid., s. 47.

SEC. 4542. Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

Payment to circuit court.

Ibid., s. 48.

SEC. 4543. Every shipping-commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

Distribution of seaman's money and effects by circuit court.

Ibid., s. 49.

SEC. 4544. If the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if he thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred

dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

Unclaimed wages and effects of deceased seamen.

Ibid., s. 50, p. 273.

SEC. 4545. When no claim to the wages or effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in their opinion, it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

Summons for non-payment of wages.

20 July, 1790, c. 29, s. 6, v. 1, p. 133. 23 Aug., 1842, c. 188, s. 1, v. 5, p. 517.

SEC. 4546. Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a circuit court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

The steamboat Thomas Jefferson, 10 Wh., 428; The Cypress, Blatch. & H., 83; The Cadmus, Blatch. & H., 139; The Warrington, Blatch. & H., 335; Freeman *v.* Baker, Blatch. & H., 372; The Phœbe, Ware, 367; The Schooner David Faust, 1 Ben., 183; Whiteman *v.* The Ship Neptune, 1 Pet. Adm., 183; The Commerce, Sprague, 34; Collins *v.* Nickerson, Sprague, 126; The Ship William Jarvis, Sprague, 485; Kief & Lang *v.* The Steamboat London, Newb., 6; The Schooner Eagle, Olc., 232.

Libel for wages.

20 July, 1790, c. 29, s. 6, v. 1, p. 133. 23 Aug., 1842, c. 188, s. 1, v. 5, p. 517.

SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the vessel, and the suit shall be proceeded on in the court, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suit all the seamen having cause of complaint of the like kind against the same vessel, shall be joined as complainants; and it shall be incumbent on the master to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction, wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

Oliver *v.* Alexander, 6 Pet., 143; The Trial, Blatch. & H., 94.

Wages payable in gold.

3 Mar., 1873, c. 265, p. 602.

SEC. 4548. Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

CHAPTER FOUR.

DISCHARGE.

Sec.
4549. Mode of discharge.
4550. Account on discharge.
4551. Certificate of discharge.
4552. Rules for settlement.
4553. Certificate of character.

Mode of discharge.

7 June, 1872, c. 322, s. 22, v. 17, p. 266.

SEC. 4549. All seamen discharged in the United States from merchant-vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this Title, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars. [See § 5363.]

Account on discharge.

Ibid., s. 23, p. 267.

SEC. 4550. Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log-book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

Certificate of discharge.

Ibid., s. 24.

SEC. 4551. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this Title; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection-district where no shipping-commissioner has been appointed, he may perform for himself the duties of such commissioner.

Rules for settlement.

Ibid., s. 24.

SEC. 4552. The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping-commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping-commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping-commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

SEC. 4553. Upon every discharge effected before a shipping-commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this Title, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

Certificate of character.

Ibid., s. 28, p. 268.

CHAPTER FIVE.

PROTECTION AND RELIEF.

Sec.
4554. Commissioner to act as arbiter.
4555. Examination of witnesses.
4556 Complaint that vessel is unseaworthy.
4557. Proceedings upon examination of vessel after vessel found seaworthy.
4558. Penalty for refusal to proceed when vessel found seaworthy.
4559. Appointment of inspectors by consul in foreign ports.
4560. Report of inspectors.
4561. Discharge of seamen on account of unseaworthiness of vessel.
4562. Payment of charges for inspection.
4565 Refusal to pay wages, charges, and damages; penalty.
4564. Provisions.
4565. Examination of provisions.
4566. Forfeiture for false complaint.
4567. Permission to enter complaint.
4568. Allowance for reduction of provisions.
4569. Medicines.
4570. Penalty for failure to keep medicines.
4571. Weights and measures.
4572. Clothing and fuel.
4573. List of crew to be delivered to collector.
4574. Certificate to list.
4575. Rules as to list of crew.
4576. Bond for return of seamen.
4577. Return of seamen.
4578. Penalty for refusal to receive seamen.
4579. Additional allowance for transportation of destitute seamen.
4580. Extra wages on discharge.
4581. Penalty for neglect to collect extra wages.
4582. Extra wages upon discharge in case of sale.
4583. When extra wages may be remitted.
4584. Disposal of extra wages.
4585. Assessment of forty cents per month.
4586. Hospital dues of vessels sold abroad.
4587. No enrollment without payment.
4588. Certificate of citizenship.
4589. Protest upon impressment.
4590. Penalty for neglecting to make protest.
4591. List of certificates of citizenship.

SEC. 4554. Every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof.

Commissioner to act as arbiter.

7 June, 1872, c. 322, s. 25, v. 17, p. 267.

SEC. 4555. In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping-commissioner, under the provisions of this Title, such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

Examination of witnesses.

Ibid., s. 26.

Complaint that vessel is unseaworthy.

20 July, 1790, c. 29, s. 3, v. 1, p. 132.

SEC. 4556. If the mate or first officer under the master, and a majority of the crew of any vessel, bound on a voyage to any foreign port, shall, after the voyage is begun, and before the vessel shall have left the land, discover that the vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the mate or other officer and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the crew who shall have made such request.

Proceedings upon examination of vessel.

Ibid.

SEC. 4557. The judge or justice shall, upon such application of the master or commander, issue his precept directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the judge or justice, as the case may be, in writing under their hands, or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge, and shall indorse on the report his judgment, whether the vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear, upon the report and judgment, to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages growing due to the complaining seamen.

Penalty for refusal to proceed when vessel found seaworthy.

Ibid.

SEC. 4558. If after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, it shall be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman who refuses to the common jail of the county, there to remain without bail or mainprise until he has paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as are allowed by the justice, and inserted in the warrant; and the sureties of such seaman, in case he has given any, shall remain liable for such payment; nor shall any such seaman be discharged upon any writ of habeas corpus or otherwise, for want of any form of commitment, or other previous proceedings, until such sum is paid by him or his surety, if sufficient matter be made to appear, upon the return of such habeas corpus, and an examination then had, to detain him for the causes hereinbefore assigned.

Appointment of inspectors by consul in foreign port.

20 July, 1840, c. 48, v. 5, p. 396.

29 July, 1850, c. 27, s. 6, v. 9, p. 441.

Coffin v. Weld, 2 Low., 81.

SEC. 4559. Upon a complaint in writing, signed by the first, or the second and third officers and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any duties of a consul, shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of

complaint, who shall, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

Report of inspectors.

20 July, 1840, c. 48, v. 5, p. 396.

SEC. 4560. The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

Discharge of seamen on account of unseaworthiness of vessel.

Ibid.

SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the consul or other commercial agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; but if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to their pay up to the time of discharge. [See §§ 1708, 1736.]

Payment of charges for inspection.

Ibid.

SEC. 4562. The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

Refusal to pay wages and charges; damages; penalty.

Ibid., p. 397.

SEC. 4563. Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Provisions.

20 July, 1790, c. 29, s. 9, v. 1, p. 135.

SEC. 4564. Every vessel belonging to a citizen of the United States, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such vessel, besides such other provisions, stores, and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages.

Sundry Mariners *v.* The Ship Washington, 1 Pet. Adm., 219; Ferrara *v.* The Talent, Crabbe, 216; The Ship Elizabeth *v.* Rickers, 2 Paine, 291; Pratt *v.* Thomas, Ware, 439; Coleman *v.* The Brig Harriet, Bee, 80; The Elizabeth Frith, Blatch. & H., 195; The Mary Paulina, Sprague, 45; Foster *v.* Sampson, Sprague, 182; Collins et al. *v.* Wheeler et al., Sprague, 188.

Examination of provisions.

7 June, 1872, c. 322, s. 36, v. 17, p. 269.

SEC. 4565. Any three or more of the crew of any merchant-vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping-commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for

use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings. [See § 5347.]

Forfeiture for false complaint.

Ibid., s. 37.

SEC. 4566. If the officer to whom any such complaint, in regard to the provisions or the water, is made, certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

Permission to enter complaint.

Ibid., s. 38.

SEC. 4567. If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

Allowance for reduction of provisions.

Ibid., s. 39, p. 270.

SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for, is reduced, except in accordance with any regulations for reduction by way of punishment, contained in the agreement, and also for any time during which such seaman willfully, and without sufficient cause, refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore; or if it is shown that any of such provisions are, or have been during the voyage, bad in quality and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect of bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried, that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof, in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

Medicines.

Ibid., s. 40.

The Phebe, Ware, 367; Freeman *v.* Baker, Blatch. & H., 376.

SEC. 4569. Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing-vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbu-

ties, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

Penalty for failure to keep medicines.

Ibid., s. 41.

SEC. 4570. If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

Weights and measures.

Ibid., s. 42.

SEC. 4571. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

Clothing and fuel.

Ibid.

SEC. 4572. Every vessel bound on any foreign voyage shall also be provided with at least one suit of woolen clothing for each seaman, for use during the winter months; and every such vessel shall be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen.

List of crew to be delivered to collector.

28 Feb., 1803, c. 9, s. 1, v. 2, p. 203.
4 April, 1840, c. 6, s. 2, v. 5, p. 370.

Taber *v.* U. S., 1 Story, 1.

SEC. 4573. Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents.

Certificate to list.

3 Mar., 1813, c. 42, s. 3, v. 2, p. 809.

SEC. 4574. In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title.

Rules as to list of crew.

20 July, 1840, c. 48, v. 5, pp. 394, 395, 397.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

The Atlantic, Abb. Adm., 451; Lamb *v.* Briard,

SEC. 4575. The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the [*shipping-commissioner, or officer acting as such in*] [collector of the customs of] the district from which the clearance is made,

Abb. Adm., 367; Miner *v.* Harbeck, Abb. Adm., 546; The Schooner Eagle, Olc., 232; The Ship Moslem, Olc., 289; Jordan *v.* Williams, 1 Curt., 69; Snow *v.* Wope, 2 Curt., 301; Campbell *v.* Steamer Uncle Sam, 1 McAll., 77.

a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the United States attorney in his district.

Bond for return of seamen.

28 Feb., 1803, c. 9, s. 1, v. 2, p. 203.

U. S. *v.* Hatch, 1 Paine, 336; Montell *v.* U. S., Taney, 24; Tingle *v.* Tucker, Abb. Adm., 519.

SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale-fishery, shall enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the certified copy of the list of the crew, to the first boarding-officer, at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding-officer; whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. But such bond shall not be forfeited on account of the master not producing to the first boarding-officer any of the persons contained in the list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

Return of seamen.

28 Feb., 1803, c. 9, s. 4, v. 2, p. 204.

Matthews *v.* Offley, 3 Sumn., 115.

SEC. 4577. It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities. [See §§ 1719, 1786, 5368.]

Penalty for refusal to receive seamen.

Ibid.

Matthews *v.* Offley, 3 Sumn., 115.

SEC. 4578. All masters of vessels belonging to citizens of the United States, and bound to some port of the same, are required to take such destitute seamen on board of their vessels, at the request of the consuls, vice-consuls, commercial agents, or vice-commercial agents, respectively, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed between the master and the consul or officer.

Every such master who refuses the same on the request or order of such consul or officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consul or officer, given under his hand and official seal, shall be presumptive evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than two men to every one hundred tons burden of the vessel, on any one voyage. [See § 1719.]

Additional allowance for transportation of destitute seamen.

SEC. 4579. Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

28 Feb., 1811, c. 28, v. 2, p. 651.

Extra wages on discharge.

SEC. 4580. Upon the application of any seaman to a consular officer for a discharge, if it appears to such officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, the officer shall discharge such seaman; and shall require from the master of the vessel from which such discharge shall be made, the payment of three months' extra wages, over and above the wages which may then be due to such seaman. When, however, after a full hearing of both parties, the cause of discharge is found to be the misconduct of the seaman, the consular officer may remit so much of the extra wages as would be, by section forty-five hundred and eighty-four, payable to the seaman.

18 Aug., 1856, c. 127, s. 26, v. 11, p. 62.

3 Mar., 1873, c. 243, v. 17, p. 580.

[See §§ 1708, 1719, 1786.]

Penalty for neglect to collect extra wages.

SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman to the full amount of his share thereof; and if any seaman shall, after his discharge, have incurred any expense for board or other necessaries at the place of his discharge, before shipping again, such expense shall be paid out of the share of three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him. [See §§ 1719, 1786.]

18 Aug., 1856, c. 127, s. 26, v. 11, p. 62.

Extra wages upon discharge, in case of sale.

SEC. 4582. Whenever a vessel belonging to a citizen of the United States is sold in a foreign country, and her company discharged, or when a seaman, a citizen of the United States, is, with his own consent, discharged in a foreign country, it shall be the duty of the master to produce to the consular officer, the certified list of his ship's company, and to pay such consul or officer, for every seaman so discharged, designated on such list as a citizen of the United States, three months' pay, over and above the wages which may then be due to such seaman.

28 Feb., 1803, c. 9, s. 3, v. 2, p. 203.

The Atlantic, Abb. Adm., 451; Montell *v.* U. S., Taney, 24; The Caroline E. Kelly, 2 Abb. U. S., 160; Emerson *v.* Howland, 1 Mas., 45; Orne *v.* Townsend, 4 Mas., 541; Bates *v.* Seabury, Sprague, 433; Pool *v.* Welsh, Gilp., 193; The Dawn, Daveis, 121; Wells *v.* Meldrum, Blatch. & H., 342; Ogden *v.* Orr, 12 Johns., 143; U. S. *v.* Parsons, 1 Low., 107; Hoffman et al., Yarrington, 1 Lowell, 168; Pray's Case, 10 C. Cls., 453.

When extra wages may be remitted.

SEC. 4583. No payment of extra wages shall be required upon the discharge of any seaman in cases where vessels are wrecked, or stranded, or condemned as unfit for service. If any consular officer, upon the complaint of any seaman that he has fulfilled his contract, or that the voyage is continued contrary to his agreement, is satisfied that the contract has expired, or that the voyage has been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay. No payment of such extra wages, or any part thereof, shall be remitted in any case, except as allowed in this section.

20 July, 1840, c. 48, v. 5, p. 395.

18 Aug., 1856, c. 127, s. 26, v. 11, p. 62.

Disposal of extra wages.

SEC. 4584. Whenever any consular officer upon the discharge of any seaman demands or receives extra three months' wages for such seaman, two-thirds thereof shall be paid by such officer to the seaman so dis-

28 Feb., 1803, c. 9, s. 3, v. 2, p. 203. 20 July, 1840, c. 48, v. 5, p. 395. 18 Aug., 1856, c. 127, s. 26, v. 11, p. 62.

charged, upon his engagement on board of any vessel to return to the United States. The remaining third shall be retained for the purpose of creating a fund for the payment of the passages of seamen, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months by the persons receiving the same. [See § 1719.]

Pray's Case, 10 C. Cls., 453.

Assessment of forty cents per month.

20 July, 1846, c. 60, s. 1, v. 9, p. 38. 29 June, 1870, c. 169, s. 1, v. 16, p. 169. 10 Feb., 1871, Res. 27, s. 1, v. 16, p. 595. 3 *Mar.*, 1875, c. 156, *ss.* 1, 2, *v.* 18, p. 485.

SEC. 4585. There shall be assessed and collected by the collectors of customs at the ports of the United States, from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, and before such vessel shall be admitted to entry, the sum of forty cents per month for each and every seaman who shall have been employed on such vessel since she was last entered at any port of the United States; such sum such master or owner may collect and retain from the wages of such seamen. [See § 4803.]

—Buckley *v.* Brown, 5 Wall., jr., 199.

Hospital-dues of vessel sold abroad.

29 April, 1864, c. 70, v. 13, p. 61. 3 *Mar.*, 1875, c. 156, *s.* 2, *v.* 18, *p.* 485.

SEC. 4586. Whenever a sale or transfer of any vessel of the United States is made in a foreign port or water, the consular officer of the United States within whose consulate or district the same is made, or in whose hands the papers of such vessel are, is required to collect of the master or agent of such vessel all moneys that shall have become due to the United States by virtue of the preceding section, and shall remain unpaid at the time of such sale or transfer; and such consular officer shall retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of such payment the sale or transfer shall be void, excepting as against the vendor.

No enrollment without payment.

20 July, 1846, c. 60, s. 1, v. 9, p. 38. 29 June, 1870, c. 169, s. 2, v. 16, p. 169. 10 Feb., 1871, Res. 27, s. 1, v 16, p. 595. 3 *Mar.*, 1875, c. 156, *ss.* 1, 2, *v.* 18, *p.* 485.

SEC. 4587. No collector shall grant to any vessel except canal-boats employed in navigating the canals within the United States, whose enrollment or license for carrying on the coasting trade has expired, a new enrollment or license, unless the master of such vessel shall have first rendered a true account to the collector of the number of seamen and the time they have been employed on such vessel, during the continuance of the license which has so expired, and shall have paid to such collector forty cents per month for every such seaman who shall have been employed; which sum the master is hereby authorized to retain out of the wages of such seaman. Whenever the master of any registered, enrolled, or licensed vessel of the United States renders a false account of the number of seamen so employed, or of the length of time they have severally been employed, as is herein required, he shall be liable to a penalty of fifty dollars, which shall be applied to, and shall make a part of, the general fund created for the relief of sick and disabled seamen; and all needful regulations for the mode of collecting the sums hereinbefore mentioned shall be prepared under the direction of the Secretary of the Treasury, by such person as by him may be designated.

Certificate of citizenship.

28 May, 1796, c. 36, s. 4, v. 1, p. 477.

SEC. 4588. The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, that E. F., an American seaman, aged ——— years, or thereabouts, of the height of ——— feet ——— inches, (describing the said seaman as particularly as may be,) has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E. F. is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this ——— day of ———." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents. [See § 2174.]

Protest upon impressment.

Ibid., s. 4.

SEC. 4589. The master of every vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, shall, at the first port at which such vessel arrives, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen; and, if not, to what nation he belonged. Such master shall also transmit, by post or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States to the Secretary of State, together with information to whom the original protest was transmitted. In case such protest shall be made within the United States, or in any foreign country, in which no consul, agent, or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

Penalty for neglecting to make protest.

Ibid., s. 6, p. 478.

SEC. 4590. The collectors of the districts of the United States shall, from time to time, make known the provisions of the two preceding sections to all masters of vessels of the United States entering or clearing at their several offices. The master of every such vessel shall, before he is admitted to an entry by any such collector, be required to declare on oath whether any of the crew of the vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of the preceding section. Every master who willfully neglects or refuses to make the declarations herein required, or to perform the duties enjoined by the preceding section, shall be liable to a penalty of one hundred dollars. The collectors shall prosecute for any forfeiture that may be incurred under this section.

List of certificates of citizenship.

Ibid., s. 7.

SEC. 4591. The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place.

CHAPTER SIX.

FEES OF SHIPPING-COMMISSIONERS.

Sec.
4592. Fees of commissioner.
4593. Payment of fees.
4594. Limit of officer's compensation.
4595. Penalty for taking unlawful fees.

Fees of commissioner.

7 June, 1872, c. 322, ss. 5, 9, v. 17, p. 263.

In re Shipping-Commissioners Port of New York, 13 Blatch., 339.

SEC. 4592. Fees not exceeding the sums specified in the tables marked "C" and "D" in the schedule annexed to this Title, shall be payable upon all engagements and discharges and apprenticeships effected before any shipping-commissioner. Each shipping-commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping-office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

Payment of fees.

Ibid., s. 6.

SEC. 4593. Every owner, consignee, agent, or master of a vessel engaging or discharging any seaman in a shipping-office, or before a shipping-commissioner, shall pay to the shipping-commissioner the whole of the fees hereby made payable in respect of such engagement or discharge; and may, for the purpose of in part re-imbursing himself, deduct, in respect to each such engagement or discharge, from the wages of all persons except apprentices, so engaged or discharged, and retain, any sums

not exceeding the sums specified in that behalf in the table marked "E" in the schedule annexed to this Title.

Limit of officer's compensation.

Ibid., s. 66, p. 277.

SEC. 4594. In no case shall the salary, fees, and emoluments of any officer appointed under this Title be more than five thousand dollars per annum; and any additional fees shall be paid into the Treasury of the United States.

Penalty for taking unlawful fees.

Ibid., s. 7, p. 263.

SEC. 4595. Every shipping-commissioner, and every clerk or employé in any shipping-office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant-vessels, excepting the lawful fees payable under this Title, shall, for every such offense, be liable to a penalty of not more than two hundred dollars.

CHAPTER SEVEN.

OFFENSES AND PUNISHMENTS.

Sec.
4596. Various offenses by seamen; penalties.
4597. Entry of offenses in log-book.
4598. Deserters may be apprehended on justice's warrant.
4599. Arrest of seamen without warrant, when allowable.
4600. Reclamation and discharge of deserters by consular officers.
4601. Penalty for secreting seamen.
4602. Penalty for drunkenness or neglect of duty.
4603. Enforcement of forfeitures.
4604. Disposal of forfeitures.
4605. Appropriation of wages to costs of conviction.
4606. Penalty for boarding vessels before arrival.
4607. Penalty for soliciting seamen as lodgers.
4608. Carrying sheath-knives prohibited.
4609. Penalty for extortion for obtaining employment.
4610. Penalties and forfeitures, how recovered.
4611. Flogging abolished.
4612. Definitions, schedule and tables.

Various offenses by seamen; penalties.

7 June, 1872, c. 322, s. 51, v. 17, p. 273.

SEC. 4596. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offenses, he shall be punishable as follows:

First. For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned.

The Hercules Sprague, 534; Cloutman *v.* Tunison, 1 Sumn., 373; The John Martin, 2 Abb. U. S., 172; Wood *v.* The Nimrod, Gilp., 83; Magee *v.* The Moss, Gilp., 219; Brower *v.* The Maiden, Gilp., 294; The Martha, Blatch. & H., 151; Freeman *v.* Baker, Blatch. & H., 372; The Brig Cadmus *v.* Matthews, 2 Paine, 229; The Schooner Phœbe *v.* Dignum, 1 Wash., 48; The Bark Merrimac, 1 Ben., 490; The Schooner Catawanteak, 2 Ben., 189; The Brig Osceola, Olc., 451; Scott *v.* Rose, 2 Low., 381; U. S. *v.* McArdle, 2 Saw., 367.

Second. For neglecting and refusing, without reasonable cause, to join his vessel, or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel sailing from any port, either at the commencement or during the progress of any voyage; or for absence at any time without leave, and without sufficient reason, from his vessel, or from his duty, not amounting to desertion, or not treated as such by the master; by imprisonment for not more than one month, and also, at the discretion of the court, by forfeiture of his wages, of not more than two days' pay, and, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave after her arrival at her port of delivery, and before she is placed in security, by forfeiture out of his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful commands, by imprisonment for not more than two months, and also, at the discretion of the court, by forfeiture out of his wages of not more than four days' pay.

Fifth. For continued willful disobedience to lawful commands, or continued willful neglect of duty, by imprisonment for not more than six months, and also, at the discretion of the court, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum not more than twelve days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years. [See § 5359.]

Seventh. For combining with any others of the crew to disobey lawful commands, or to neglect duty, or to impede navigation of the vessel, or the progress of the voyage, by imprisonment for not more than twelve months. [See § 5360.]

Eighth. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages, of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Ninth. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to re-imburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall also be liable to imprisonment for a period of not more than twelve months.

Entry of offense in log-book.

7 June, 1872, c. 322, s. 52, v. 17, p. 274.

SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with the reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may, at its discretion, refuse to receive evidence of the offense. [See §§ 4290–4292.]

Deserters may be apprehended on justice's warrant.

20 July, 1790, c. 29, s. 7, v. 1, p. 134.

Brower *v.* The Maiden, Gilp., 294.

SEC. 4598. If any seaman who shall have signed a contract to perform a voyage shall, at any port or place, desert, or shall absent himself from such vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such justice; and if it then appears that he has signed a contract within the intent and meaning of this Title, and that the voyage agreed for is not finished, or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the justice shall commit him to the house of correction or common jail of the city, town, or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman.

Arrest of seamen without warrant, when allowable.

7 June, 1872, c. 322, s. 53, v. 17, p. 274.

SEC. 4599. Whenever, either at the commencement of or during any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in, any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master, or any mate, or the owner, or consignee, or shipping-commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any place out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon, in any case, and shall in case he so requires and it is practicable, convey him before any court of justice or magistrate of any State, city, town, or county, within the United States, authorized to take cognizance of offenses of like degree and kind, to be dealt with according to the provisions of law governing such cases; and may, for the purpose of conveying him before such court or magistrate, detain him in custody for a period not exceeding twenty-four hours, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board. If such apprehension appears to the court or magistrate

before whom the case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping-commissioner who makes the same, or causes the same to be made, shall be liable to a penalty of not more than one hundred dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

Reclamation and discharge of deserters by consular officers.

Ibid., s. 56, p. 275.

SEC. 4600. It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end, in the most effectual manner. In all cases where deserters are apprehended, the consular officer shall inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the seaman shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping-articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto, officially. [See § 1786.]

Penalty for secreting seamen.

20 July, 1790, c. 29, s. 4, v. 1, p. 133. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

SEC. 4601. Whenever any person harbors or secretes any seaman belonging to any vessel, knowing him to belong thereto, he shall be liable to pay ten dollars for every day during which he continues so to harbor or secrete such seaman, recoverable one-half to the use of the person [*persecuting*] [prosecuting] for the same, the other half to the use of the United States.

Penalty for drunkenness or neglect of duty.

7 June, 1872, c. 322, s. 54, v. 17, p. 274.

SEC. 4602. Any master of, or any seaman or apprentice belonging to, any merchant-vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

Enforcement of forfeitures.

Ibid., s. 56, p. 275.

SEC. 4603. Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Disposal of forfeitures.

Ibid., s. 55.

Stevenson *v.* Hare, 2 Saw., 583.

SEC. 4604. All clothes, effects, and wages which, under the provisions of this Title, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping-commissioner resident at the port at which the voyage of such vessel terminates; and the shipping-commissioner shall account for and pay over such balance to the judge of the circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping-commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

Appropriation of wages to costs of conviction.

Ibid., s. 57.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 4605. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such [*seamen*] [seaman,] not exceeding fifteen dollars, to be applied in re-imbursing any costs

properly incurred by the master in procuring such conviction and punishment.

Penalty for boarding vessels before arrival.

7 June, 1872, c. 322, s. 62, v. 17, p. 276.

U. S. *v.* Anderson, 10 Blatch., 227.

SEC. 4606. Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title.

Penalty for soliciting seaman as lodgers.

7 June, 1872, c. 322, s. 63, v. 17, p. 276.

SEC. 4607. If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

Carrying sheath-knives prohibited.

27 July, 1866, c. 286, ss. 1, 2, v. 14, p. 304.

SEC. 4608. No seaman in the merchant-service shall wear any sheath-knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of the Treasury; one half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

Penalty for extortion for obtaining employment.

7 June, 1872, c. 322, s. 11, v. 17, p. 264.

SEC. 4609. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever other than the fees hereby authorized, for providing him with employment, he shall, for every such offense, be liable to a penalty of not more than one hundred dollars.

Penalties and forfeitures, how recorded.

Ibid., s. 64, p. 276.

SEC. 4610. All penalties and forfeitures imposed by this Title, for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section forty-five hundred and forty-five: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond

the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

Flogging abolished.

SEC. 4611. Flogging on board vessels of commerce is hereby abolished.

28 Sept., 1850, c. 80, s. 1, v. 9, p. 515.—U. S. *v.* Collins, 2 Curt. C. C., 194.

Definitions, schedule and tables.

SEC. 4612. In the construction of this Title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

7 June, 1872, c. 322, s. 65, v. 17, p. 277.

SCHEDULE.

TABLE A.

FORM OF ARTICLES OF AGREEMENT.

Ibid., s. 68.

UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping-office):

It is agreed between the master and seamen or mariners of the ——— ———, of which ——— ——— is at present master, or whoever shall go for master, now bound from the port of ———, ———, to ———, ———, (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.)

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by ——— ———, master, on the —— day of ———, eighteen hundred and ——.

Signature of crew.	Birthplace.	Age.	Height. Feet.	Height. Inches.	Description. Complexion.	Description. Hair.	Wages per month.	Wages per run.	Advance wages.	Amount of monthly allotment.	Time of service. Months.	Time of service. Days.	Hospital-money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping-commissioner's signature or initials.	Allotment payable to—	Conduct qualifications.

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice-consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping-master.

ACCOUNT OF APPRENTICES ON BOARD.

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of register of assignment.	Port at which assignment was registered.

SCALE OF PROVISIONS TO BE ALLOWED AND SERVED OUT TO THE CREW DURING THE VOYAGE.

	Bread.	Beef.	Pork.	Flour.	Pease.	Rice.	Barley.	Tea.	Coffee.	Sugar.	Water.
	Lbs.	*Lbs.*	*Lbs.*	*Lbs.*	*Pts.*	*Pts.*	*Pts.*	*Ozs.*	*Ozs.*	*Ozs.*	*Qts.*
Sunday	1	1¼	.....	¼	.....	.....	.....	¼	¼	2	3
Monday	1	.....	1¼	.....	¼	.....	.....	¼	¼	2	3
Tuesday	1	1¼	.....	¼	.....	.....	.....	¼	¼	2	3
Wednesday	1	.....	1¼	.....	¼	.....	.....	¼	¼	2	3
Thursday	1	1¼	.....	¼	.....	.....	.....	¼	¼	2	3
Friday	1	.....	1¼	.....	¼	.....	.....	¼	¼	2	3
Saturday	1	1¼	.....	.....	.....	.....	.....	¼	¼	2	3

(Here any stipulation for changes, or substitution of one article for another, may be inserted.)

SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one-quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams, one-half pound flour or rice; one-third pint of pease or one-quarter pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other, and, for potatoes, onions may be substituted.

TABLE B.

CERTIFICATE OF DISCHARGE.

Name and official number of ship.	Port of registry.	Tonnage.	Description of voyage or employment.	Name of seaman.	Place of birth.	Date of birth.	Character.	Declines to give statement of character.	Capacity.	Date of entry.	Date of discharge.	Place of discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated —— day of ———, eighteen hundred and ———.

(Signed) ——— ———, Master.

(Countersigned) ——— ———, Seaman.

Given to the above-named seaman in my presence this —— day of ———, eighteen hundred and ———.

(Signed) ——— ———,

Shipping-Commissioner.

TABLE C.

FEES, (SEAMEN.)

Fee payable on engaging crew, for each member of the crew, (except apprentices)	$2 00
Fee payable on discharging crew, for each member of crew discharged	50

TABLE D.

FEES, (APPRENTICES.)

For each boy apprenticed to the merchant service, including the indenture	$5 00

TABLE E.

REDUCTION FROM WAGES OF SEAMEN.

In partial repayment of the fees payable in Table C, in respect of engagements, from the wages of each member of the crew, twenty-five cents.

In respect of discharges, from the wages of each member of the crew, twenty-five cents.

TITLE LIV.

PRIZE.

Sec.
4613. Application of provisions of Title.
4614. What are "vessels of the Navy."
4615. Duties of commanding officer upon making captures.
4616. Statement of claim to share in prize.
4617. Duties of prize-master.
4618. Libel and proceedings by district attorney.
4619. Duties of district attorneys.
4620. Special counsel for captors.
4621. Appointment of prize-commissioners.
4622. Duties of prize-commissioners.
4623. Duties of marshal.
4624. Appraisal, &c., of property taken for Government.
4625. Proceedings for adjudication where property is not sent in.
4626. Delivery of property on stipulation.
4627. When property may be sold.
4628. Mode of making sale.
4629. Transfer of property to another district for sale.
4630. Share of captors.
4631. Distribution of proceeds to captors.
4632. What vessels are entitled to share.
4633. What officers are entitled to share.
4634. Determination of shares.
4635. Bounty for persons on board vessels sunk or destroyed.
4636. Appeals and amendments in prize-cases.
4637. Powers of district court after appeal.
4638. Security for costs.
4639. Costs and expenses.
4640. Payment of expenses from prize-fund.
4641. Payment of prize-money.
4642. Distribution of bounty, salvage, &c.
4643. Assignments, &c., of prize-money and bounty.
4644. Accounts of clerks of district courts.
4645. Allowances and commissions to marshals.
4646. Compensation of district attorney and prize-commissioners.
4647. Accounts of district attorney and prize-commissioner.
4648. Compensation of special counsel.
4649. Payment of fees of special counsel.
4650. Commissions of auctioneers.
4651. Payment of fees of witnesses.
4652. Recaptures.

Application of provisions of Title.

SEC. 4613. The provisions of this Title shall apply to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States.

30 June, 1864, c. 174, s. 33, v. 13, p. 315.—Mrs. Alexander's Cotton, 2 Wall., 404; The Cotton Plant, 10 Wall., 577.

What are vessels of the Navy.

SEC. 4614. The term "vessels of the Navy," as used in this Title, shall include all armed vessels officered and manned by the United States, and under the control of the Department of the Navy.

Ibid., s. 32.

The Siren, 1 Low., 280.

Duties of commanding officer upon making capture.

SEC. 4615. The commanding officer of any vessel making a capture shall secure the documents of the ship and cargo, including the log-book, with all other documents, letters, and other papers found on board, and make an inventory of the same, and seal them up, and send them, with the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found, and are in the condition in which they were found; or explaining the absence of any documents or papers, or any change in their condition. He shall also send to such court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in, or to have knowledge respecting, the title, national character, or destination of the prize. He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize-master and prize-crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall deem most convenient, in view of the interests of probable claimants, as well as of the captors. If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisement made by persons as competent and impartial as can be obtained, and their reports shall be

Ibid., s. 1, p. 306.

The Sally Magee, 3 Wall., 451; The Sir William Peel, 5 Wall., 517.

[See §§ 4294-4299, 5551-5569.]

sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the Government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the assistant treasurer of the United States most accessible to such court, and subject to its order in the cause. [See § 1624, Art. 15.]

Statement of claim to share in prize.

Ibid., s. 2, p. 307.

SEC. 4616. If any vessel of the United States shall claim to share in a prize, either as having made the capture, or as having been within signal distance of the vessel or vessels making the capture, the commanding officer of such vessel shall make out a written statement of his claim, with the grounds on which it is founded, the principal facts tending to show what vessels made the capture, and what vessels were within signal distance of those making the capture, with reasonable particularity as to times, distances, localities, and signals made, seen, or answered; and such statement of claim shall be signed by him and sent to the court in which proceedings shall be had, and shall be filed in the cause.

Duties of prize-master.

Ibid., s. 3.

SEC. 4617. The prize-master shall make his way diligently to the selected port, and there immediately deliver to a prize-commissioner the documents and papers, and the inventory thereof, and make affidavit that they are the same, and are in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize-property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district attorney and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize-court. [See § 5441.]

Libel and proceedings by district attorney.

Ibid., s. 4.

The Dos Hermanos, 2 Wh., 76; The Pizarro, 2 Wh., 227; The Amiable Isabella, 6 Wh., 1; The Andromeda, 2 Wall., 481; The Sally Magee, 3 Wall., 451; The Nassau, 4 Wall., 634; The Springbock, 5 Wall., 20; The Hampton, 5 Wall., 374; The Sir William Peel, 5 Wall., 517; The Watchful, 6 Wall., 91; The Georgia, 7 Wall., 32.

SEC. 4618. Upon receiving the report of the prize-master directed by the preceding section, the attorney of the United States for the district shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court, directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation and distribution thereof; and to that end shall see that the proper preparatory evidence is taken by the prize-commissioners, and that the prize-commissioners also take the depositions de bene esse of the prize-crew, and of other transient persons cognizant of any facts bearing on condemnation or distribution.

Duties of district attorneys.

Ibid.

SEC. 4619. The district attorneys of the several judicial districts shall represent the interests of the United States in all prize-causes, and shall not act as separate counsel for the captors on any private retainer or compensation from them, unless in a question between the claimants and the captors, on a demand for damages. They shall examine all fees, costs, and expenses, sought to be charged on any prize-fund, and protect the interest of the captors and of the United States. The district attorneys of all districts in which any prize-causes are or may be pending shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize-causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require.

Special counsel for captors.

Ibid., s. 23, p. 313. 27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 252.

SEC. 4620. [*In any case of capture made by vessels of the Navy, the Secretary of the Navy may employ special counsel for captors, when, in his judgment, the services of such special counsel are needed in the particular case, for the due protection of the interests of the captors and of the Navy-pension fund; and, under the direction of the Secretary of the Navy, such counsel may institute and prosecute such proceedings in the case as may be necessary and proper for the protection of such interests.*] [See §§ 361, 363–365.]

Appointment of prize-commissioners.

30 June, 1864, c. 174, s. 5, v. 13, p. 307.

SEC. 4621. Any district court may appoint prize-commissioners, not exceeding three in number; of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests

of the captors and of the Department of the Navy in the prize-property; and at least one of the others shall be a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions.

Duties of prize-commissioners.

Ibid., s. 6, p. 308.

SEC. 4622. The prize-commissioners, or one of them, shall receive from the prize-master the documents and papers, and inventory thereof, and shall take the affidavit of the prize-master required by section forty-six hundred and seventeen, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize-courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested, without special authority from the court; and witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize-commissioners shall also take depositions de bene esse of the prize-crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize-property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be in the marshal only. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken de bene esse, and their own inventory of the prize-property; and if the captured vessel, or any of its cargo or stores, are such as in their judgment may be useful to the United States in war, they shall report the same to the Secretary of the Navy. [See § 5441.]

The Sally Magee, 3 Wall., 451; The Nassau, 4 Wall., 634; The Sir William Peel, 5 Wall., 517.

Duties of marshal.

Ibid., s. 7.

SEC. 4623. The marshal shall safely keep all prize-property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored, or to be sold. He shall insure prize-property, if in his judgment it is for the interest of all concerned. He shall keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize-commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase-money, and forthwith deposit the gross proceeds of the sales with the assistant treasurer of the United States nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of the Navy, whenever and as often as the Secretary of the Navy may require it, a full statement of the condition of each prize and of the disposal made thereof.

Appraisal, &c., of property taken for Government.

Ibid., s. 27, p. 314.

SEC. 4624. Whenever any captured vessel, arms, munitions, or other material are taken for the use of the United States before it comes into the custody of the prize court, it shall be surveyed, appraised, and inventoried, by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterward, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants and captors. In all cases of prize-property taken for or appropriated to the use of the Government, the Department for whose use it is taken or appropriated shall deposit the value thereof with the assistant treasurer of the United States nearest to the place of the session of the court, subject to the order of the court in the cause.

Proceedings for adjudication where

SEC. 4625. If by reason of the condition of the captured property, or if because the whole has been appropriated to the use of the United

property is not sent in.

30 June, 1864, c. 174, s. 28, v. 13, p. 314.

States, no part of it has been or can be sent in for adjudication, or if the property has been entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate; and in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the United States, shall be deposited with the assistant treasurer in or nearest to that district, subject to the order of the court in the cause. If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings for adjudication in any district. And if in any case of capture no proceedings for adjudication are commenced within a reasonable time, any parties claiming the captured property may, in any district court as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified.

Delivery of property on stipulation.

Ibid., s. 26, p. 313.

SEC. 4626. No prize-property shall be delivered to the claimants on stipulation, deposit, or other security, except where there has been a decree of restitution and the captors have appealed therefrom, or where the court, after a full hearing on the preparatory proofs, has refused to condemn the property on those proofs, and has given the captors leave to take further proofs, or where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market-value. In any of these cases, the court may deliver the property on stipulation or deposit of its value, if satisfied that the rights and interests of the United States and captors, or of other claimants, will not be prejudiced thereby; but a satisfactory appraisement shall be first made, and an opportunity given to the district attorney and naval prize-commissioner to be heard as to the appointment of appraisers. Any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the assistant treasurer, in the same manner as proceeds of a sale.

When property may be sold.

Ibid., s. 8, p. 308.

SEC. 4627. Whenever any prize-property is condemned, or at any stage of the proceedings is found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same are disproportionate to its value, the court shall order a sale of such property; and whenever, after the return-day on the libel, all the parties in interest who have appeared in the cause agree thereto, the court may make such order; and no appeal shall operate to prevent the making or execution of such order.

Mode of making sale.

Ibid.

SEC. 4628. Upon a sale of any prize-property by order of the court, the Secretary of the Navy shall employ an auctioneer of known skill in the branch of business to which any sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize-commissioner, and the goods shall be open to inspection at least three days before the sale.

Transfer of property to another district for sale.

Ibid., s. 30, p. 315.

SEC. 4629. Whenever it appears to the court, in the case of any prize-property ordered to be sold, that it will be for the interest of all parties to have it sold in another district, the court may direct the marshal to transfer the same to the district selected by the court for the sale, and to insure the same, with proper orders as to the time and manner of selling the same. It shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the

sale with the assistant treasurer nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending. The necessary expenses attending the insuring, transferring, receiving, keeping, and selling the property shall be a charge upon it and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he is not repaid from the proceeds, any amount not so repaid shall be allowed to him, as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or by special direction in any cause, require a marshal to transfer any prize-property from the district in which the judicial proceedings are pending, to any other district for sale; and the same proceedings shall be had as if such transfer had been made by order of the court. [See § 5441.]

Share of captors.

Ibid., s. 10, p. 309.

The Sally, 8 Cr., 382; The Dos Hermanos, 10 Wh., 306; The Hampton, 5 Wall., 376; The Selma, 1 Low., 30.

SEC. 4630. The net proceeds of all property condemned as prize, shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior force, one-half shall be decreed to the United States and the other half to the captors, except that in case of privateers and letters of marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels. [See §§ 4752, 4759.]

Distribution of proceeds to captors.

Ibid.

8 *June*, 1874, *c.* 256, *v.* 18, *p.* 63.

The iron-clad Atlanta, 3 Wall., 425.

SEC. 4631. All prize-money adjudged to the captors shall be distributed in the following proportions:

First. To the commanding officer of a fleet or squadron, one-twentieth part of all prize money awarded to any vessel or vessels under his immediate command.

Second. To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one-fiftieth part of any prize-money awarded to a vessel of such division for a capture made while under his command, such fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors; but such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive, as commander of a single ship making or assisting in the capture.

Third. To the fleet-captain, one-hundredth part of all prize-money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share, in proportion to his pay, with the other officers and men on board such vessel.

Fourth. To the commander of a single vessel, one-tenth part of all the prize-money awarded to the vessel under his command, if such vessel at the time of the capture was under the command of the commanding officer of a fleet or squadron, or a division, and three-twentieths if his vessel was acting independently of such superior officer.

Fifth. After the foregoing deductions, the residue shall be distributed and proportioned among all others doing duty on board, including the fleet-captain, and borne upon the books of the ship, in proportion to their respective rates of pay in the service.

What vessels are entitled to share.

30 June, 1864, c. 174, s. 10, v. 13, p. 309.

The Steamer Merrimac and Cargo, Blatch. Pr. Cas., 584.

SEC. 4632. All vessels of the Navy within signal-distance of the vessel or vessels making the capture, under such circumstances and in such condition as to be able to render effective aid, if required, shall share in the prize; and in case of vessels not in the Navy, none shall be entitled to share except the vessel or vessels making the capture; in which term shall be included vessels present at and rendering actual assistance in the capture.

What officers are entitled to share.

30 June, 1864, c. 174, s. 10, v. 13, c. 309.

SEC. 4633. No commanding officer of a fleet or squadron shall be entitled to receive any share of prizes captured by any vessel or vessels not under his command, nor of such prizes as may have been captured by any vessels intended to be placed under his command, before they have acted under his orders. Nor shall the commanding officer of a

The iron-clad Atlanta, 3 Wall., 425.

fleet or squadron, leaving the station where he had command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his command, nor after he has transferred his command to his successor. No officer or other person who shall have been temporarily absent on duty from a vessel on the books of which he continued to be borne, while so absent, shall be deprived, in consequence of such absence, of any prize-money to which he would otherwise be entitled. And he shall continue to share in the captures of the vessels to which he is attached, until regularly discharged therefrom.

Determination of shares.

Ibid., s. 9.

SEC. 4634. Whenever a decree of condemnation is rendered, the court shall consider the claims of all vessels to participate in the proceeds, and for that purpose shall, at as early a stage of the cause as possible, order testimony to be taken tending to show what part should be awarded to the captors, and what vessels are entitled to share; and such testimony may be sworn to before any judge or commissioner of the courts of the United States, consul or commercial agent of the United States, or notary public, or any officer of the Navy highest in rank, reasonably accessible to the deponent. The court shall make a decree of distribution, determining what vessels are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture. The decree shall recite the amount of the gross proceeds of the prize subject to the order of the court, and the amount deducted therefrom for costs and expenses, and the amount remaining for distribution, and whether the whole of such residue is to go to the captors, or one-half to the captors, and one-half to the United States.

Bounty for persons on board vessels sunk or destroyed.

Ibid., s. 11, p. 310.

SEC. 4635. A bounty shall be paid by the United States for each person on board any ship or vessel of war belonging to an enemy at the commencement of an engagement, which is sunk or otherwise destroyed in such engagement by any ship or vessel belonging to the United States or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars, if the enemy's vessel was of inferior force, and of two hundred dollars, if of equal or superior force, to be divided among the officers and crew in the same manner as prize-money; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of its class in the Navy of the United States; and there shall be paid as bounty to the captors of any vessel of war captured from an enemy, which they may be instructed to destroy, or which is immediately destroyed for the public interest, but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture.

Appeals and amendments in prize-cases.

3 Mar., 1873, c. 230, s. 2, v. 17, p. 556.

SEC. 4636. The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize cases, or allow a prize appeal therein, if it appears that any notice of appeal or of intention to appeal was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein. [See §§ 1006, 1009.]

Powers of district court after appeal.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

SEC. 4637. Notwithstanding any appeal to the Supreme Court, the district court may make and execute all necessary orders for the custody and disposal of the prize-property; and in case of appeal from a decree of condemnation, may still proceed to make a decree of distribution so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein. [See § 565.]

Security for costs.

Ibid., s. 15, p. 311.

SEC. 4638. The court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs.

Costs and expenses.

Ibid., s. 14.

The Thompson, 3 Wall., 155; Root v. U. S., 9 C. Cls., 211.

SEC. 4639. All costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize-property, when allowed by the court, shall be a charge upon such property, and shall be paid from the proceeds thereof, unless the court shall decree restitution free from such charge.

Payment of expenses from prize-fund.

SEC. 4640. No payments shall be made for any prize-fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the assistant treasurer in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the assistant treasurer to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon, and be paid out of, fund the for defraying the expenses of suits in which the United States is a party or interested.

Ibid.

Payment of prize money.

SEC. 4641. The net amount decreed for distribution to the United States, or to vessels of the Navy, shall be ordered by the court to be paid into the Treasury of the United States, to be distributed according to the decree of the court. The Treasury Department shall credit the Navy Department with each amount received to be distributed to vessels of the Navy; and the persons entitled to share therein shall be severally credited in their accounts with the Navy Department with the amounts to which they are respectively entitled. In case of vessels not of the Navy, and not controlled by any Department of the Government, the distribution shall be made by the court to the several parties entitled thereto, and the amounts decreed to them shall be divided between the owners and the ship's company, according to any written agreement between them, and in the absence of such agreement, one-half to the owners and one-half to the ship's company, according to their respective rates of pay on board; and the court may appoint a commissioner to make such distribution, subject to the control of the court, who shall make due return of his doings, with proof of actual payments by him, and who shall receive no other compensation, directly or indirectly, than such as shall be allowed him by the court. In case of vessels not of the Navy, but controlled by either Executive Department, the whole amount decreed to the captors shall be divided among the ship's company.

Ibid., s. 16.

Distribution of bounty, salvage, &c.

SEC. 4642. All ransom-money, salvage, bounty, or proceeds of condemned property, accruing or awarded to any vessel of the Navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize-money, under the direction of the Secretary of the Navy. [See § 3689, p. 728, and §§ 4681, 4652.]

Ibid., s. 11, p. 310.

Assignments, &c., of prize-money, and bounty.

SEC. 4643. Every assignment of prize or bounty money due to persons enlisted in the naval service, and all powers of attorney or other authority to draw, receipt for, or transfer the same, shall be void, unless the same be attested by the captain, or other commanding officer, and the paymaster. [See § 1480.]

Ibid., s. 12.

Accounts of clerks of district courts.

SEC. 4644. The clerk of each district court shall render, to the Secretary of the Treasury and the Secretary of the Navy, a semi-annual statement of all the sums allowed by the court, and ordered to be paid, within the previous half-year, to the district attorney and prize-commissioners for services, and to marshals for fees and commissions; and he shall, in all prize-causes in the district, for the purpose of the final decree of distribution, ascertain and keep an account of the amount deposited with the assistant treasurer, subject to the order of the court, in each prize-cause, and the amounts ordered to be paid therefrom as costs and charges, and the residue for distribution; and shall send copies of all final decrees of distribution to the Secretary of the Treasury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the distribution of the residue. For these services he shall be entitled to receive the sum of twenty-five dollars in each prize-cause, which shall be in full for the services required by this action.

Ibid., s. 17, p. 312.

Allowances and commissions to marshals.

SEC. 4645. The marshal shall be allowed his actual and necessary expenses for the custody, care, preservation, insurance, sale, or other disposal of the prize-property, and for executing any order of the court

Ibid., s. 13.

respecting the same, and shall have a commission of one-quarter of one per centum on vessels, and of one-half of one per centum on all other prize-property, calculated on the gross proceeds of each sale; and if, after he has had any prize-property in his custody, and has actually performed labor and incurred responsibility for the care and preservation thereof, the same is taken by the United States for its own use without a sale, or if it is delivered on stipulation to the claimants, he shall, in case the same is condemned, be entitled to one-half the above commissions on the amount deposited by the United States to the order of the courts, or collected upon the stipulation. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath that the same have been actually and necessarily incurred for the purpose stated.

Compensation of district attorney and prize-commissioners.

SEC. 4646. The district attorney and prize-commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize-cause, to be adjusted and determined by the court, and to be paid as costs in the cause.

Ibid., s. 20.—Blatch. Pr. Cas., 595.

Accounts of district attorney and prize-commissioner.

SEC. 4647. Each district attorney and prize-commissioner, except the naval officer, shall render to the Attorney-General an annual account of all sums he shall have received for all services in prize-causes within the previous year; and the district attorney shall be allowed to retain therefrom a sum not exceeding three thousand dollars a year, in addition to the maximum compensation allowed to be retained by him; under the provisions of Title XIII, "THE JUDICIARY," or in addition to any salary he may receive in lieu of such maximum compensation; and each such prize-commissioner shall be allowed to retain a sum not exceeding three thousand dollars a year, which shall be in full for all his official services in prize-causes; and any excess over those respective amounts shall be paid by the officer receiving the same into the Treasury of the United States, and shall be credited to the fund for paying naval pensions.

30 June, 1864, c. 174, s. 21, v. 13, p. 312.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Compensation of special counsel.

SEC. 4648. The court may allow such compensation as it deems just under the circumstances of each case to any special counsel for captors, not being the district attorney or any of his assistants, whether appointed by an Executive Department or by captors, for services actually rendered in the cause, to be paid as costs, in whole or in part, either from the entire fund or from the portion awarded to the captors; but no such allowance shall be made, except for services rendered on matters as to which the party the counsel represents has an adverse interest to the United States, or an interest otherwise proper in the opinion of the court to be represented by special counsel, or for services rendered in a contestation between parties claiming to participate in the distribution of the proceeds.

30 June, 1864, c. 174, s. 23, v. 13, p. 313.

Payment of fees of special counsel.

SEC. 4649. Fees of special counsel in prize-cases incurred or authorized by any Department, or for the defense of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize-fund in the particular cause, and audited and allowed by the Department incurring or authorizing them, and by the Solicitor of the Treasury, shall be a charge upon, and paid out of, the funds appropriated for defraying the expenses of suits in which the United States is a party or interested. [See §§ 361, 363–365.]

Ibid., s. 24.

Commissions of auctioneers.

SEC. 4650. The auctioneers employed to make sales of prize-property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one-half of one per centum on any sum exceeding ten thousand dollars on vessels, nor one per centum on that sum on other prize-property, which shall be in full for expenses, as well as for services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case.

Ibid., s. 22.

Payment of fees of witnesses.

SEC. 4651. Whenever the court shall allow fees to any witness in a prize-cause, or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the

same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in the cause; and any amount not so repaid the marshal shall be allowed as witness-fees paid by him in cases in which the United States is a party.

30 June, 1864, c. 174, s. 25, v. 13, p. 313.

Recaptures.

SEC. 4652. When any vessel or other property shall have been captured by any force hostile to the United States, and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as salvage, according to the circumstances of each case. If the captured property belonged to the United States, it shall be restored to the United States, and there shall be paid from the Treasury of the United States the salvage, costs, and expenses ordered by the court. If the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners, upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses. If the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or state in amity with the United States, and by the law or usage of such prince, government, or state, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner, upon his claim, upon such terms as by the law or usage of such prince, government, or state would be required of a citizen of the United States under like circumstances of recapture; or when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order. The whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize. Nothing in this Title shall be construed to contravene any treaty of the United States. [See §§ 4631-4642.]

Ibid., s. 29, p. 314.

The Schooner Adeline, 9 Cr., 244; The Star, 3 Wh., 78.

TITLE LV.

LIGHTS AND BUOYS.

Sec.
4653. Organization of the Light-House Board.
4654. President of the board.
4655. Chairman.
4656. Meetings of the board.
4657. Regulation of meetings.
4658. General powers and duties of board.
4659. Duty to furnish estimates of light-house expenses.
4660. Purchase of sites for light-houses.
4661. Cession of jurisdiction requisite.
4662. What cession is sufficient.
4663. Preliminary surveys.
4664. Superintendents of construction, &c., of light-houses.
4665. Contracts must be founded on official plans and on a vote of the board.
4666. Regulation of contracts for materials, &c.
4667. Contracts for erection must be upon advertisement for proposals.
4668. Substitution of light-houses for light-ships.
4669. Regulations for the light-house service.
4670. Light-house districts.
4671. Light-house inspectors.
4672. Collectors of customs to act as superintendents.
4673. Their compensation.
4674. Discontinuance and re-establishment of lights.
4675. Sale of useless sites.
4676. Warnings to be placed over obstructions.
4677. Pier-heads to be marked.
4678. Color of buoys prescribed.
4679. Restriction on compensation of officers, &c.
4680. Officers, &c., not to be interested in contracts.

Organization of the Light-House Board.

31 Aug., 1852, c. 112, s. 8, v. 10, p. 119.

SEC. 4653. The President shall appoint two officers of the Navy, of high rank, two officers of the Corps of Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, together with an officer of the Navy and an officer of engineers of the Army, as secretaries, who shall constitute the Light-House Board.

President of the board.

Ibid., s. 9.

SEC. 4654. The Secretary of the Treasury shall be ex-officio president of the Light-House Board.

Chairman.

Ibid.

SEC. 4655. The Light-House Board shall elect, by ballot, one of their number as chairman of the board, who shall preside at their meetings, when the president is absent, and shall perform such acts as may be prescribed by the rules of the board.

Meetings of the board.

Ibid., ss. 8, 10.

SEC. 4656. The Light-House Board shall meet, for the transaction of business, on the first Mondays in March, June, September, and December. But the Secretary of the Treasury may convene the board whenever, in his judgment, the exigencies of the service require it.

Regulation of meetings.

Ibid., s. 8.

SEC. 4657. The Light-House Board may adopt such regulations for the government of their meetings as they judge expedient.

General powers and duties of board.

Ibid., ss. 8, 10.
22 *June*, 1874, *c.* 416, *v.* 18, *p.* 201.
23 *June*, 1874, *c.* 455, *v.* 18, *p.* 220.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 4658. The Light-House Board shall be attached to the office of the Secretary of the Treasury, and under his superintendence shall discharge all administrative duties relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies, and materials [*fo*] [of] all kinds for building, and for rebuilding when necessary, and keeping in good repair the light-houses, light-vessels, beacons, and buoys of the United States; and shall have the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the Light-House Establishment.

Estimates of light-house expenses.

SEC. 4659. The Light-House Board shall furnish, upon the requisition of the Secretary of the Treasury, all the estimates of expense which the several branches of the light-house service may require, and such other

information as may be required, to be laid before Congress at the commencement of each session. [See § 3685.]

31 Aug., 1852, c. 112, s. 16, v. 10, p. 120.

Purchase of sites for light-houses.

SEC. 4660. The Light-House Board is authorized, whenever an appropriation has been or may be made by Congress for a new light-house, the proper site for which does not belong to the United States, to purchase the necessary land, provided the purchase-money be paid from the amount appropriated for such light-house. [See § 355.]

2 Mar., 1867, c. 167, s. 4, v. 14, p. 466.

Cession of jurisdiction requisite.

SEC. 4661. No light-house, beacon, public piers, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States. [See § 1838.]

15 May, 1820, c. 112, s. 1, v. 3, p. 598. 3 Mar., 1821, c. 52, s. 3, v. 3, p. 644.

What cession is sufficient.

SEC. 4662. A cession by a State of jurisdiction over a place selected as the site of a light-house, or other structure or work of the Light-House Establishment, shall be deemed sufficient within the preceding section, notwithstanding it contains a reservation that process issued under authority of such State may continue to be served within such place. And notwithstanding any such cession of jurisdiction contains no such reservation, all process may be served and executed within the place ceded, in the same manner as if no cession had been made.

2 Mar., 1795, c. 40, ss. 1, 2, v. 1, p. 426.

Preliminary surveys.

SEC. 4663. Whenever preliminary surveys are required to ascertain the necessity for any light-house, light-ship, beacon, or other warning to vessels, the erection of which is or may be authorized by law, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury may cause the necessary examinations and surveys on the sea-board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the direction of the Corps of Engineers. In all cases in which adverse reports are made, they shall be submitted to Congress at its next session. In all cases in which the objects authorized are favorably reported upon, the works may be commenced immediately after valid titles and cessions of jurisdiction shall have been obtained to the sites.

3 Mar., 1851, c. 37, ss. 2, 3, 4, v. 9, pp. 628, 629. 31 Aug., 1852, c. 112, ss. 5, 6, 7, v. 10, p. 118. 18 Aug., 1856, c. 160, s. 5, v. 11, p. 101. 3 Mar., 1859, c, 81, s. 6, v. 11, p. 424. 3 Mar., 1863, c. 78, s. 1, v. 12, p. 743.

Superintendents of construction, &c., of light-houses.

SEC. 4664. The President shall cause to be detailed from the Engineer Corps of the Army, from time to time, such officers as may be necessary to superintend the construction and renovation of light-houses.

3 Mar., 1831, c. 37, s. 9, v. 9, p. 629.

Contracts must be founded on official plans and on a vote of the board.

SEC. 4665. The Light-House Board shall cause to be prepared by the engineer secretary of the board, or by such officer of engineers of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost, of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the Light-House Establishment, and no bid or contract shall be accepted or entered into, except upon the decision of the board, at a regular or special meeting, and through their properly authorized officers.

31 Aug., 1852, c. 112, s. 14, v. 10, p. 120.

Regulation of contracts for materials, &c.

SEC. 4666. All materials for the construction and repair of light-houses, light-vessels, beacons, buoys, and so forth, shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of the Treasury, and all works of construction, renovation, and repair shall be made by the orders of the board, under the immediate superintendence of their engineer secretary, or of such engineer of the Army as may be detailed for that service.

Ibid., s. 14.

Contracts for erection must be upon advertisement for proposals.

SEC. 4667. No contract for the erection of any light-house shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary of the Treasury.

2 Mar., 1867, c. 149, s. 1, v. 14, p. 425.

Substitution of light-houses for light-ships.

SEC. 4668. Whenever any of the light-vessels occupying positions which are adapted to the erection of light-houses upon pile-foundations require to be rebuilt, or require such extensive repairs as to render the

3 Mar., 1859, c. 81, s. 2, v. 11, p. 424.

substitution of such light-houses advisable and practicable, such permanent structures may be erected in place of any such light-vessels; but the expense arising from all such changes and erections shall be defrayed from the general annual appropriations for repairs, and so forth, of light-vessels, except when a special appropriation is made for such change.

Regulations for the light-house service.

31 Aug., 1852, c. 112, s. 13, v. 10, p. 120.

SEC. 4669. The Light-House Board, with the approval of the Secretary of the Treasury, shall prescribe, and from time to time may alter or amend, and cause to be distributed, such regulations as they deem proper for securing an efficient, uniform, and economical administration of the Light-House Establishment.

Light-house districts.

Ibid., s. 12, p. 119.

SEC. 4670. The Light-House Board shall arrange the Atlantic, Gulf, Pacific, and Lake coasts of the United States, into light-house districts, not exceeding twelve in number.

Light-house inspectors.

Ibid., s. 12.

SEC. 4671. An officer of the Army or Navy shall be assigned to each district as a light-house inspector, subject to the orders of the Light-House Board; and shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile, when traveling under orders connected with his duties.

Collectors of customs to act as superintendents.

28 Sept., 1850, c. 77, s. 7, v. 9, p. 504. 2 Mar., 1867, c. 167, s. 4, v. 14, p. 466.

SEC. 4672. The Secretary of the Treasury shall assign to any of the collectors of the customs the superintendence of such light-houses, beacons, light-ships, and buoys, as he deems best; but no person whose compensation as collector of customs exceeds three thousand dollars a year shall receive any compensation as disbursing agent for the Light-House Establishment, whether the sums disbursed by him be for articles to be used or services rendered within or without the limits of his superintendency or collection-district: *Provided*, That where the compensation of any collector as disbursing agent is not more than three thousand dollars a year, such agent shall receive for such services not more than four hundred dollars in any fiscal year.

Their compensation.

2 Mar., 1867, c. 149, s. 4, v. 14, p. 425.

SEC. 4673. The Secretary of the Treasury is authorized to regulate the salaries of the respective keepers of light-houses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of six hundred dollars to each keeper. [See § 4245.]

Discontinuance and re-establishment of lights.

3 Mar., 1859, c. 81, s. 3, v. 11, p. 424.

SEC. 4674. The Secretary of the Treasury may, upon the recommendation of the Light-House Board, discontinue from time to time such lights as may from any cause become useless or unnecessary. And he may, upon the like recommendation, from time to time re-establish any lights which have been thus discontinued, whenever he believes such re-establishment to be required by public convenience or the necessities of trade or commerce. [See § 5358.]

Sale of useless sites.

3 Mar., 1869, c. 122, s. 1, v. 15, pp. 301, 304. 23 *June*, 1874, *c.* 455, *v.* 18, *p.* 217.

SEC. 4675. The Secretary of the Treasury may, after a week's notice to the public, sell and convey any real estate no longer used for light-house purposes, the avails of such sale to be paid into the national Treasury.

Warnings to be placed over obstructions, &c.

2 Mar., 1868, Res. No. 16, s. 1, v. 15, p. 249.

SEC. 4676. The Light-House Board may, when they deem it is necessary, place a light-vessel, or other suitable warning of danger, on or over any wreck or temporary obstruction to the entrance of any harbor, or in the channel or fairway of any bay or sound.

Pier-heads to be marked.

15 July, 1870, c. 292, s. 3, v. 16, p. 309.

SEC. 4677. The Light-House Board shall properly mark all pier-heads belonging to the United States situated on the northern and northwestern lakes, whenever the board is duly notified by the department charged with the construction or repair of pier-heads that the construction or repair of any such pier-heads has been completed.

Color of buoys prescribed.

28 Sept., 1850, c. 77, s. 6, v. 9, p. 504.

SEC. 4678. All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered, so that passing up the coast or sound, or entering the bay, harbor, or channel, red buoys with even numbers shall be passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black stripes on

either hand. Buoys in channel-ways shall be colored with alternate white and black perpendicular stripes.

Restriction upon compensation of officers, &c.

SEC. 4679. No additional salary shall be allowed to any civil, military, or naval officer on account of his being employed on the Light-House Board, or being in any manner attached to the light-house service.

31 Aug., 1852, c. 112, s. 17, v. 10, p. 120.

Officers, &c., not to be interested in contracts.

SEC. 4680. No member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the light-house service.

31 Aug., 1852, c. 112, s. 17, v. 10, p. 120.

TITLE LVI.

THE COAST SURVEY.

Sec.
4681. President may authorize surveys.
4682. Surveys beyond twenty leagues from shore.
4683. Mode of conducting surveys.
4684. Employment of officers of Army and Navy.
4685. Power to use books, &c., and to employ persons.
4686. Power to employ vessels.
4687. Manner of employment of officers of Army or Navy.
4688. Allowances for subsistence.
4689. Salary of superintendent.
4690. Report.
4691. Disposal of maps and charts.

President may authorize surveys.

10 Feb., 1807, c. 8, s. 1, v. 2, p. 413.
10 July, 1832, c. 191, s. 1, v. 4, p. 570.

SEC. 4681. The President is authorized to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes or headlands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts.

Surveys beyond twenty leagues from shore.

10 Feb., 1807, c. 8, s. 2, v. 2, p. 413.

SEC. 4682. The President may also cause such examinations and observations to be made with respect to Saint George's Bank, and to any other bank, or shoal, and the soundings and currents, although beyond the distance of twenty leagues from the shore to the Gulf Stream, as he may deem especially subservient to the commercial interests of the United States.

Mode of conducting surveys.

3 Mar., 1843, c. 100, s. 1, v. 5, p. 640.

SEC. 4683. All appropriations made for the work of surveying the coast of the United States shall be expended in accordance with the plan of re-organizing the mode of executing the survey which has been submitted to the President by a board of officers organized under the act of March three, eighteen hundred and forty-three, chapter one hundred.

Employment of officers of Army and Navy.

Ibid.

SEC. 4684. The President shall carry into effect the plan of the board, as agreed upon by a majority of its members; and shall cause to be employed as many officers of the Army and Navy of the United States as will be compatible with the successful prosecution of the work; the officers of the Navy to be employed on the hydrographical parts, and the officers of the Army on the topographical parts of the work; and no officer of the Army or Navy shall receive any extra pay out of any appropriations for surveys.

Power to use books, &c., and to employ persons.

10 July, 1832, c. 191, s. 2, v. 4, p. 571.

SEC. 4685. The President is authorized, in executing the provisions of this Title, to use all maps, charts, books, instruments, and apparatus belonging to the United States, and to direct where the same shall be deposited, and to employ all persons in the land or naval service of the United States, and such astronomers and other persons as he shall deem proper.

Power to employ vessels.

10 Feb., 1807, c. 8, s. 3, v. 2, p. 414.
14 April, 1818, c. 58, s. 1, v. 3, p. 425.

SEC. 4686. The President is authorized, for any of the purposes of surveying the coast of the United States, to cause to be employed such of the public vessels in actual service as he deems it expedient to employ, and to give such instructions for regulating their conduct as he deems proper, according to the tenor of this Title.

Manner of employment of officers of Army or Navy.

17 June, 1844, c. 105, s. 1, v. 5, pp. 681, 691.

SEC. 4687. Officers of the Army and Navy shall, as far as practicable, be employed in the work of surveying the coast of the United States, whenever and in the manner required by the Department having charge thereof.

Allowance for subsistence.

12 June, 1858, c. 154, s. 1, v. 11, pp. 319, 320.

SEC. 4688. The Secretary of the Treasury may make such allowances to the officers and men of the Army and Navy, while employed on Coast Survey service, for subsistence, in addition to their compensation, as he may deem necessary, not exceeding the sum authorized by the Treasury regulation of the eleventh day of May, eighteen hundred and forty-four.

Salary of superintendent.

SEC. 4689. The salary of the Superintendent of the Coast Survey shall be six thousand dollars a year.

3 Mar., 1853, c. 97, s. 2, v. 10, p. 209.

Report.

SEC. 4690. The Coast Survey report shall be submitted to Congress during the month of December in each year, and shall be accompanied by a general chart of the whole coasts of the United States, on as large a scale as convenient and practicable, showing, as near as practicable, the configuration of the coasts, and showing, by lines, the probable limits of the Gulf Stream, and showing, by lines, the probable limit to which the soundings off the coast will extend, and showing, by the use of colors and explanations, the exact portions of our coasts, of which complete charts have been published by the Coast Survey; also, showing such other parts of the coasts of which the triangulation, the topography, and the soundings have been completed, but not published, and, also, such parts of the coasts of which the triangulation and topography, or the triangulation only, have been completed.

3 Mar., 1853, c. 98, s. 1, v. 10, pp. 214, 217.

Disposal of maps and charts.

SEC. 4691. The Secretary of the Treasury is authorized to dispose of the maps and charts of the survey of the coast of the United States at such prices and under such regulations as may from time to time be fixed by him; and a number of copies of each sheet, not to exceed three hundred, shall be distributed among foreign governments, and Departments of our own Government, and literary and scientific associations as may be designated by the Secretary of the Treasury.

3 June, 1844, c. 37, v. 5, p. 660.

TITLE LVII.

PENSIONS.

Sec.
4692. Who may have pensions.
4693. Classes enumerated.
4694. Pension for wounds received or diseases contracted only in line of duty, &c.
4695. Rates of pension for total disability.
4696. Pension according to rank.
4697. Pensions for permanent specific disability prior to June 4, 1872.
4698. After June 4, 1872.
4698½. Increase of pensions.
4699. Pension for disability not otherwise provided for.
4700. Absentees.
4701. Period of service, how construed.
4702. Pensions to widows, or to children under sixteen years, &c.
4703. Increased pension to widows, &c.
4704. What children deemed legitimate.
4705. Widows of colored and Indian soldiers, &c.
4706. Abandonment, &c., by widow.
4707. Succession of dependent relatives.
4708. Remarriage.
4709. Commencement of pensions after March 4, 1861.
4710. When pension deemed to have accrued.
4711. Arrears of pension.
4712. Provisions of pension-laws extended.
4713. Commencement of pensions for prior wars.
4714. Declaration of claimants.
4715. Only one pension at a time.
4716. Loyalty.
4717. Claims to be prosecuted within what time.
4718. Accrued pensions.
4719. Unclaimed pensions.
4720. Pensions under special acts of Congress.
4721. Indian claims.
4722. Provisions extended to Missouri State militia.
4723. Colored soldiers enrolled as slaves.
4724. Both pension and pay not allowed, unless, &c.
4725. Half-pay to widows under laws prior to June 3, 1858.
4726. To widow for life and to children under sixteen, &c.
4727. Half-monthly pay not to exceed that of lieutenant-colonel.
4728. Navy pensions.
4729. Naval pensions to widows and children.
4730. Pensions to soldiers of Mexican war.
4731. Widows and children of Mexican war pensioners.
4732. Widows and children of pensioners of war of 1812, and Indian wars.
4733. Continuance of pensions.
4734. Pensions not to be withheld.
4735. Time for which a widow shall not receive a pension.
4736. Pensions to certain soldiers of the war of 1812.

Sec.
4737. Pensions to be at what rate, &c.
4738. Pensions to surviving widows of officers, &c., of war of 1812.
4739. Proof required; names may be stricken from pension-rolls.
4740. Loss of certificate of discharge, &c.
4741. Pension to officers and seamen of revenue-cutters.
4742. Certain claims for revolutionary pensions prohibited.
4743. What evidence sufficient to entitle widow of revolutionary soldier to get pension.
4744. Special service in investigating suspected attempts at fraud.
4745. Any pledge or transfer of pension void.
4746. Penalty for false affidavit and post-dating vouchers.
4747. Pensions not liable to attachment.
4748. Commissioner to furnish printed instructions free of charge.
4749. Certain soldiers and sailors not to be deemed deserters from Army or Navy, &c.
4750. Secretary of Navy trustee of Navy pension-fund.
4751. Penalties, how to be sued for, &c.
4752. Prize-money accruing to United States to remain a fund for pensions.
4753. Naval pension-fund, how to be invested.
4754. Rate of interest on naval pension-fund.
4755. Naval pensions payable from fund.
4756. Half-rating to disabled enlisted persons serving twenty years in Navy or Marine Corps.
4757. Serving not less than ten years, may receive what aid.
4758. Secretary of Navy trustee of privateer pension-fund.
4759. Privateer pension-fund, how derived.
4760. To be paid into Treasury, &c.
4761. Wounded, &c., privateersmen to be placed on pension-list.
4762. Commanding officers of privateers to enter names, &c., in a journal.
4763. Transcript of journals to be transmitted to Secretary of the Navy.
4764. Pension-agents to send quarterly voucher to each pensioner.
4765. Check to be drawn to order of each pensioner.
4766. Pensions to be paid only to persons entitled, &c.
4767. Blanks for vouchers; notice.
4768. Certificate of pension; fee of attorney.
4769. Pension-agent to deduct attorney's fee.
4770. Duplicates for lost checks, how issued.
4771. Biennial examinations, &c.
4772. More frequent examinations.
4773. Biennial examination by unappointed civil surgeons.

Sec.
4774. Boards of examining surgeons.
4775. Special examinations.
4776. Medical referee and examining surgeons.
4777. Appointment of civil examining surgeons authorized.
4778. Pension-agents; appointment and term of office.
4779. Bond of pension-agents.
4780. Establishment of pension-agencies.
4781. Compensation, &c., of pension-agents.
4782. Additional allowance.
4783. Penalty for embezzlement, &c., by guardian.
4784. Pension-agents, &c., to take affidavits without fee.
4785. Fees of attorney for prosecuting claims.
4786. Agreement for amount of fee to be filed.
4787. Artificial limbs to be furnished every five years.
4788. Commutation rates in money value for limb, &c.
4789. Money commutation, how paid.
4790. Commutation to persons who cannot use artificial limbs.
4791. Transportation for persons to whom artificial limbs are furnished.

Who may have pensions.

SEC. 4692. Every person specified in the several classes enumerated in the following section, who has been, since the fourth day of March, eighteen hundred and sixty-one, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided, and continue during the existence of the disability.

3 Mar., 1873, c. 234, s. 1, v. 17, pp. 566, 567.
6 *June*, 1874, *c.* 219, *v.* 18, *p.* 61.
3 *Mar.*, 1877, *c.* 120, *v.* 19, *p.* 403.

Classes enumerated.

SEC. 4693. The persons entitled as beneficiaries under the preceding section are as follows:

Officers of Army and Navy, and enlisted men, &c.

First. Any officer of the Army, including regulars, volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

3 Mar., 1873, c. 234, s. 1, v. 17, pp. 566, 567.
3 *Mar.*, 1877, *c.* 120, *v.* 19, *p.* 403.

Master, &c., serving on gun-boat, &c.

Second. Any master serving on a gun-boat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gun-boat or war-vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated while in the line of duty, for procuring his subsistence by manual labor.

Volunteers not enlisted, &c.

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or non-enlisted person, on account of disability from wounds, or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the fourth day of July, eighteen hundred and seventy-four.

Acting assistant surgeon, &c.

Fourth. Any acting assistant or contract surgeon disabled by any wound or injury received or disease contracted in the line of duty while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transitu, or in hospital.

Provost-marshal, &c.

Fifth. Any provost-marshal, deputy provost-marshal, or enrolling-officer disabled, by reason of any wound or injury, received in the discharge of his duty, to procure a subsistence by manual labor.

Pension for wounds received or diseases contracted only in line of duty, &c.

SEC. 4694. No person shall be entitled to a pension by reason of wounds or injury received or disease contracted in the service of the United States subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, unless the person who was wounded, or injured, or con-

3 Mar., 1873, c. 234, s. 1, v. 17, p. 567.

tracted the disease was in the line of duty; and, if in the military service, was at the time actually in the field, or on the march, or at some post, fort, or garrison, or en route, by direction of competent authority, to some post, fort, or garrison; or, if in the naval service, was at the time borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital.

Rates of pension for total disability.

Ibid., s. 2, p. 567. 28 *Feb.*, 1877, c. 73, *v.* 19, *p.* 264.

SEC. 4695. The pension for total disability shall be as follows, namely: For lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain, and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding and master commanding, in the naval service, thirty dollars per month; for major in the military service and in the Marine Corps, and lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant surgeon in the naval service, twenty-five dollars per month; for captain in the military service and in the Marine Corps, chaplain in the Army, and provost-marshal, professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain in the naval service, twenty dollars per month; for first lieutenant in the military service and in the Marine Corps, acting assistant or contract surgeon, and deputy provost-marshal, seventeen dollars per month; for second lieutenant in the military service and in the Marine Corps, first assistant engineer, ensign, and pilot in the naval service, and enrolling-officer, fifteen dollars per month; for cadet-midshipman, passed midshipman, midshipmen, clerks of admirals and paymasters and of other officers commanding vessels, second and third assistant engineer, master's mate, and all warrant-officers in the naval service, ten dollars per month; and for all other persons whose rank or office is not mentioned in this section, eight dollars per month; and the masters, pilots, engineers, sailors, and crews upon the gun-boats and war-vessels shall be entitled to receive the pension allowed herein to those of like rank in the naval service.

Pension according to rank.

3 Mar., 1873, c. 234, s. 2, v. 17, p. 567.

SEC. 4696. Every commissioned officer of the Army, Navy, or Marine Corps shall receive such and only such pension as is provided in the preceding section, for the rank he held at the time he received the injury or contracted the disease which resulted in the disability, on account of which he may be entitled to a pension; and any commission or presidential appointment, regularly issued to such person, shall be taken to determine his rank from and after the date, as given in the body of the commission or appointment conferring said rank: *Provided*, That a vacancy existed in the rank thereby conferred; that the person commissioned was not disabled for military duty; and that he did not willfully neglect or refuse to be mustered.

Pensions for permanent specific disibility prior to June 4, 1872.

Ibid., s. 3, p. 568. 28 *Feb.*, 1877, c. 73, *v.* 19, *p.* 264.

SEC. 4697. For the period commencing July fourth, eighteen hundred and sixty-four, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who shall have lost both feet in the military or naval service and in the line of duty, shall be entitled to a pension of twenty dollars per month; for the same period those persons who, under like circumstances, shall have lost both hands or the sight of both eyes, shall be entitled to a pension of twenty-five dollars per month; and for the period commencing March third, eighteen hundred and sixty-five, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand and one foot, shall be entitled to a pension of twenty dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand or one foot, shall be entitled to a pension of fifteen dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than

hereinafter mentioned, who by reason of injury received or disease contracted in the military or naval service of the United States and in the line of duty, shall have been permanently and totally disabled in both hands, or who shall have lost the sight of one eye, the other having been previously lost, or who shall have been otherwise so totally and permanently disabled as to render them utterly helpless, or so nearly so as to require regular personal aid and attendance of another person, shall be entitled to a pension of twenty-five dollars per month; and for the same period those who under like circumstances shall have been totally and permanently disabled in both feet, or in one hand and one foot, or otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require regular personal aid and attention, shall be entitled to a pension of twenty dollars per month; and for the same period all persons who under like circumstances shall have been totally and permanently disabled in one hand, or one foot, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of fifteen dollars per month.

Pensions for permanent specific disabilities after June 4, 1872.

3 Mar., 1873, c. 234, s. 4, v. 17, p. 569.
18 *June*, 1874, *c.* 298, *v.* 18, *p.* 78.
18 *June*, 1874, *c.* 299, *v.* 18, *p.* 78.

SEC. 4698. From and after June fourth, eighteen hundred and seventy-two, all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of thirty-one dollars and twenty-five cents per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month: *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they cannot use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month from and after June fourth, eighteen hundred and seventy-two; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of thirteen dollars per month from the same date: *Provided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree.

Increase of pensions.

3 Mar., 1873, c. 234, s. 4, v. 17, p. 569.
18 *June*, 1874, *c.* 298, *v.* 18, *p.* 78.

SEC. 4698½. Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same made under the pending claim for increase; and in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

Pensions for disability not otherwise provided for.

3 Mar., 1873, c. 234, s. 5, v. 17, p. 569.

SEC. 4699. The rate of eighteen dollars per month may be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

Absentees.

Ibid., s. 6.

SEC. 4700. Officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension-laws in the same manner as if they were in the field or hospital.

Period of service, how construed.

Ibid., s. 7.

SEC. 4701. The period of service of all persons entitled to the benefits of the pension-laws, or on account of whose death any person may become entitled to a pension, shall be construed to extend to the time of disbanding the organization to which such persons belonged, or until their actual discharge for other cause than the expiration of the service of such organization.

Pensions to widows or to children under sixteen years, &c.

Ibid., s. 8.

SEC. 4702. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or hereafter dies by reason of any wound, injury, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death, without payment to her of any part of the pension hereinafter mentioned, his child or children, under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and, if the widow remarry, the child or children shall be entitled from the date of remarriage.

Increased pension to widows, &c.

Ibid., s. 9, p. 570.

SEC. 4703. The pensions of widows shall be increased from and after the twenty-fifth day of July, eighteen hundred and sixty-six at the rate of two dollars per month for each child under the age of sixteen years, of the husband on account of whose death the claim has been, or shall be, granted. And in every case in which the deceased husband has left, or shall leave, no widow, or where his widow has died or married again, or where she has been deprived of her pension under the provisions of the pension-law, the pension granted to such child or children shall be increased to the same amount per month that would be allowed under the foregoing provisions to the widow, if living and entitled to a pension: *Provided*, That the additional pension herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided further*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care of soldiers' orphans.

What children deemed legitimate.

Ibid., s. 10.

SEC. 4704. In the administration of the pension-laws, children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate.

Widows of colored and Indian soldiers, &c.

Ibid., s. 11.

SEC. 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor, but this section shall not be applicable to any claims on account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

Abandonment, &c., by widow.

Ibid., s. 12.

SEC. 4706. If any person has died, or shall hereafter die, leaving a widow entitled to a pension by reason of his death, and a child or children under sixteen years of age by such widow, and it shall be duly certified

under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of the same, on presentation of satisfactory evidence thereof to the Commissioner of Pensions, no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of law to the contrary notwithstanding; and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, and such pension shall be paid to the guardian of such child or children; but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid.

Succession of dependent relatives.
Ibid., s. 13, p. 571.

SEC. 4707. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound, injury, casualty, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension, and has not left or shall not leave a widow or legitimate child, but has left or shall leave other relative or relatives who were dependent upon him for support, in whole or in part, at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled, to commence from the death of such person, namely: first, the mother; secondly, the father; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly: *Provided*, That where orphan children of the same parent have different guardians, or a portion of them only are under guardianship, the share of the joint pension to which each ward shall be entitled shall be paid to the guardian of such ward: *Provided*, That if in any case said person shall have left father and mother who were dependent upon him, then, on the death of the mother, the father shall become entitled to the pension, commencing from and after the death of the mother; and upon the death of the mother and father, or upon the death of the father and the remarriage of the mother, the dependent brothers and sisters under sixteen years of age shall jointly become entitled to such pension until they attain the age of sixteen years respectively, commencing from the death or remarriage of the party who had the prior right to the pension: *Provided*, That a mother shall be assumed to have been dependent upon her son within the meaning of this section if, at the date of his death, she had no other adequate means of support than the ordinary proceeds of her own manual labor and the contributions of said son or of any other persons not legally bound to aid in her support; and if, by actual contributions, or in any other way, the son had recognized his obligations to aid in support of his mother, or was by law bound to such support, and that a father or minor brother or sister shall, in like manner and under like conditions, be assumed to have been dependent, except that the income which was derived or derivable from his actual or possible manual labor shall be taken into account in estimating a father's means of independent support: *Provided further*, That the pension allowed to any person on account of his or her dependence, as hereinbefore provided, shall not be paid for any period during which it shall not be necessary as a means of adequate subsistence.

Remarriage.
Ibid., s. 14.

SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister, entitled to pension, shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage: but on the remarriage of any widow, dependent mother, or dependent sister, having a pension, such pension shall cease.

Commencement of pensions after March 4, 1861.

SEC. 4709. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred

Ibid., s. 15, p. 572.

and sixty-one, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension; provided the application for such pension has been or is hereafter filed with the Commissioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. But the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years.

When pension deemed to have accrued.

Ibid., s. 16.

SEC. 4710. In construing the preceding section, the right of persons entitled to pensions shall be recognized as accruing at the date therein stated for the commencement of such pension, and the right of a dependent father or dependent brother to pension shall not in any case be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all other classes of claimants, if applying on account of the death of a person who was regularly mustered into the service, or regularly employed in the Navy or upon the gun-boats or war-vessels of the United States, shall not be held to have accrued prior to the fourteenth day of July, eighteen hundred and sixty-two; if applying on account of a chaplain of the Army, their right shall not be held to have accrued prior to the ninth day of April, eighteen hundred and sixty-four; if applying on account of an enlisted soldier who was not mustered, or a non-enlisted man in temporary service, their right shall not be held to have accrued prior to the fourth day of July, eighteen hundred and sixty-four; if applying on account of an acting assistant or contract surgeon, their right shall not be held to have accrued prior to the third day of March, eighteen hundred and sixty-five; if applying on account of persons enlisted as teamsters, wagoners, artificers, hospital-stewards, or farriers, their right shall not be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all classes of claimants applying on account of a provost-marshal, deputy provost-marshal, or enrolling-officer, shall not be held to have accrued prior to the twenty-fifth day of July, eighteen hundred and sixty-six. But the right of a widow or dependent mother who married prior, and did not apply till subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, shall not be held to have accrued prior to that date.

Arrears of pension.

Ibid., s. 17.

SEC. 4711. It shall be the duty of the Commissioner of Pensions, upon any application by letter or otherwise by or on behalf of any pensioner entitled to arrears of pension under section forty-seven hundred and nine, or if any such pensioner has died, upon a similar application by or on behalf of any person entitled to receive the accrued pension due such pensioner at his death, to pay or cause to be paid to such pensioner, or other person, all such arrears of pension as the pensioner may be entitled to, or, if dead, would have been entitled to under the provisions of that section had he survived; and no claim-agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension.

Provisions of pension laws extended, &c.

Ibid., s. 18.

SEC. 4712. The provisions of this Title in respect to the rates of pension to persons whose right accrued since the fourth day of March, eighteen hundred and sixty-one, are extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the fourth day of March, eighteen hundred and sixty-one, to take effect from and after the twenty-fifth day of July, eighteen hundred and sixty-six; and the widows of revolutionary soldiers and sailors receiving a less sum shall be paid at the rate of eight dollars per month from and after the twenty-seventh day of July, eighteen hundred and sixty-eight.

Commencement of pensions for prior wars.

Ibid., s. 19, p. 573.

SEC. 4713. In all cases in which the cause of disability or death originated in the service prior to the fourth day of March, eighteen hundred and sixty-one, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose

account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the same. But no claim allowed prior to the sixth day of June, eighteen hundred and sixty-six, shall be affected by anything herein contained.

Declaration of claimants.
Ibid., s. 21.

SEC. 4714. Declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer hereby being fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided* That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken, and may accept declarations of claimants residing in foreign countries, made before a United States minister or consul, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul; declarations in claims of Indians made before a United States agent; and declarations in claims under the provisions of this Title relating to pensions for services in the war of eighteen hundred and twelve, made before an officer duly authorized to administer oaths for general purposes, when the applicants, by reason of infirmity of age, are unable to travel: *Provided*, That any declaration made before an officer duly authorized to administer oaths for general purposes shall be accepted to exempt a claim from the limitation as to date of filing prescribed in section forty-seven hundred and nine.

Only one pension at a time.
Ibid., s. 20.

SEC. 4715. Nothing in this Title shall be so construed as to allow more than one pension at the same time to the same person, or to persons entitled jointly; but any pensioner who shall so elect may surrender his certificate, and receive, in lieu thereof, a certificate for any other pension to which he would have been entitled had not the surrendered certificate been issued. But all payments previously made for any period covered by the new certificate shall be deducted from the amount allowed by such certificate.

Loyalty.
Ibid., s. 23.

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Claims to be prosecuted within what time.
Ibid., s. 94.

SEC. 4717. No claim for pension not prosecuted to successful issue within five years from the date of filing the same shall be admitted without record-evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension-Office, to the Adjutant-General of the Army, or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed.

Accrued pensions.
Ibid., s. 25, p. 574.

SEC. 4718. If any pensioner has died or shall hereafter die; or if any person entitled to a pension, having an application therefor pending, has died or shall hereafter die, his widow, or if there is no widow, the child or children of such person under the age of sixteen years, shall be entitled to receive the accrued pension to the date of the death of such person. Such accrued pension shall not be considered as a part of the assets of the estate of deceased, nor liable to be applied to the payment of the debts of said estate in any case whatever, but shall inure to the

sole and exclusive benefit of the widow or children; and if no widow or child survive, no payment whatsoever of the accrued pension shall be made or allowed, except so much as may be necessary to re-imburse the person who bore the expenses of the last sickness and burial of the decedent, in cases where he did not leave sufficient assets to meet such expenses.

Unclaimed pensions.

Ibid., s. 26.

SEC. 4719. The failure of any pensioner to claim his pension for three years after the same shall have become due shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, recovery from the disability, or otherwise, and the pensioner's name shall be stricken from the list of pensioners, subject to the right of restoration to the same on a new application by the pensioner, or, if the pensioner is dead, by the widow or minor children entitled to receive the accrued pension, accompanied by evidence satisfactorily accounting for the failure to claim such pension, and by medical evidence in cases of invalids who were not exempt from biennial examinations as to the continuance of the disability.

Pensions under special acts of Congress.

Ibid., s. 27.

SEC. 4720. When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension-laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special act, and the Commissioner of Pensions shall, upon satisfactory evidence that fraud was perpetrated in obtaining such special act, suspend payment thereupon until the propriety of repealing the same can be considered by Congress.

Indian claims.

Ibid., s. 28.

SEC. 4721. The term of limitation prescribed by sections forty-seven hundred and nine and forty-seven hundred and seventeen shall, in pending claims of Indians, be extended to two years from and after the third day of March, eighteen hundred and seventy-three; all proof which has heretofore been taken before an Indian agent, or before an officer of any tribe, competent according to the rules of said tribe to administer oaths, shall be held and regarded by the Pension-Office, in the examining and determining of claims of Indians now on file, as of the same validity as if taken before an officer recognized by the law at the time as competent to administer oaths; all proof wanting in said claims hereafter, as well as in those filed after the third day of March, eighteen hundred and seventy-three, shall be taken before the agent of the tribe to which the claimants respectively belong; in regard to dates, all applications of Indians now on file shall be treated as though they were made before a competent officer at their respective dates, and if found to be in all other respects conclusive, they shall be allowed; and Indians shall be exempted from the obligation to take the oath to support the Constitution of the United States.

Provisions extended to Missouri State militia.

Ibid., s. 8, p. 570.

SEC. 4722. The provisions of this Title are extended to the officers and privates of the Missouri State militia, and the provisional Missouri militia, disabled by reason of injury received or disease contracted in the line of duty while such militia was co-operating with United States forces, and the widow or children of any such person, dying of injury received or disease contracted under the circumstances herein set forth, shall be entitled to the benefits of this Title. But the pensions on account of such militia shall not commence prior to the third day of March, one thousand eight hundred and seventy-three.

Colored soldiers enrolled as "slaves."

Ibid., c. 262, p. 601.

SEC. 4723. All colored persons who enlisted in the Army during the war of the rebellion, and who are now prohibited from receiving bounty and pension on account of being borne on the rolls of their regiments as "slaves," shall be placed on the same footing, as to bounty and pension, as though they had not been slaves at the date of their enlistment.

Both pension and pay not allowed, unless, &c.

SEC. 4724. No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid, and the pay of his rank or station in the service, unless the disability for which the pension was granted be such

as to occasion his employment in a lower grade, or in the civil branch of the service.

30 April, 1844, c. 15, v. 5, p. 657.
16 Aug., 1841, c. 3, s. 2, v. 5, p. 440.

Half-pay to widows, &c., under laws prior to June 3, 1858.

SEC. 4725. All those surviving widows and minor children who have been allowed five years' half-pay, under the provisions of any general laws passed prior to the third day of June, eighteen hundred and fifty-eight, are granted a continuance of such half-pay, to commence from the date of the last payment under the respective acts of Congress granting the same, and on the terms and limitations provided in the following section.

3 June, 1858, c. 85, s. 1, v. 11, p. 309.

To widow for life, and to children under sixteen, &c.

SEC. 4726. Such half-pay is granted to such widows during life, and, where there is no widow, to the children, while under the age of sixteen years; but in case of the remarriage or death of any such widow, the half-pay shall go to the children of the decedent on account of whose services it is claimed, while such children are under sixteen years of age, and no longer.

Ibid.

Half-monthly pay not to exceed that of lieutenant-colonel.

SEC. 4727. The half-pay of such widows and children shall be half the monthly pay of the officers, non-commissioned officers, musicians and privates of the infantry of the Regular Army, and no more, and no greater sum shall be allowed to any such widow or minor children than the half-pay of a lieutenant-colonel. But the two preceding sections shall not be construed to apply to or embrace the case of any person receiving a pension for life on the third day of June, eighteen hundred and fifty-eight; and, wherever half-pay has been granted by any special act of Congress, and renewed or continued under the provisions of those sections, the same shall continue from the date above named: *Provided*, That pensions under this and the two preceding sections, shall be varied in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Ibid.

Navy pensions.

SEC. 4728. If any officer, warrant or petty officer, seaman, engineer, first, second, or third assistant engineer, fireman or coal-heaver of the Navy or any marine has been disabled prior to the fourth day of March eighteen hundred and sixty-one by reason of any injury received or disease contracted in the service and line of duty, he shall be entitled to receive during the continuance of his disability a pension proportionate to the degree of his disability not exceeding half the monthly pay of his rank as it existed in January eighteen hundred and thirty-five. But the pension of a chief-engineer shall be the same as that of a lieutenant of the Navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; but an engineer, fireman or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the thirty-first day of August eighteen hundred and forty-two.

11 Aug., 1848, c. 155, ss. 2, 3, v. 9, p. 283.
3 *Mar.*, 1877, *c.* 121, *v.* 19, *p.* 403.

Naval pensions to widows and children.

SEC. 4729. If any person referred to in the preceding section has died in the service, of injury received or disease contracted under the conditions therein stated, his widow shall be entitled to receive half the monthly pay to which the deceased was entitled at the date of his death; and in case of her death or marriage, the child or children under sixteen years of age shall be entitled to the pension. But the rate of pension herein allowed shall be governed by the pay of the Navy as it existed in January, eighteen hundred and thirty-five; and the pension of the widow of a chief engineer shall be the same as that of a widow of a lieutenant in the Navy; the pension of the widow of a first assistant engineer shall be the same as that of the widow of a lieutenant of marines; the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of the widow of a fireman or coal-heaver shall be the same as that of the widow of a seaman. But the rate of pension prescribed by this and the preceding section shall be varied from and after the twenty-fifth day of July eighteen hundred and sixty-six in accordance with the provisions of section four thousand seven hun-

11 Aug., 1848, c. 155, ss. 1, 2, 3, v. 9, p. 283.

dred and twelve of this Title; and the widow of an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of the death of her husband if his death was prior to the thirty-first day of August eighteen hundred and forty-two.

Pensions to soldiers of Mexican war.

13 May, 1846, c. 16, s. 7, v. 9, p. 10.

SEC. 4730. Any officer, non-commissioned officer, musician or private, whether of the Regular Army or volunteers disabled by reason of injury received or disease contracted while in the line of duty in actual service in the war with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability, not exceeding for total disability half the pay of his rank at the date at which he received the wound or contracted the disease which resulted in such disability. But no pension shall exceed half the pay of a lieutenant-colonel.

Widow and children of Mexican war pensioners.

3 Mar., 1873, c. 234, s. 18, v. 17, p. 572.

SEC. 4731. If any officer or other person referred to in the preceding section has died or shall hereafter die by reason of any injury received or disease contracted under the circumstances therein set forth, his widow shall be entitled to receive the same pension as the husband would have been entitled to had he been totally disabled; and in case of her death or remarriage, the child or children of such officer or other person referred to in the preceding section, while under the age of sixteen years, shall be entitled to receive the pension. But the rate of pension prescribed by this and the preceding section shall be varied after the twenty-fifth day of July, eighteen hundred and sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Widows and children of pensioners of war of 1812, and Indian wars.

14 Feb., 1871, c. 50, v. 16, p. 411.

SEC. 4732. The widows and children under sixteen years of age of the officers, non-commissioned officers, musicians and privates of the regulars, militia, and volunteers of the war of one thousand eight hundred and twelve and the various Indian wars since one thousand seven hundred and ninety who remained at the date of their death in the military service of the United States, or who received an honorable discharge and have died or shall hereafter die of injury received or disease contracted in the service and in the line of duty shall be entitled to receive half the monthly pay to which the deceased was entitled at the time he received the injury or contracted the disease which resulted in his death. But no half-pay pension shall exceed the half-pay of a lieutenant-colonel and such half-pay pension shall be varied after the twenty-fifth day of July one thousand eight hundred and sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Continuance of pensions.

SEC. 4733. All pensioners whose names are now on the pension-roll or who are entitled to restoration to the roll under any act of Congress, shall be entitled to the continuance of such pensions under the provisions and limitations of this Title, and to such further increase of pension as is herein provided.

Pensions not to be withheld.

20 May, 1836, c. 77, v. 5, p. 31.

SEC. 4734. The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

Time for which a widow shall not receive a pension.

SEC. 4735. No pension shall be granted to a widow for the same time that her husband received one.

30 April, 1844, c. 15, v. 5, p. 657.

Pensions to certain soldiers and sailors of the war of 1812.

14 Feb., 1871, c. 50, s. 1, v. 16, p. 411.

SEC. 4736. The Secretary of the Interior is directed to place on the pension-roll the names of the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States, who served sixty days in the war with Great Britain of eighteen hundred and twelve, and were honorably discharged, and such other officers and soldiers as may have been personally named in any resolution of Congress for any specific service in that war, although their term of service may have been less than sixty days, subject, however, to the provisions of section forty-seven hundred and sixteen.

Pensions to be at what rate, &c.

Ibid., s. 2.

SEC. 4737. Pensions, under the preceding section, shall be at the rate of eight dollars per month, and shall be paid to the persons entitled thereto for the term of their lives, from and after the fourteenth day of February, eighteen hundred and seventy-one. But that section shall not apply to any person who is receiving a pension at the rate of eight dollars or more per month; nor to any person who is receiving a pension less than eight dollars per month, except for the difference between the pension now received and eight dollars per month.

Pensions to surviving widows of officers, &c., of war of 1812.

Ibid., s. 1.

SEC. 4738. The surviving widows of such persons as are embraced within the provisions of the two preceding sections, shall be allowed, on the conditions and limitations therein expressed, the same pension that such persons themselves would have been entitled to receive thereunder if living on the fourteenth day of February, eighteen hundred and seventy-one: *Provided, however*, Such widows were married to the husbands, on account of whose services the pension is claimed, prior to the treaty of peace which terminated the war of eighteen hundred and twelve, and have not remarried.

Proof required; names may be stricken from pension-rolls.

Ibid., s. 3.

SEC. 4739. Before the name of any person is placed upon the pension-roll under the three preceding sections, proof shall be made, under such regulations as the Secretary of the Interior may prescribe, that the applicant is entitled to a pension under the provisions of the sections herein cited; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it appears, by proof satisfactory, that such name was put upon such roll through false or fraudulent representations.

Loss of certificate of discharge, &c.

Ibid.

SEC. 4740. The loss of a certificate of discharge shall not deprive an applicant of the benefits of sections forty-seven hundred and thirty-six, forty-seven hundred and thirty-seven, and forty-seven hundred and thirty-eight, but other proof of services performed and of an honorable discharge, if deemed satisfactory, shall be sufficient.

Pensions to officers and seamen of revenue-cutters.

18 April, 1814, c. 65, v. 3, p. 127.

SEC. 4741. The officers and seamen of the revenue-cutters of the United States, who have been or may be wounded or disabled in the discharge of their duty while co-operating with the Navy by order of the President, shall be entitled to be placed on the Navy pension-list, at the same rate of pension and under the same regulations and restrictions as are provided by law for the officers and seamen of the Navy.

Certain claims for revolutionary pensions prohibited.

2 April, 1862, c. 53, v. 12, p. 376.

SEC. 4742. From and after the second day of April, eighteen hundred and sixty-two, no claim for a pension, or for an increase of pension, shall be allowed in favor of the children or other descendants of any person who served in the war of the Revolution, or of the widow of such person, when such person or his widow died without having established a claim to a pension.

Evidence necessary to enable widow of revolutionary soldiers to get pension.

1 July, 1848, Res. No. 13, v. 9, p. 336.

SEC. 4743. In all cases where a pension has been granted to any officer or soldier of the Revolution in his life-time, the evidence upon which such pension was granted shall be conclusive of the service of such officer or soldier in the application of any widow, or woman who may have been the widow, of such officer or soldier, for a pension; and upon proof by her that she was married to any such officer or soldier, and that she is a widow, she shall thereupon be placed upon the pension-rolls at the same rate that such officer or soldier received during his life-time.

Special service in investigating suspected attempts at fraud.

3 Mar., 1873, c. 234, s. 30, v. 17, p. 575.

SEC. 4744. The Commissioner of Pensions is authorized to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the Government, through and by virtue of the provisions of the pension-laws, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special service; and any person so detailed shall have the power to administer oaths and take affidavits in the course of any such investigation.

Any pledge or transfer of pension void.

Ibid., s. 32.

SEC. 4745. Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may hereafter be, granted, shall be void and of no effect; and any person acting as attorney to receive and receipt for money for and in behalf of any person entitled to a pension shall, before receiving such money, take and

subscribe an oath, to be filed with the pension-agent, and by him to be transmitted, with the vouchers now required by law, to the proper accounting officer of the Treasury, that he has no interest in such money by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person.

Penalty for false affidavit and post-dating vouchers, &c.

Ibid., s. 33.

SEC. 4746. Every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit concerning any claim for pension, or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions, or who knowingly or willfully presents or causes to be presented at any pension-agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that on which it was actually signed or executed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or by both.

Pension not liable to attachment, &c.

Ibid.

SEC. 4747. No sum of money due, or to become due, to any pensioner, shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension-Office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner.

Commissioner to furnish printed instructions, free of charge.

Ibid., s. 22, p. 573.

SEC. 4748. That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension-Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant, he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

Certain soldiers and sailors not to be deemed deserters, &c.

19 July, 1867, c. 28, s. 15, p. 14.

SEC. 4749. No soldier or sailor shall be taken or held to be a deserter from the Army or Navy who faithfully served according to his enlistment until the nineteenth day of April, eighteen hundred and sixty-five, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date; but nothing herein contained shall operate as a remission of any forfeiture incurred by any such soldier or sailor of his pension; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred by the loss of his citizenship in consequence of his desertion.

Secretary of Navy trustee of Navy pension-fund.

10 July, 1832, c. 194, s. 1, v. 4, p. 572.

SEC. 4750. The Secretary of the Navy shall be trustee of the Navy pension-fund.

Penalties, how to be sued for, &c.

2 Mar., 1831, c. 66, s. 3, v. 4, p. 472.

SEC. 4751. All penalties and forfeitures incurred under the provisions of sections twenty-four hundred and sixty-one, twenty-four hundred and sixty-two, and twenty-four hundred and sixty-three, Title "THE PUBLIC LANDS," shall be sued for, recovered, distributed, and accounted for, under the directions of the Secretary of the Navy, and shall be paid over, one-half to the informers, if any, or captors, where seized, and the other half to the Secretary of the Navy for the use of the Navy pension-fund; and the Secretary is authorized to mitigate, in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred.

Prize-money accruing to the United States to remain a fund for pensions.

17 July, 1862, c. 204, s. 11, v. 12, p. 607.

SEC. 4752. All money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if such fund be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines. [See § 4630.]

Naval pension-fund, how to be invested.

SEC. 4753. The Secretary of the Navy, as trustee of the naval pension-fund, is directed to cause to be invested in the registered securities of the United States, on the first day of January and the first day of July of each year, so much of such fund then in the Treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and upon the requisition of the Secretary, so much of the fund as may not be required for such payment of pensions accruing during the current fiscal year shall be held in the Treasury on the days above named in each year, subject to his order, for the purpose of such immediate investment; and the interest payable in coin upon the securities in which the fund may be invested, shall be so paid, when due, to the order of the Secretary of the Navy, and he is authorized and directed to exchange the amount of such interest when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the interest so converted in the Treasury to the credit of the naval pension-fund; but nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior, as regulated by law.

1 July, 1864, Res. No. 62, v. 13, p. 414.

Rate of interest on naval pension-fund.

SEC. 4754. The interest on the naval pension-fund shall hereafter be at the rate of three per centum per annum in lawful money.

23 July, 1868, c. 229, s. 2, v. 15, p. 170.

Navy pensions payable from fund.

SEC. 4755. The Navy pensions shall be paid from the Navy pension-fund, but no payments shall be made therefrom except upon appropriations authorized by Congress.

23 July, 1868, c. 229, s. 2, v. 15, p. 170. 11 July, 1870, c. 238, v. 16, p. 222. 20 *June*, 1874, c. 335, v. 18, p. 115. 23 *Mar.*, 1876, c. 30, v. 19, p. 8. 19 *Jan.*, 1877, c. 27, v. 19, p. 224.

Half-rating to disabled enlisted persons serving twenty years in Navy or Marine Corps.

SEC. 4756. There shall be paid out of the naval pension-fund to every person who, from age or infirmity, is disabled from sea-service, but who has served as an enlisted person in the Navy or Marine Corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Asylum, Philadelphia, if he so elects, a sum equal to one-half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the Commissioner of Pensions; and applications for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of this section, shall certify the same to the Commissioner of Pensions, and such certificate shall be his warrant for making payment as herein authorized.

2 Mar., 1867, c. 174, s. 6, v. 14, p. 516.

Serving not less than ten years, may receive what aid.

SEC. 4757. Every disabled person who has served in the Navy or Marine Corps as an enlisted man for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension-fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy, and certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in the preceding section for the payment to persons disabled by long service in the Navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one-fourth the rate of such pension.

2 Mar., 1867, c. 174, s. 6, v. 14, p. 516.

Secretary of Navy trustee of privateer pension-fund.

SEC. 4758. The Secretary of the Navy shall be trustee of the privateer pension-fund.

10 July, 1832, c. 194, s. 1, v. 4, p. 572.—Decatur *v.* Paulding, 14 Pet., 497.

Privateer pension-fund; how derived.

SEC. 4759. Two per centum on the net amount, after deducting all charges and expenditures, of the prize-money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and

26 June, 1812, c. 107, s. 17, v. 2, p. 763.

cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the United States at which such captured or recaptured vessels may arrive; or to the consul or other public agent of the United States residing at the port or place, not within the United States, at which such captured or recaptured vessels may arrive. And the moneys arising therefrom are pledged by the Government of the United States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as is or may be provided by law.

To be paid into the Treasury, &c.

13 Feb., 1813, c. 22, s. 1, v. 2, p. 799.

SEC. 4760. The two per centum reserved in the hands of the collectors and consuls by the preceding section, shall be paid to the Treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes provided for by that section.

Wounded, &c., privateersmen to be placed on pension-list.

13 Feb., 1813, c. 22, s. 2, v. 2, p. 799. 2 Aug., 1813, c. 58, v. 3, p. 86.

SEC. 4761. The Secretary of the Interior is required to place on the pension-list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board of any private armed vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy, or in the line of their duty as officers, seamen, or marines of such private armed vessel; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing-master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate, and prize-masters, a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid from moneys appropriated for the payment of pensions.

Commanding officers of privateers to enter names, &c., in a journal.

SEC. 4762. The commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, is wounded or disabled, describing the manner and extent, as far as practicable, of such wound or disability.

13 Feb., 1813, c. 22, s. 3, v. 2, p. 800.

Transcript of journals to be transmitted to Secretary of the Navy.

Ibid., s. 4.

SEC. 4763. Every collector shall transmit quarterly to the Secretary of the Navy a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

Pension-agents to send quarterly voucher to each pensioner, &c.

8 July, 1870, c. 225, s. 1, v. 16, p. 193.

SEC. 4764. Within fifteen days immediately preceding the fourth day of March, June, September, and December in each year, the several agents for the payment of pensions shall prepare a quarterly voucher for every person whose pension is payable at his agency, and transmit the same by mail, directed to the address of the pensioner named in such voucher, who, on or after the fourth day of March, June, September, and December next succeeding the date of such voucher, may execute and return the same to the agency at which it was prepared, and at which the pension of such person is due and payable.

Check to be drawn to order of each pensioner.

Ibid., s. 2, p. 194.

SEC. 4765. Upon the receipt of such voucher, properly executed, and the identity of the pensioner being established and proved in the manner prescribed by the Secretary of the Interior, the agent for the payment of pensions shall immediately draw his check on the proper assistant treasurer or designated depositary of the United States for the amount due such pensioner, payable to his order, and transmit the same by mail, directed to the address of the pensioner entitled thereto; but any pensioner may be required, if thought proper by the Commissioner of Pensions, to appear personally and receive his pension.

Pensions to be paid only to persons entitled, &c.

Ibid., s. 4.

SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this Title, and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim-agent, broker, or other person, shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon. But payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed; and pensions payable to persons in foreign countries may be made according to the provisions of existing laws.

Blanks for vouchers; notice.

Ibid., s. 5.

SEC. 4767. The Secretary of the Interior shall cause suitable blanks for the vouchers mentioned in section forty-seven hundred and sixty-four to be printed and distributed to the agents for the payment of pensions, upon which he shall cause a note to be printed informing pensioners of the fact that hereafter no pension will be paid, except upon the vouchers issued as herein directed.

Certificate of pension and fee of attorney.

Ibid., s. 9, p. 195.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 4768. The Commissioner of Pensions shall forward the certificate of [*pensions*] [pension,] granted in any case, to the agent for paying pensions where such certificate is made payable, and at the same time forward therewith one of the articles of agreement filed in the case and approved by the Commissioner, setting forth the fee agreed upon between the claimant and the attorney or agent, and where no agreement is on file, as hereinbefore provided, he shall direct that a fee of ten dollars only be paid the agent or attorney. [See § 5485.]

Pension-agent to deduct attorney's fees.

8 July, 1870, c. 225, s. 10, v. 16, p. 193.

SEC. 4769. It shall be the duty of the agent paying such pension to deduct from the amount due the pensioner the amount of fee so agreed upon or directed by the Commissioner to be paid where no agreement is filed and approved, and to forward or cause to be forwarded to the agent or attorney of record named in such agreement, or, in case there is no agreement, to the agent prosecuting the case, the amount of the proper fee, deducting therefrom the sum of thirty cents in payment of his services in forwarding the same.

Duplicate for lost checks, how issued.

19 April, 1871, c. 16, v. 17, p. 4.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 4770. [*In place of original checks issued for pensions, when lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months from the date of such checks, to issue duplicate checks, and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such checks, drawn in pursuance of law by such officers or agents, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury may prescribe. But this section shall not apply to any check exceeding in amount the sum of five hundred dollars.*]

Biennial examinations, &c.

3 Mar., 1873, c. 234, s. 34, v. 17, p. 576.

SEC. 4771. In all cases of application for the payment of pensions to invalid pensioners to the fourth day of September of an odd year, the certificate of an examining surgeon duly appointed by the Commissioner of Pensions, or of a surgeon of the Army or Navy, stating the continuance of the disability for which the pension was originally granted, describing it, and the degree of such disability at the time of making the certificate, shall be required to accompany the vouchers, and a duplicate thereof shall be filed in the office of the Commissioner of Pensions; and if in a case of continued disability it shall be stated at a degree below that for which the pension was originally granted, or was last paid, the pensioner shall only be paid for the quarter then due at the rate stated in the certificate. But where the pension was originally granted for a disability in consequence of the loss of a limb, or other essential portion of the body, or for other cause which cannot, either in whole or in part, be removed, or when a disability is certified, by competent examining surgeons, to the satisfaction of the Commissioner of Pensions, to have become permanent in a degree equal to the whole rate of pension, the above certificate shall not be necessary to entitle the pensioner to payment.

More frequent examination.

SEC. 4772. Nothing in the preceding section shall be construed to prevent the Commissioner of Pensions from requiring a more frequent examination, if, in his judgment, it is necessary.

Ibid.

Biennial examinations by unappointed civil surgeons, &c.

SEC. 4773. The biennial certificate of two unappointed civil surgeons shall not be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

4 July, 1864, c. 247, s. 1, v. 13, p. 387.

Boards of examining surgeons.

SEC. 4774. The Commissioner of Pensions is authorized to organize, at his discretion, boards of examining surgeons, not to exceed three members, and each member of a board thus organized who is actually present and makes, in connection with other members or member, an ordered or periodical examination, shall be entitled to the fee of one dollar, on the receipt of a proper certificate of such examination by the Commissioner of Pensions.

3 Mar., 1873, c. 234, s. 36, v. 17, p. 576.

Special examinations.

SEC. 4775. Examining surgeons duly appointed by the Commissioner of Pensions, and such other qualified surgeons as may be employed in the Pension-Office, may be required by him, from time to time, as he deems for the interests of the Government, to make special examinations of pensioners, or applicants for pension, and such examinations shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by an examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination, and the decision of such board shall be final on the question so submitted thereto, provided the Commissioner approve the same. The compensation of each of such surgeons shall be three dollars, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

Ibid., s. 37.

Medical referee and examining surgeons.

SEC. 4776. The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension-Office, as the interests of the service may demand; and his salary shall be two thousand five hundred dollars per annum. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said Bureau.

Ibid., s. 38, p. 577.

Appointment of civil examining surgeons.

SEC. 4777. The Commissioner of Pensions is empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law, and to examine applicants for pension, where he deems an examination by a surgeon appointed by him necessary; and the fee for such examinations, and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension-agents, shall be two dollars, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

Ibid., s. 35, p. 576.

Pension-agents, appointment and term of office.

SEC. 4778. The President is authorized to appoint, by and with the advice and consent of the Senate, all pension-agents, who shall hold their respective offices for the term of four years, unless sooner removed or suspended, as provided by law, and until their successors are appointed and qualified.

5 Feb., 1867, c. 32, v. 14, p. 391.

2 Mar., 1867, c. 154, ss. 1, 2, v. 14, p. 430. 5 Apr., 1869, c. 10, ss. 1, 2, v. 16, pp. 6, 7.

Bond of pension-agents.

SEC. 4779. All pension-agents shall give bond, with good and sufficient sureties, for such amount and in such form as the Secretary of the Interior may approve.

5 Feb., 1867, c. 32, v. 14, p. 391.

Establishment of pension-agencies.

SEC. 4780. The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interests and the convenience of the pensioners require; but the number of pension-agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of five hundred thousand dollars.

Ibid.

Compensation, &c., of pension-agents.

SEC. 4781. Agents for paying pensions shall receive two per centum on all disbursements made by them to pensioners. There shall be allowed, however, over and above such compensation, to every pension-agent disbursing fifty thousand dollars annually, not exceeding five hundred dollars a year for clerk-hire, office-rent, and office-expenses; to every agent disbursing one hundred thousand dollars annually, not exceeding seven hundred and fifty dollars a year; and for every fifty thousand dollars additional, not exceeding two hundred and fifty dollars a year, for like purposes. But in no case shall the aggregate amount of compensation to any one agent, paying both Army and Navy pensions, exceed four thousand dollars a year.

20 Feb., 1847, c. 13, s. 2, v. 9, p. 127. 17 July, 1862, Res. No. 70, v. 12, p. 629. 30 June, 1864, c. 183, v. 13, p. 325. 20 *June*, 1874, *c.* 335, *v.* 18, *p.* 115.

Additional allowance.

SEC. 4782. In addition to the compensation allowed in this Title, each pension-agent shall be allowed, as full compensation for all service, including postage required by the provisions of sections forty-seven hundred and sixty-four and forty-seven hundred and sixty-five, the sum of thirty cents, and no more, for each voucher prepared and paid by him, which amount shall be paid by the United States.

8 July, 1870, c. 225, s. 4, v. 16, p. 191. 20 *June*, 1874, *c.* 335, *v.* 18, *p.* 115. 23 *May*, 1876, *c.* 30, *v.* 19, *p.* 8.

Penalty for embezzlement, &c., by guardian.

SEC. 4783. Every guardian having the charge and custody of the pension of his ward who embezzles the same in violation of his trust, or fraudulently converts the same to his own use, shall be punished by fine not exceeding two thousand dollars or imprisonment at hard labor for a term not exceeding five years, or both. [See § 5436.]

3 Mar., 1873, c. 234, s. 31, v. 17, p. 575.

U. S. *v.* Bennett, 12 Blatch., 345.

Pension-agents, &c., to take affidavits without fee.

SEC. 4784. Agents for the payment of pensions, and any clerks appointed by them and designated in writing for that purpose, which designation shall be returned to and filed in the office of the Commissioner of Pensions, are required, without any fee therefor, to take and certify the affidavits of all pensioners and their witnesses who may personally appear before them for that purpose, in which case the check for the pension, when due and payable, shall be given direct to the hand of the party entitled thereto, if desired, and not mailed to his address as required by section forty-seven hundred and sixty-five.

8 July, 1870, c. 225, s. 6, v. 16, p. 194.

Fees of attorney for prosecuting claims.

SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty-land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars. [See § 5485.]

3 Mar., 1873, c. 234, s. 31, v. 17, p. 575.—2 Abb. U. S., 531.

Agreement for amount of fee to be filed.

SEC. 4786. It shall be the duty of the agent or attorney of record in the prosecution of the case to cause to be filed with the Commissioner of Pensions, for his approval, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty-land, and no agreement is filed with and approved by the Commissioner as herein provided, the fee shall be ten dollars and no more. [See § 4768.]

8 July, 1870, c. 225, s. 7, v. 16 p. 194.

Artificial limbs, &c.; to be furnished every five years.

SEC. 4787. Every officer, soldier, seaman, and marine, who was disabled, during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department, since the seventeenth day of June, eighteen hundred and seventy, with an artificial limb or apparatus for resection, or who was entitled to receive such limb or apparatus since said date, shall be

27 July, 1868, c. 264, s. 14, v. 15, p. 237. 17 June, 1870, c. 132, s. 1, v. 16, p. 153.

30 June, 1870, c. 179, v. 16, p. 174. 23 *Mar.*, 1876, c. 30, *r.* 19, *p.* 8. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

entitled to receive a new limb or apparatus at the expiration of every five years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army. [The provisions of this section shall apply to all officers, non-commissioned officers, enlisted and hired men of the land and naval forces of the United States, who, in the line of their duty as such, shall have lost limbs or sustained bodily injuries depriving them of the use of any of their limbs, to be determined by the Surgeon-General of the Army; and the term of five years herein specified shall be held to commence in each case with the filing of the application for the benefits of this section.] [See § 1176.]

Commutation rates in money value for limb, &c.

17 June, 1870, c. 132, s. 1, v. 16, p. 153. 15 *Aug.*, 1876, *c.* 300, *r.* 19, *p.* 203.

SEC. 4788. Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, seventy-five dollars; for arms, fifty dollars; for feet, fifty dollars: for apparatus for resection, fifty dollars.

Money commutation, how to be paid.

17 June, 1870, c. 132, s. 2, v. 16, p. 153.

SEC. 4789. The Surgeon-General shall certify to the Commissioner of Pensions a list of all soldiers who elect to receive money commutation instead of limbs or apparatus, with the amount due to each, and the Commissioner of Pensions shall cause the same to be paid to such soldiers in the same manner as pensions are paid.

Money commutation to those who cannot use artificial limb.

Ibid., s. 3. 27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 252.

SEC. 4790. Every person in the military or naval service who lost a limb during the war of the rebellion, [or is entitled to the benefits of section forty-seven hundred and eighty-seven,] but from the nature of his injury is not able to use an artificial limb, shall be entitled to the benefits of section forty-seven hundred and eighty-eight, and shall receive money commutation as therein provided.

Transportation for persons to whom artificial limbs are furnished.

28 July, 1866, c. 305, v. 14, p. 342. 23 *Mar.*, 1876, *c.* 30, *r.* 19, *p.* 8. 15 *Aug.*, 1876, *c.* 300, *s.* 2, *r.* 19, *p.* 204.

SEC. 4791. The Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section forty-seven hundred and eighty-seven, transportation to and from their homes and the place where they may be required to go to obtain artificial limbs provided for them under authority of law. [The transportation allowed for having artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, the cost of which shall be refunded from the appropriations for invalid pensions.]

27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 252.

TITLE LVIII.

THE PUBLIC HEALTH.

Sec.
4792. State health-laws to be observed by United States officers, &c.
4793. Discharge of cargo of vessel in quarantine.
4794. Erection of quarantine warehouses.
4795. Deposit of goods in warehouses.
4796. Extending time for entry of vessels subject to quarantine.
4797. Removal of revenue officers from port when contagious disease, &c.
4798. Removal of public offices from the capital.
4799. Adjournment of courts.
4800. Removal of prisoners.

State health-laws to be observed by United States officers, &c.

23 Feb., 1799, c. 12, s. 1, v. 1, p. 619.

Gibbons *v.* Ogden, 9 Wh., 1; Passenger Cases, 7 How., 406.

SEC. 4792. The quarantines and other restraints established by the health-laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue-cutters, and by the military officers commanding in any fort or station upon the sea-coast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health-laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this Title shall enable any State to collect a duty of tonnage or impost without the consent of Congress.

Discharge of cargo of vessel in quarantine.

Ibid., s. 2.

SEC. 4793. Whenever, by the health-laws of any State, or by the regulations made pursuant thereto, any vessel arriving within a collection-district of such State is prohibited from coming to the port of entry or delivery by law established for such district, and such health-laws require or permit the cargo of the vessel to be unladen at some other place within or near to such district, the collector, after due report to him of the whole of such cargo, may grant his warrant or permit for the unlading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health-laws permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, deem expedient for the security of the public revenue.

Erection of quarantine warehouses.

Ibid., s. 3, p. 620.

SEC. 4794. There shall be purchased or erected, under the orders of the President, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health-laws of any State, at such convenient places therein as the safety of the public revenue and the observance of such health-laws may require.

Deposit of goods in warehouses.

Ibid., s. 2, p. 619.

SEC. 4795. Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under the foregoing provisions, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health-laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

Extending time for entry of vessels

SEC. 4796. The Secretary of the Treasury is authorized, whenever a conformity to such quarantines and health-laws requires it, and in respect

subject to quarantine.

Ibid., s. 1.

to vessels subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladen therefrom, otherwise than is allowed by law, or according to the regulations hereinafter established.

Removal of revenue officers from port when contagious disease, &c.

Ibid., s. 4, p. 620.

SEC. 4797. Whenever, by the prevalence of any contagious or epidemic disease in or near the place by law established as the port of entry for any collection-district, it becomes dangerous or inconvenient for the officers of the revenue employed therein to continue the discharge of their respective offices at such port, the Secretary of the Treasury, or, in his absence, the First Comptroller, may direct the removal of the officers of the revenue from such port to any other more convenient place, within, or as near as may be to, such collection-district. And at such place such officers may exercise the same powers, and shall be liable to the same duties, according to existing circumstances, as in the port or district established by law. Public notice of any such removal shall be given as soon as may be. [See § 1776.]

Removal of public offices from the capital.

Ibid., s. 6.

SEC. 4798. In case of the prevalence of a contagious or epidemic disease at the seat of Government, the President may permit and direct the removal of any or all the public offices to such other place or places as he shall deem most safe and convenient for conducting the public business. [See § 1776.]

Adjournment of courts.

Ibid., s. 7, p. 621.

3 Mar., 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 4799. Whenever, in the opinion of the Chief Justice, or, in case of his death, or inability, of the senior associate justice of the Supreme Court, a contagious or epidemic sickness shall render it hazardous to hold the next stated session of the court at the seat of Government, the chief or such associate justice may issue his order to the marshal of the Supreme Court, directing him to adjourn the next session of the court to such other place as such justice deems convenient. The marshal shall thereupon adjourn the court, by making publication thereof in one or more public papers printed at the seat of Government from the time he shall receive such order until the time by law prescribed for commencing the session. The several circuit and district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the several circuit and district courts to some convenient place within their districts respectively. [See § 1776.]

Removal of prisoners.

25 Feb., 1799, c. 12, s. 5, v. 1, p. 620.

SEC. 4800. The judge of any district court, within whose district any contagious or epidemic disease shall at any time prevail, so as, in his opinion, to endanger the lives of persons confined in the prison of such district, in pursuance of any law of the United States, may direct the marshal to cause the persons so confined to be removed to the next adjacent prison where such disease does not prevail, there to be confined until they may safely be removed back to the place of their first confinement. Such removals shall be at the expense of the United States.

TITLE LIX.

HOSPITALS, ASYLUMS, AND CEMETERIES.

CHAPTER ONE.

HOSPITAL RELIEF FOR SEAMEN.

Sec.
4801. Power to receive gifts in aid of marine hospitals.
4802. Supervising surgeon of marine-hospital service.
4803. Custody and appropriation of "fund for the relief of sick and disabled seamen."
4804. Persons employed on canal-boats in the coasting-trade excluded.
4805. Foreign seamen admitted.
4806. Sale of marine hospitals.
4807. Superintendence of Navy hospitals.
4808. Deductions from pay of seamen, &c., for Navy-hospital fund.
4809. Appropriation of fines.
4810. Purchase and erection of Navy hospitals.
4811. Government of Naval Asylum.
4812. Allowance of rations to Navy hospitals.
4813. Allowance from pensions.

Power to receive gifts in aid of marine hospitals.

SEC. 4801. The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

16 July, 1798, c. 77, s. 4, v. 1, p. 606.

Supervising surgeon of marine-hospital service.

SEC. 4802. The Secretary of the Treasury shall, from time to time, appoint a surgeon to act as supervising surgeon of marine-hospital service, who shall, under the direction of the Secretary, supervise all matters connected with the marine-hospital service, and with the disbursement of the fund for the relief of sick and disabled seamen. He shall be entitled to a salary of not more than two thousand dollars a year, and to his necessary traveling expenses. And he shall make monthly reports to the Secretary of the Treasury.

29 June, 1870, c. 169, s. 6, v. 16, p. 170.
3 *Mar.*, 1875, *c.* 130, *v.* 18, *p.* 377.

Custody and appropriation of "fund for relief of sick and disabled seamen."

SEC. 4803. The several collectors of the customs shall respectively deposit, without abatement or reduction, the sums collected by them under the provisions of law imposing a tax upon seamen for hospital purposes, with the nearest depositary of public moneys, and shall make returns of the same, with proper vouchers, monthly, to the Secretary of the Treasury, upon forms to be furnished by him. All such moneys shall be placed to the credit of "the fund for the relief of sick and disabled seamen;" of which fund separate accounts shall be kept in the Treasury. Such fund is appropriated for the expenses of the marine-hospital service, and shall be employed, under the direction of the Secretary of the Treasury, for the care and relief of sick and disabled seamen employed in registered, enrolled, and licensed vessels of the United States.

29 June, 1870, c. 160, ss. 3, 4, 5, v. 16, p. 170.

Persons employed on canal-boats in the coasting-trade excluded.

SEC. 4804. No person employed in or connected with the navigation, management, or use of canal-boats engaged in the coasting-trade shall by reason thereof be entitled to any benefit or relief from the marine-hospital fund.

10 Feb., 1871, Res. 27, s. 1, v. 16, p. 595. 3 *Mar.*, 1875, *c.* 156, *s.* 3, *v.* 18, *p.* 485.

Foreign seamen admitted.

SEC. 4805. Sick foreign seamen may be admitted to the marine hospitals within the United States, if it can with convenience be done, on the application of the master of any foreign vessel to which any such seaman may belong Each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, which shall be paid by the master of such foreign vessel to the collector of the collection-district in which such hospital is situated. And the collector shall not grant a clearance to any foreign vessel until the money so due from her master shall be paid. The officer in charge

3 May, 1802, c. 51, s. 5, v. 2, p. 193.

of each hospital is hereby directed, under penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital under his direction, and render the same to the collector.

Sale of marine hospitals.

20 April, 1866, c. 63, s. 1, v. 14, p. 40. 27 June, 1866, c. 142, v. 14, p. 76. 3 *Mar.*, 1875, *c.* 156, *s.* 4, *v.* 18, *p.* 485.

SEC. 4806. The Secretary of the Treasury is authorized to lease, or to sell at public auction, to the highest and best bidder, for cash, after due notice in the public newspapers, such marine-hospital buildings and lands appertaining thereto as he may deem it advisable to sell, and to make, execute, and deliver all needful conveyances to the lessees or purchasers thereof respectively; and the proceeds of such leases and sales are hereby appropriated for the marine-hospital establishment. But the hospitals at Cleveland in Ohio, and Portland in Maine, shall not be sold or leased. And this section shall not be construed to authorize the Secretary of the Treasury to lease or sell any such hospital where the relief furnished to sick mariners shall show an extent of relief equal to twenty cases a day on an average for the last preceding four years, or where no other suitable and sufficient hospital accommodations can be procured upon reasonable terms for the comfort and convenience of the patients.

Superintendence of Navy hospitals.

26 Feb., 1811, c. 26, s. 1, v. 2, p. 650. 10 July, 1832, c. 194, s. 5, v. 4, p. 573.

SEC. 4807. The Secretary of the Navy shall have the general charge and superintendence of Navy hospitals.

Deduction from pay of seamen, &c., for Navy hospital-fund.

2 Mar., 1799, c. 36, s. 2, v. 1, p. 729. 26 Feb., 1811, c. 26, s. 1, v. 2, p. 650.

SEC. 4808. The Secretary of the Navy shall deduct from the pay due each officer, seaman and marine, in the Navy, at the rate of twenty cents per month for each person, to be applied to the fund for Navy hospitals.

Appropriation of fines.

26 Feb., 1811, c. 26, s. 2, v. 2, p. 650. 10 July, 1832, c. 194, s. 5, v. 4, p. 573.

SEC. 4809. All fines imposed on navy officers, seamen, and marines shall be paid to the Secretary of the Navy, for the maintenance of Navy hospitals.

Purchase and erection of Navy hospitals.

26 Feb., 1811, c. 26, s. 3, v. 2, p. 650. 10 July, 1832, c. 149, s. 5, v. 4, p. 573.

SEC. 4810. The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site, shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, when the funds permit and circumstances require; and shall provide, at one of the establishments, a permanent asylum for disabled and decrepit Navy officers, seamen, and marines.

Government of Naval Asylum.

26 Feb., 1811, c. 26, s. 4, v. 2, p. 650.

SEC. 4811. The asylum for disabled and decrepit Navy officers, seamen, and marines shall be governed in accordance with the rules and regulations prescribed by the Secretary of the Navy.

Allowance of rations to Navy hospitals.

Ibid., s. 5.

SEC. 4812. For every Navy officer, seaman, or marine admitted into a Navy hospital, the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman, or marine.

Allowance from pensions.

Ibid.

SEC. 4813. Whenever any Navy officer, seaman, or marine, entitled to a pension, is admitted to a Navy hospital, the pension, during his continuance in the hospital, shall be paid to the Secretary of the Navy and deducted from the account of such pensioner.

CHAPTER TWO.

THE SOLDIERS' HOME.

Sec.
4814. Who may become members of the Soldiers' Home.
4815. Board of commissioners of the Soldiers' Home.
4816. Officers.
4817. Sites and buildings.
4818. Funds for Soldiers' Home.
4819. Deduction from pay.
4820. Rights of pensioners and surrender of pensions.
4821. What persons are entitled to benefits of Soldiers' Home.
4822. Who are excluded.
4823. Discharge.
4824. Inmates subject to articles of war.

Who may become members of the Soldiers' Home.

3 Mar., 1851, c. 25, s. 1, v. 9, p. 595.
3 Mar., 1859, c. 83, ss. 5, 7, v. 11, p. 434.

SEC. 4814. All soldiers of the Army of the United States, and all soldiers who have been, or may hereafter be, of the Army of the United States, and who have contributed, or may hereafter contribute, according to section forty-eight hundred and nineteen, to the support of the Soldiers' Home hereby created, and the invalid and disabled soldiers, whether regulars or volunteers, of the war of eighteen hundred and twelve, and of all subsequent wars, shall, under the restrictions and provisions which follow, be members of the Soldiers' Home, with all the rights annexed thereto. [See § 4821.]

Board of commissioners of the Soldiers' Home.

3 Mar., 1851, c. 25, s. 2, v. 9, p. 595.
3 Mar., 1859, c. 83, s. 4, v. 11, p. 434.

SEC. 4815. The Commissary-General of Subsistence, the Surgeon-General, and the Adjutant-General shall constitute a board of commissioners for the Soldiers' Home, any two of whom shall be a quorum for the transaction of business, whose duty it shall be to examine and audit the accounts of the treasurer quarter-yearly, and to visit and inspect the Soldiers' Home at least once in every month. The majority shall also have power to establish, from time to time, regulations for the general and internal direction of the institution, to be submitted to the Secretary of War for approval; and may do any other acts necessary for the government and interests of the same, as authorized by this chapter.

Officers.

3 Mar., 1851, c. 25, s. 3, v. 9, p. 595.

SEC. 4816. The officers of the Soldiers' Home shall consist of a governor, a deputy governor, and a secretary, for each separate site of the home, the latter to be also treasurer; and the officers shall be taken from the Army, and appointed or removed, from time to time, as the interests of the institution may require, by the Secretary of War, on the recommendation of the board of commissioners. [See § 1259.]

Sites and buildings.

Ibid., s. 8, p. 597.

SEC. 4817. The commissioners of the Soldiers' Home, by and with the approval of the President, shall procure for immediate use, at a suitable place or places, a site or sites for the Soldiers' Home, and if the necessary buildings cannot be procured with the sites, to have the same erected, having due regard to the health of the locations, facility of access, and economy, and giving preference to such places as, with the most convenience and least cost, will accommodate the persons entitled to the benefits of the Soldiers' Home.

Funds for Soldiers' Home.

3 Mar., 1851, c. 25, s. 7, v. 9, p. 596.
5 July, 1862, c. 133, s. 2, v. 12, p. 508.

SEC. 4818. For the support of the Soldiers' Home the following funds are set apart, and are hereby appropriated: All stoppages or fines adjudged against soldiers by sentence of courts-martial, over and above any amount that may be due for the re-imbursement of Government, or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which are or may be unclaimed for the period of three years subsequent to the death of such soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased.

Deduction from pay.

3 Mar., 1851, c. 25, s. 7, v. 9, p. 596.
3 Mar., 1859, c. 83, s. 7, v. 11, p. 434.

SEC. 4819. There shall be deducted from the pay of every non-commissioned officer, musician, artificer, and private of the Army of the United States the sum of twelve and a half cents per month, which sum so deducted shall, by the Pay Department of the Army, be passed to the credit of the commissioners of the Soldiers' Home. The commissioners are also authorized to receive all donations of money or property made by any person for the benfit of the institution, and hold the same for its sole and exclusive use. But the deduction of twelve and a half cents per month from the pay of non-commissioned officers, musicians, artificers, and privates of regiments of volunteers, or other corps or regiments raised for a limited period, or for a temporary purpose or purposes, shall only be made with their consent.

Rights of pensioners and surrender of pensions.

3 Mar., 1851, c. 25, s. 5, v. 9, p. 596.
3 Mar., 1859, c. 83, s. 6, v. 11, p. 434.

SEC. 4820. The fact that one to whom a pension has been granted for wounds or disability received in the military service has not contributed to the funds of the Soldiers' Home shall not preclude him from admission thereto. But all such pensioners shall surrender their pensions to the Soldiers' Home during the time they remain therein and voluntarily receive its benefits.

What persons are entitled to benefits of Soldiers' Home.

SEC. 4821. The following persons, members of the Soldiers' Home, according to section forty-eight hundred and fourteen, shall be entitled to the rights and benefits herein conferred, and no others:

3 Mar., 1851, c. 25, s. 4, v. 9, p. 596. 3 Mar., 1859, c. 83, s. 5, v. 11, p. 434.

First. Every soldier of the Army of the United States who has served, or may serve, honestly and faithfully twenty years in the same.

Second. Every soldier and every discharged soldier, whether regular or volunteer, who has suffered, or may suffer, by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct.

Third. The invalid and disabled soldiers, whether regulars or volunteers, of the war of eighteen hundred and twelve and of all subsequent wars.

Who are excluded.

3 Mar., 1851, c. 25, s. 6, v. 9, p. 596.

SEC. 4822. The benefits of the Soldiers' Home shall not be extended to any soldier in the regular or volunteer service, convicted of felony or other disgraceful or infamous crimes of a civil nature after his admission into the service of the United States; nor shall any one who has been a deserter, mutineer, or habitual drunkard be received, without such evidence of subsequent service, good conduct, and reformation of character, as is satisfactory to the commissioners.

Discharge.

Ibid., s. 5.

SEC. 4823. Any soldier admitted into the Soldiers' Home for disability who recovers his health, so as to become fit again for military service, if under fifty years of age, shall be discharged.

Inmates subject to articles of war.

3 Mar., 1859, c. 83, s. 7, v. 11, p. 434.

SEC. 4824. All persons admitted into the Soldiers' Home shall be subject to the Rules and Articles of War in the same manner as soldiers in the Army.

CHAPTER THREE.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Sec.
4825. Organization of the National Home for Disabled Volunteer Soldiers.
4826. Election of citizen managers.
4827. Election of officers of the board of managers.
4828. Expenses of managers.
4829. Officers of the National Home.
4830. Sites for homes may be purchased and buildings erected.
4831. Funds for support of home.
4832. What persons are entitled to benefit of National Home.
4833. Out-door relief.
4834. Duties of board of managers.
4835. Inmates subject to articles of war.
4836. Amendments, &c., of laws.
4837. Documents to be furnished to certain homes.

Organization of the National Home for Disabled Volunteer Soldiers.

21 Mar., 1866, c. 21, s. 1, v. 14, p. 10. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417. 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 359. 26 *Feb.*, 1875, *J. R. No.* 5, *v.* 18, *p.* 524.

SEC. 4825. The President, Secretary of War, Chief Justice, and such other persons as have been or from time to time may be associated with them, shall constitute a board of managers of an establishment for the care and relief of the disabled volunteers of the United States Army, to be known by the name and style of "The National Home for Disabled Volunteer Soldiers," and have perpetual succession, with powers to take, hold, and convey real and personal property, establish a common seal, and to sue and be sued in courts of law and equity; and to make by-laws, rules, and regulations, not inconsistent with law, for carrying on the business and government of the home, and to affix penalties thereto.

Election of citizen managers.

21 Mar., 1866, c. 21, s. 3, v. 14, p. 10. 12 Mar., 1867, c. 1, v. 15, p. 1. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4826. Nine managers of the National Home for Disabled Volunteers shall be elected from time to time, as vacancies occur, by joint resolution of Congress. They shall all be citizens of the United States, and all residents of States which furnished organized bodies of soldiers to aid in suppressing the rebellion commenced in eighteen hundred and sixty-one; and no two of them shall be residents of the same State, and no person who gave aid or countenance to the rebellion shall ever be eligible. The term of office of these managers shall be for six years, and until a successor is elected.

Election of officers of the board of managers.

21 Mar., 1866, c. 21, s. 2, v. 14, p. 10. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4827. The twelve managers of the National Home for Disabled Volunteer Soldiers shall elect from their own number a president, who shall be the chief executive officer of the board, two vice-presidents, and a secretary. Seven of the board, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business at any meeting of the board.

Expenses of managers.

SEC. 4828. No member of the board of managers of the National Home shall receive any compensation as such member. But the traveling and other actual expenses of a member incurred while upon the business of the home may be paid, and any member of the board having other duties connected with the home may receive a reasonable compensation therefor, to be determined by the board.

21 Mar., 1866, c. 21, s. 3, v. 14, p. 10. 12 Mar., 1867, c. 1, v. 15, p. 1. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417. 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 359.

Officers of the National Home.

SEC. 4829. The officers of the National Home shall consist of a governor, a deputy governor, a secretary, and a treasurer, and such other officers as the managers may deem necessary. They shall be appointed from disabled officers who served as mentioned in the following section; and they may be appointed and removed from time to time, as the interests of the institution may require, by the board of managers.

21 Mar., 1866, c. 21, s. 6, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Sites for homes may be purchased, and buildings erected.

SEC. 4830. The board of managers shall have authority to procure from time to time, at suitable places, sites for military homes for all persons serving in the Army of the United States at any time in the war of the rebellion, not otherwise provided for, who have been or may be disqualified for procuring their own support by reason of wounds received or sickness contracted while in the line of their duty during the rebellion; and to have the necessary buildings erected, having due regard to the health of location, facility of access, and capacity to accommodate the persons entitled to the benefits thereof.

21 Mar., 1866, c. 21, s. 4, v. 14, p. 10. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Funds for support of home.

SEC. 4831. For the establishment and support of the National Home for Disabled Volunteer Soldiers there shall be appropriated all stoppages or fines adjudged against such officers and soldiers by sentence of court-martial or military commission, over and above the amounts necessary for the re-imbursement of the Government or of individuals; all forfeitures on account of desertion from such service; and all moneys due such deceased officers and soldiers, which now are or may be unclaimed for three years after the death of such officers and soldiers, to be repaid upon the demand of the heirs or legal representatives of such deceased officers or soldiers. The board of managers are also authorized to receive all donations of money or property made by any person or persons for the benefit of the home, and to hold or dispose of the same for its sole and exclusive use.

21 Mar., 1866, c. 21, s. 5, v. 14, p. 10. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417. *Repealed in part by* 3 *Mar.*, 1875, *c.* 129, *v.* 18, *p.* 359.

What persons are entitled to benefit of National Home.

SEC. 4832. The following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto, upon the recommendation of three of the board of managers, namely: All officers and soldiers who served in the late war for the suppression of the rebellion, and the volunteer soldiers and sailors of the war of eighteen hundred and twelve and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received or sickness contracted in the line of their duty; and such of these as have neither wife, child, nor parent dependent upon them, on becoming inmates of this home, or receiving relief therefrom, shall assign thereto their pensions when required by the board of managers, during the time they shall remain therein or receive its benefits.

21 Mar., 1866, c. 21, s. 7, v. 14, p. 11. 28 Feb., 1871, Res. 45, v. 16, p. 599. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Out-door relief.

SEC. 4833. The managers of the National Home for Disabled Volunteers are authorized to aid persons who are entitled to its benefits by outdoor relief in such manner and to such extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the home.

21 Mar., 1866, c. 21, s. 10, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Duties of board of managers.

SEC. 4834. The board of managers shall make an annual report of the condition of the National Home for Disabled Volunteer Soldiers to Congress on the first Monday of every January; and the board shall examine and audit the accounts of the treasurer and visit the home quarterly.

21 Mar., 1866, c. 21, s. 8, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Inmates subject to articles of war.

SEC. 4835. All inmates of the National Home for Disabled Volunteer Soldiers shall be subject to the Rules and Articles of War, and in the same manner as if they were in the Army.

21 Mar., 1866, c. 21, s. 9, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Amendment, &c., of laws.

SEC. 4836. Congress may at any time alter, amend, or repeal the laws relating to the National Home for Disabled Volunteer Soldiers.

21 Mar., 1866, c. 21, s. 13, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Documents to be furnished to certain homes.

8 June, 1868, Res. No. 32, v. 15, p. 253. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4837. The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers, at Dayton in Ohio, and to the branches at Augusta in Maine, and Milwaukee in Wisconsin, at Hampton, Virginia, and the Soldiers' Home at Knightstown Springs, near Knightstown in Indiana, each, one copy of each of the following documents: The Journals of each House of Congress at each and every session; all laws of Congress; the annual messages of the President, with accompanying documents; and all other documents or books which may be printed and bound by order of either House of Congress, including the Congressional Record.

CHAPTER FOUR.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

Sec.
4838. Establishment of the Government Hospital for the Insane.
4839. The superintendent.
4840. Board of visitors.
4841. President of board of visitors.
4842. Powers and duties of board.
4843. Admission of insane persons of the Army, Navy, Marine Corps, &c.
4844. Admission of the indigent insane of the District of Columbia.
4845. Order of admission.
4846. Certificate of judge or justice.
4847. Application by visitor.
4848. Conveyance to hospital.
4849. Admission of insane persons having property.
4850. Admission of non-residents of District.
4851. Admission of insane persons accused of crime.
4852. Insane convicts.
4853. Private patients.
4854. Admission of pay patients.
4855. Delivery of insane criminals restored to sanity.
4856. Discharge of patients upon bond.
4857. Insane persons not to be confined in jail.
4858. Disbursement of appropriations for the insane.

Establishment of the Government Hospital for the Insane.

3 Mar., 1855, c. 199, s. 1, v. 10, p. 682.

SEC. 4838. There shall be in the District of Columbia a Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia.

The superintendent.

Ibid., s. 3.

SEC. 4839. The chief executive officer of the Hospital for the Insane shall be a superintendent, who shall be appointed by the Secretary of the Interior, and shall be entitled to a salary of two thousand five hundred dollars a year, and shall give bond for the faithful performance of his duties, in such sum and with such securities as may be required by the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises, and devote his whole time to the welfare of the institution; he shall, subject to the approval of the visitors, engage and discharge all needful and usual employés in the care of the insane, and all laborers on the farm, and determine their wages and duties; he shall be the responsible disbursing agent of the institution, and shall be ex-officio secretary of the board of visitors.

Board of visitors.

Ibid., s. 2.

SEC. 4840. Nine citizens of the District of Columbia, to be appointed by the President, shall constitute a board of visitors of the Hospital for the Insane. The term of office of three visitors shall expire biennially on the thirtieth day of June in every alternate year, dating from the thirtieth day of June, eighteen hundred and fifty-seven. Should any vacancy occur by death, resignation, or otherwise, it shall be filled by appointment for the unexpired term of such visitor. The office of visitor shall be honorary and without compensation.

President of board of visitors.

Ibid.

SEC. 4841. The board of visitors shall select from their number a president, to preside at their meetings for one year, or until a successor is elected.

Powers and duties of the board of visitors.

SEC. 4842. The board of visitors, subject to the approval of the Secretary of the Interior, may make any needful by-laws for the government of themselves, and of the superintendent and his employés, and of the patients, not inconsistent with law; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management; they shall make annually to the Secretary of the Interior a report for the preceding fiscal year setting forth the condition and wants of the institution.

Ibid.

Admission of insane persons of the Army, Navy, Marine Corps, &c.

SEC. 4843. The superintendent, upon the order of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Treasury, respectively, shall receive, and keep in custody until they are cured, or removed by the same authority which ordered their reception, insane persons of the following descriptions:

15 June, 1860, c. 66, s. 1, v. 12, p. 23.
13 July, 1866, c. 179, ss. 1, 2, v. 14, pp. 93, 94.
3 *Mar.*, 1875, *c.* 156, *s.* 5, *v.* 18, *p.* 486.

First. Insane persons belonging to the Army, Navy, Marine Corps, and revenue-cutter service.

Second. Civilians employed in the Quartermaster's and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment.

Third. Men who, while in the service of the United States, in the Army, Navy, or Marine Corps, have been admitted to the hospital, and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge, and have no adequate means of support.

Fourth. Indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity.

Fifth. Indigent insane persons who have become insane within three years after their discharge from such service, from causes which arose during and were produced by said service.

Admission of the indigent insane of the District of Columbia.

SEC. 4844. All indigent insane persons residing in the District of Columbia at the time they became insane shall be entitled to the benefits of the Hospital for the Insane and shall be admitted on the authority of the Secretary of the Interior, which he may grant after due process of law showing the person to be insane and unable to support himself and family, or himself, if he has no family, under the visitation of insanity.

3 Mar., 1855, c. 199, s. 5, v. 10, p. 683.
3 *Mar.*, 1877, *c.* 105, *r.* 19, *p.* 347.

Order of admission.

SEC. 4845. The Secretary of the Interior may grant an order for the admission into the hospital of any insane person not charged with a breach of the peace, when he shall receive the certificate, as provided in the next section, of any judge of the supreme court for the District of Columbia, or of any justice of the peace of the District, and an application in writing, as provided in the next section, by a member of the board of visitors, requesting that such order may be issued.

28 Feb., 1861, c. 60, s. 1, v. 12, p. 177.
3 Mar., 1863, c. 91, s. 3, v. 12, p. 763.

Certificate of judge or justice.

SEC. 4846. It must appear by the certificate aforesaid that two respectable physicians, residents of the District, appeared before said judge or justice and deposed, in writing sworn to and subscribed by them, that they knew the person alleged to be insane; that, from personal examination, they believed such person to be in fact insane, and a fit subject for treatment in said hospital, and that said person was a resident of the District at the time he or she was seized with the mental disorder under which he or she then labored. And it must further appear by such certificate that two respectable householders, resident of the District, appeared before said judge or justice and deposed, in writing sworn to and subscribed by them, that they knew the person alleged to be insane, and that, from a personal examination of his or her affairs, they believed said person to be unable, under the visitation of insanity, to support himself, or herself, and family, in case such person have a family, or to support himself or herself alone, in case such person have no family, and unable to pay his or her board and other expenses in the hospital. The affidavits of said physicians and householders shall accompany the certificate of said judge or justice of the peace.

28 Feb., 1861, c. 60, s. 1, v. 12, p. 177.

Application by visitor.

Ibid.

SEC. 4847. The application by a member of the board of visitors must be made within five days after the date of the affidavits aforesaid, and it must appear therein that the visitor made the application after an inspection of the affidavits and certificate. It shall be the duty of such visitor to withhold his application, if he has reason to doubt the indigence of the party in whose behalf the application is desired, until his doubt is removed by satisfactory testimony.

Conveyance to hospital.

7 Feb., 1857, c. 36, s. 3, v. 11, p. 157.

SEC. 4848. The order of the Secretary of the Interior, granted upon the certificate of a judge or justice and the application of a member of the board of visitors, shall authorize any police officer or constable to assist in carrying such indigent insane person to the hospital, whenever such assistance is represented to be necessary by the person holding the order; but all the expenses of witnesses before the judge or justice of the peace, and of carrying such patient to the hospital, shall be borne by his friends, or by the local authorities of the District.

Admission of insane persons having property.

28 Feb., 1861, c. 60, s. 2, v. 12, p. 177.

SEC. 4849. Whenever it appears in the case of any insane person whose insanity commenced while he was a resident of the District of Columbia that he is able to defray a portion, but not the whole of the expenses of his support and treatment in the Government Hospital for the Insane, the board of visitors of the hospital is authorized to inquire into the facts of the case; and if it appears to the board, upon such inquiry, that such insane person has property and no family, or has more property than is required for the support of his family, then, as a condition upon which such insane person, admitted or to be admitted upon the order of the Secretary of the Interior, shall receive or continue to receive the benefits of the hospital, there shall be paid to the superintendent from the income, property, or estate of such insane person such portion of his expenses in the hospital as a majority of the board shall determine to be just and reasonable, under all the circumstances.

Admission of non-residents of District.

7 Feb., 1857, c. 36, s. 4, v. 11, p. 157.

SEC. 4850. Any indigent insane person who did not reside in the District at the time he became insane may, in like manner, upon the certificate of a judge or justice and the application of a member of the board of visitors, be admitted into the hospital upon the application of the governor of the District, and at the expense of the District during the continuance of such insane person therein, it being hereby designed to give the superintendent thereof authority to take charge of such insane person until the governor can discover who his friends are, or whence he came, with a view to the return of such person to such friends, or to the place of his residence, and thus relieve the District of the expense and charge of such indigent insane non-resident.

By statute of 20 June, 1874, c. 337, s. 2, v. 18, p. 116, the office of governor was abolished, and the powers theretofore exercised by that officer were conferred upon the commissioners whose appointment was therein authorized, subject only to the limitations contained in the statute of 1874.

Admission of insane persons accused of crime.

Ibid., s. 5, p. 158. 23 *June*, 1874, c. 465, v. 18, p. 251.

SEC. 4851. If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in the Hospital for the Insane, and, if he be not indigent, he and his estate shall be charged with expenses of his support in the hospital.

Insane convicts.

7 Feb., 1857, c. 36, s. 6, v. 11, p. 158. 23 *June*, 1874, c. 465, v. 18, p. 251.

SEC. 4852. Any person becoming insane during the continuance of his sentence in the United States penitentiary shall have the same privilege of treatment in the hospital during the continuance of his mental disorder as is granted in the preceding section to persons who escape the consequences of criminal acts by reason of insanity, unless it be the opinion, both of the physician to the penitentiary and the superintendent of the hospital, that such insane convict is so depraved and furious in his character as to render his custody in the hospital insecure, and his example pernicious.

Private patients.

3 Mar., 1855, c. 199, s. 6, v. 10, p. 683.

SEC. 4853. Whenever there are vacancies, private patients from the District may be received at a rate of board to be determined by the visitors, to be in no case less than the actual cost of their support.

Admission of pay patients.

7 Feb., 1857, c. 36, s. 8, v. 11, p. 158.

SEC. 4854. The independent or pay patients may be received into the hospital for the insane on the certificate of two respectable physicians of the District, stating that they have personally examined the patient, and believe him to be insane at the time of giving the certificate, and a fit subject for treatment in the institution, accompanied by a written request for the admission from the nearest relatives, legal guardian, or friend of the patient, where he may remain until restored to reason. The friends of the patient shall comply with the regulations of the hospital in respect to payment of board, and in all other respects. The request for admission must be made within five days of the date of the certificate of insanity.

Delivery of insane criminals restored to sanity.

Ibid., s. 7.

SEC. 4855. When any person confined in the Hospital for the Insane charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court, and deliver him to the court in obedience to the proper precept.

Discharge of patients upon bond.

Ibid., s. 9.

SEC. 4856. If any person will give bond with sufficient security, to be approved by the supreme court of the District of Columbia, or by any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may deliver such insane person to the party giving such bond.

Insane persons not to be confined in jail.

7 Feb., 1857, c. 36, s. 1, v. 11, p. 157.

SEC. 4857. No insane person not charged with any breach of the peace shall ever be confined in the United States jail in the District of Columbia.

Disbursement of appropriations for the insane.

3 Mar., 1855, c. 199, s. 7, v. 10, p. 683.

SEC. 4858. All appropriations of money by Congress for the support of the Hospital for the Insane shall be drawn from the Treasury on the requisition of the Secretary of the Interior, and shall be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money.

CHAPTER FIVE.

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

Sec.
4859. Establishment of the Columbia Institution for the Deaf and Dumb.
4860. Terms of deed made part of charter.
4861. Restriction on disposal of real property.
4862. Election of officers.
4863. Appointment of Government directors.
4864. Admission of pupils from District of Columbia.
4865. Admission of pupils from States and Territories.
4866. Justices of the peace to report deaf and dumb persons in District.
4867. Report of superintendent to Congress.
4868. Annual report of president and directors.
4869. Education of indigent blind persons.

Establishment of the Columbia Institution for the Deaf and Dumb.

16 Feb., 1857, c. 46, s. 1, v. 11, p. 161.
23 Feb., 1865, c. 50, s. 1, v. 13, p. 436.

SEC. 4859. The corporation created by the act of February sixteen, eighteen hundred and fifty-seven, under the name of the "Columbia Institution for the Instruction of the Deaf and Dumb," shall have perpetual succession, and be capable to take, hold, and enjoy lands, tenements, hereditaments, and personal property, to use a common seal, and to alter the same at pleasure. But no real or personal property shall be held by the corporation, except such as may be necessary to the maintenance and efficient management of the institution.

Terms of deed made part of charter.

13 June, 1860, c. 120, s. 2, v. 12, p. 30.

SEC. 4860. The terms and conditions of the deed of transfer of the funds and property of Washington's Manual-Labor School and Male Orphan Asylum Society of the District of Columbia shall be as obligatory upon the Columbia Institution for the Instruction of the Deaf and Dumb as if they formed a part of its charter.

Restriction on disposal of real property.

SEC. 4861. No part of the real or personal property now held or hereafter acquired by the Columbia Institution for the Instruction of the Deaf and Dumb shall be devoted to any other purpose than the education of the

27 July, 1868, c. 262, s. 3, v. 15, p. 233.

deaf and dumb, nor shall any portion of the real estate be aliened, sold, or conveyed, except under the authority of a special act of Congress.

Election of officers.

16 Feb., 1857, c. 46, s. 2, v. 11, p. 161.

SEC. 4862. The Columbia Institution for the Instruction of the Deaf and Dumb shall be managed as provided for in its present constitution, and such additional regulations as may from time to time be found necessary; but as soon as sufficient contributions shall have been paid in to authorize an election according to the provisions of the constitution, the provisional officers therein named shall give notice of a general meeting to the contributors for the election of officers, and the officers elected at such general meeting shall hold their offices for one year and until their successors shall be elected as in the constitution provided; and the constitution may be altered consistently with law, in the manner therein provided.

Appointment of Government directors.

27 July, 1868, c. 262, s. 2, v. 15, p. 233.

SEC. 4863. In addition to the directors whose appointment has heretofore been provided for by law, there shall be three other directors of the Columbia Institution for the Instruction of the Deaf and Dumb, appointed in the following manner: One Senator by the President of the Senate, and two Representatives by the Speaker of the House. These directors shall hold their offices for the term of a single Congress, and be eligible to a re-appointment.

Admission of pupils from District of Columbia.

16 Feb., 1857, c. 46, s. 4, v. 11, p. 162.
27 July, 1868, c. 262, s. 4, v. 15, p. 233.

SEC. 4864. Whenever the Secretary of the Interior is satisfied, by evidence produced by the President of the Columbia Institution for the Instruction of the Deaf and Dumb, that any deaf and dumb person of teachable age, properly belonging to the District of Columbia, is in indigent circumstances and cannot command the means to secure an education, it shall be his duty to authorize such person to enter the institution for instruction.

Admission of pupils from States and Territories.

2 Mar., 1867, c. 167, s. 1, v. 14, p. 464.
15 July, 1870, c. 292, s. 1, v. 16, pp. 291, 294.

SEC. 4865. Deaf mutes, not exceeding forty in number, residing in the several States and Territories, applying for admission to the collegiate department of the Columbia Institution for the Instruction of the Deaf and Dumb, shall be received on the same terms and conditions as those prescribed by law for residents of the District of Columbia, at the discretion of the president of the institution; but no student coming from either of the States shall be supported by the United States during any portion of the time he remains therein.

Justices of the peace to report deaf and dumb persons in District.

16 Feb., 1857, c. 46, s. 3, v. 11, p. 162.

SEC. 4866. It shall be the duty of the justices of the peace for the District of Columbia to ascertain the names and residences of all deaf and dumb persons within their respective districts; who of them are of teachable age, and also who of them are in indigent circumstances; and to report the same to the president of the Columbia Institution for the Instruction of the Deaf and Dumb.

Report of superintendent to Congress.

27 July, 1868, c. 262, s. 7, v. 15, p. 234.

SEC. 4867. The superintendent of the Columbia Institution for the Instruction of the Deaf and Dumb shall, at the commencement of every December session of Congress, make a full and complete statement of all the expenditures made by virtue of any appropriations by Congress, including the amounts and the rates paid to the superintendent, and for teachers.

Annual report of president and directors.

16 Feb., 1857, c. 46, s. 6, v. 11, p. 162.

SEC. 4868. It shall be the duty of the president and directors of the Columbia Institution for the Instruction of the Deaf and Dumb to report to the Secretary of the Interior the condition of the institution on the first day of July in each year, embracing in the report the number of pupils of each description received and discharged during the preceding year, and the number remaining in the institution; also the branches of knowledge and industry taught, and the progress made therein; also a statement showing the receipts of the institution, and from what sources, and its disbursements, and for what objects.

Education of indigent blind persons.

16 Feb., 1857, c. 46, s. 4, v. 11, p. 162.
23 Feb., 1865, c. 50, s. 2, v. 13, p. 436.

SEC. 4869. Whenever the Secretary of the Interior is satisfied, by evidence produced by the president of the Columbia Institution for the Instruction of the Deaf and Dumb, that any blind person of teachable age cannot command the means to secure an education, he may cause such person to be instructed in some institution for the education of the blind, in Maryland, or some other State, at a cost not greater for each pupil than is, or may be for the time being, paid by such State, and to cause the same to be paid out of the Treasury of the United States.

CHAPTER SIX.

NATIONAL CEMETERIES.

Sec.
4870. How lands for cemeteries may be acquired.
4871. Appraisement of real estate when taken.
4872. Payment of appraised value.
4873. Superintendents of cemeteries.
4874. Who may be selected as superintendents.
4875. Salary of superintendents.
4876. Annual inspection of cemeteries.
4877. Inclosures, headstones, and registers.
4878. Who may be buried in national cemeteries.
4879. Cemetery near the city of Mexico.
4880. To be subject to what regulations.
4881. Penalty for defacing national cemeteries.
4882. Jurisdiction of United States over national cemeteries.

How lands for cemeteries may be acquired.

22 Feb., 1867, c. 61, s. 4, v. 14, p. 400.
24 *July*, 1876, c. 226, *v.* 19, *p.* 99.
2 *Mar.*, 1877, c. 83, *v.* 19, *p.* 269.

SEC. 4870. The Secretary of War shall purchase from the owners thereof, at such price as may be mutually agreed upon between the Secretary and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national cemeteries, and obtain from such owners the title in fee simple for the same. And in case the Secretary of War is not able to agree with any owner upon the price to be paid for any real estate needed for such purpose, or to obtain from such owner title in fee-simple for the same, the Secretary is hereby authorized to enter upon and appropriate any real estate which, in his judgment, is suitable and necessary for such purposes.

Appraisement of real estate when taken.

22 Feb., 1867, c. 61, s. 5, v. 14, p. 400.

SEC. 4871. The Secretary of War or the owners of any real estate thus entered upon and appropriated, are authorized to make application for an appraisement of real estate thus entered upon and appropriated, to any circuit or district court within any State or district where such real estate is situated; and such courts shall, upon such application, and in such mode and under such rules and regulations as it may adopt, make a just and equitable appraisement of the cash value of the several interests of each and every owner of such real estate and improvements thereon.

Payment of appraised value.

Ibid., s. 6.
2 *Mar.*, 1877, c. 83, *v.* 19, *p.* 269.

SEC. 4872. When appraisement of the real estate thus entered upon and appropriated has been made under the order and direction of the court, the fee-simple thereof shall, upon payment to the owner of the appraised value, or in case such owner refuses or neglects for thirty days after the appraisement of the cash value of the real estate or improvements as aforesaid, to demand the same from the Secretary of War, upon depositing the appraised value in the court making such appraisement, to the credit of such owner, be vested in the United States, and its jurisdiction over such real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy-yards, forts, and arsenals. The Secretary of War is authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisement of any of such courts, or to pay into any of such courts by deposit, as hereinbefore provided, the appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of national cemeteries.

Superintendents of cemeteries.

22 Feb., 1867, c. 61, s. 2, v. 14, p. 400.
24 *July*, 1876, c. 226, *v.* 19, *p.* 99.

SEC. 4873. The Secretary of War shall cause to be erected at the principal entrance of each national cemetery a suitable building to be occupied as a porter's lodge; and shall appoint a meritorious and trustworthy superintendent to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same.

Who may be selected as superintendents

18 May, 1872, c. 173, s. 1, v. 17, p. 135.

SEC. 4874. The superintendents of the national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the volunteer or regular Army, who have been honorably mustered out or discharged from the service of the United States, and who may have been disabled for active field service in the line of duty.

Salary of superintendents.

SEC. 4875. The superintendents of the national cemeteries shall receive for their compensation from sixty dollars to seventy-five dollars a

Ibid., s. 2.

month, each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries.

Annual inspection of cemeteries.

22 Feb., 1867, c. 61, s. 2, v. 14, p. 399. 24 *July*, 1876, c. 226, *v.* 19, *p.* 99.

SEC. 4876. [*The Secretary of War shall detail some officer of the Army, not under the rank of major, to visit annually all of the national cemeteries, and to inspect and report to him the condition of the same, and the amount of money necessary to protect them, to sod the graves, gravel and grade the walks and avenues, and to keep the grounds in complete order; and the Secretary shall transmit such report to Congress at the commencement of each session, together with an estimate of the appropriation necessary for that purpose.*]

Inclosures, headstones, and registers.

22 Feb., 1867, c. 61, s. 1, v. 14, p. 399. 8 June, 1872, c. 368, v. 17, p. 345. 3 Mar., 1873, c. 229, v. 17, p. 545.

SEC. 4877. In the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone or block, which shall be of durable stone, and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon, when the same are known, and also with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the office of the Quartermaster-General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are unknown, it shall be so recorded.

Who may be buried in national cemeteries.

17 July, 1862, c. 200, s. 18, v. 12, p. 596. 1 June, 1872, c. 257, v. 17, p. 202. 3 Mar., 1873, c. 276, v. 17, p. 605.

SEC. 4878. All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition, after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.

Cemetery near the city of Mexico.

3 Mar., 1873, c. 267, v. 17, p. 602.

SEC. 4879. The President is authorized to provide, out of the ordinary annual appropriations for establishing and maintaining United States military cemeteries, for the proper care and preservation and maintenance of the cemetery or burial ground near the city of Mexico, in which are interred the remains of officers and soldiers of the United States, and of citizens of the United States, who fell in battle, or died in and around said city.

To be subject to what regulations.

Ibid.

SEC. 4880. The cemetery in Mexico shall be subject to the rules and regulations affecting United States national military cemeteries within the limits of the United States, so far as they may, in the opinion of the President, be applicable thereto.

Penalty for defacing national cemeteries.

22 Feb., 1867, c. 61, s. 3, v. 14, p. 400.

SEC. 4881. Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, grave-stone, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national cemetery, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars, and not more than one hundred, or by imprisonment for not less than fifteen days, and not more than sixty. The superintendent in charge of any national cemetery is authorized to arrest forthwith any person engaged in committing any misdemeanor herein prohibited, and to bring such person before any United States commissioner or judge of any district or circuit court of the United States within any State or district where any of the cemeteries are situated, for the purpose of holding such person to answer for such misdemeanor, and then and there shall make complaint in due form.

Jurisdiction of United States over national cemeteries.

1 July, 1870, c. 200, s. 1, v. 16, p. 188.

SEC. 4882. From the time any State legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section eight, article one, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same.

TITLE LX.

PATENTS, TRADE-MARKS, AND COPYRIGHTS.

CHAPTER ONE.

PATENTS.

Sec.
4883. Patents, how issued, attested, and recorded.
4884. Their contents and duration.
4885. Date of patent.
4886. What inventions are patentable.
4887. Patents for inventions previously patented abroad.
4888. Requisites of specification and claim.
4889. Drawings, when requisite.
4890. Specimens of ingredients, &c.
4891. Model, when requisite.
4892. Oath required from applicant.
4893. Examination and issuing patent.
4894. Limitation upon time of completing application.
4895. Patents granted to assignee.
4896. When, and on what oath, executor or administrator may obtain patent.
4897. Renewal of application in cases of failure to pay fees in season.
4898. Assignment of patents.
4899. Persons purchasing of inventor before application may use or sell the thing purchased.
4900. Patented articles must be marked as such.
4901. Penalty for falsely marking or labeling articles as patented.
4902. Filing and effect of caveats.
4903. Notice of rejection of claim for patent to be given to applicant.
4904. Interferences.
4905. Affidavits and depositions.
4906. Subpœnas to witnesses.
4907. Witness fees.
4908. Penalty for failing to attend or refusing to testify.
4909. Appeals from primary examiners to examiners-in-chief.
4910. From examiners-in-chief to Commissioner.
4911. From the Commissioner to the supreme court D. C.
4912. Notice of such appeal.
4913. Proceedings on appeal to supreme court.
4914. Determination of such appeal and its effect.
4915. Patents obtainable by bill in equity.
4916. Re-issue of defective patents.
4917. Disclaimer.
4918. Suits touching interfering patents.
4919. Suits for infringement; damages.
4920. Pleading and proof in actions for infringement.
4921. Power of courts to grant injunctions and estimate damages.
4922. Suit for infringement where specification is too broad.
4923. Patent not void on account of previous use in foreign country.
4924. Extension of patents granted prior to March 2, 1861.
4925. What notice of application for extension must be given.
4926. Applications for extension to whom to be referred.
4927. Commissioner to hear and decide the question of extension.
4928. Operation of extension.
4929. Patent for designs authorized.
4930. Models of designs.
4931. Duration of patents for designs.
4932. Extension of patents for designs.
4933. Patents for designs subject to general rules of patent-law.
4934. Fees in obtaining patents, &c.
4935. Mode of payment.
4936. Refunding.

Patents, how issued, attested, and recorded.

SEC. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent-Office, and shall be signed by the Secretary of the Interior and countersigned by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent-Office, in books to be kept for that purpose.

8 July, 1870, c. 230, s. 21, v. 16, p. 200.

Doughty *v.* West, 6 Blatch., 429.

Contents and duration.

SEC. 4884. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States, and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

8 July, 1870, c. 230, s. 22, v. 16, p. 201.

Simpson *v.* Wilson, 4 How., 709; Pitts *v.* Whitman, 2 Story, 614; Sullivan *v.* Redfield, 1 Paine, 441; Emerson *v.* Hogg, 2 Blatch., 9; Doughty *v.* West, 6 Blatch., 429; Whitney *v.* Emmett, Baldw., 314; Boyd *v.* Brown, 3 McLean, 297.

Date of patent.

8 July, 1870, c. 220, s. 23, v. 16, p. 201. 18 *June*, 1874, *c.* 301, *v.* 18, *p.* 79.

SEC. 4885. Every patent shall bear date as of a day not later than six months from the time at which it was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld.

What inventions are patentable.

8 July, 1870, c. 230, s. 24, v. 16, p. 201.

Gayler *v.* Brown, 10 How., 477; Hotchkiss *v.* Greenwood, 11 How., 248; Le Roy *v.* Tatham, 14 How., 156; O'Reilly *v.* Morse, 15 How., 62; Corning *v.* Burden, 15 How., 252; Kendall *v.* Winsor, 21 How., 322; Appleton *v.* Bacon and North, 2 Bl., 699; Burr *v.* Duryee, 1 Wall., 531; Jacobs *v.* Baker, 7 Wall., 295; Tyler *v.* Boston, 7 Wall., 327; Agawam Co. *v.* Jordan, 7 Wall., 583; Whitely *v.* Swayne, 7 Wall., 685; Rubber Co. *v.* Goodyear, 9 Wall., 788; Stimpson *v.* Woodman, 10 Wall., 117; Gorham Co. *v.* White, 14 Wall., 511; Mowry *v.* Whitney, 14 Wall., 620; Carlton *v.* Bokee, 17 Wall., 463; Coffin *v.* Ogden, 18 Wall., 120; Hicks *v.* Kelsey, 18 Wall., 670; Woodcock *v.* Parker, 1 Gallis., 437; Odiorne *v.* Winkley, 2 Gallis., 51; Ames *v.* Howard, 1 Sumn., 482; Ryan *v.* Goodwin, 3 Sumn., 518; How *v.* Abbott, 2 Story, 194; Bean *v.* Smallwood, 2 Story, 411; Carver *v.* Braintree Manufacturing Co., 2 Story, 438; Hovey *v.* Stevens, 3 Wood. & M., 17; Foote *v.* Silsby, 1 Blatch., 445; Parkhurst *v.* Kinsman, 1 Blatch., 493; Hall *v.* Wiles, 2 Blatch., 194; McCormick *v.* Seymour, 2 Blatch., 240; Ellithorpe *v.* Robinson, 4 Blatch., 307; Morton *v.* The New York Eye Infirmary, 5 Blatch., 116; Hoffman *v.* Stiefel, 7 Blatch., 58; Reutgen *v.* Kanowrs and Graunt, 1 Wash., 171; Park *v.* Little and Wood, 3 Wash., 198; Kneass *v.* The Schuylkill Bank, 4 Wash., 12; Whitney *v.* Emmett, Baldw., 314; Goodyear *v.* The Railroad, 2 Wall., jr., 360; Smith *v.* Pearce, 2 McLean, 178; Root *v.* Ball and Davis, 4 McLean, 177; Hotchkiss *v.* Greenwood and Wood, 4 McLean, 461; Stainthorp *v.* Humiston, 1 Fish. Pat. Cas., 475; Poillon *v.* Schmidt, 3 Fish. Pat. Cas., 476; Consolidated Fruit Jar Co. *v.* Wright, 94 U. S., 92; Dunbar *v.* Myers, 94 U. S., 187; Fuller *v.* Yentzer, 94 U. S., 288; Russell and Erwin Manufacturing Co. *v.* Mallory, 10 Blatch., 140; Nat. Spring Co. *v.* Union Car-Spring Co., 12 Blatch., 80.

Patents for inventions previously patented abroad.

8 July, 1870, c. 230, s. 25, v. 16, p. 201.

SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application. But every patent granted for an invention which has been previously patented in a foreign country shall be so limited as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term, and in no case shall it be in force more than seventeen years.

O'Reilly *v.* Morse, 15 How., 62; Hays *v.* Sulsor, 1 Fish. Pat. Cas., 532; Judson *v.* Cope, 1 Fish. Pat. Cas., 615; Cammeyer *v.* Newton, 94 U. S., 225; Weston *v.* White, 13 Blatch., 364.

Requisites of application, description, specification, and claim.

8 July, 1870, c. 230, s. 26, v. 16, p. 201.

SEC. 4888. Before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent-Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor and attested by two witnesses.

Evans *v.* Eaton, 7 Wh., 434; Wood *v.* Underhill, 5 How., 1; Hogg *v.* Emerson, 11 How., 587; O'Reilly *v.* Morse, 15 How., 62; Corning *v.* Burden, 15 How., 252; Le Roy *v.* Tatham, 22 How., 132; Phillips *v.* Paige, 24 How., 164; Tyler *v.* Boston, 7 Wall., 327; Carlton *v.* Bokee, 17 Wall., 463; Langdon *v.* De Groot, 1 Paine, 203; Sullivan *v.* Redfield, 1 Paine, 450; Many *v.* Jagger, 1 Blatch., 372; Gray and Osgood *v.* James, Pet. C. C., 401; Park *v.* Little and Wood, 3 Wash., 198; Brooks and Morris *v.* Bicknell and Jenkins, 3 McLean, 250; Gould's Manufacturing Co. *v.* Cowing, 12 Blatch., 243.

Drawings, when requisite.

SEC. 4889. When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact,

and attested by two witnesses, which shall be filed in the Patent-Office; and a copy of the drawing, to be furnished by the Patent-Office, shall be attached to the patent as a part of the specification.

8 July, 1870, c. 230, s. 27, v. 16, p. 201.

O'Reilly *v.* Morse, 15 How., 62; Washburn *v.* Gould, 3 Story, 133.

Specimens of ingredients, &c.

SEC. 4890. When the invention or discovery is of a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment.

8 July, 1870, c. 230, s. 28, v. 16, p. 201.

Model, when requisite.

SEC. 4891. In all cases which admit of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size to exhibit advantageously the several parts of his invention or discovery.

8 July, 1830, c. 230,s.29,v.16.p.201.

Hogg *v.* Emerson, 6 How., 437; McCormick *v.* Talcott, 20 How., 409.

Oath required from applicant.

SEC. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent, holding commission under the Government of the United States, or before any notary public of the foreign country in which the applicant may be.

8 July, 1870, c. 230, s. 30, v. 16, p. 202.

Hogg *v.* Emerson, 6 How., 437; Whittemore *v.* Cutter, 1 Gall., 429; Crompton *v.* Belknap Mills, 3 Fish. Pat. Cas., 536.

Examination, and issuing patent.

SEC. 4893. On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall cause an examination to be made of the alleged new invention or discovery; and if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the Commissioner shall issue a patent therefor.

8 July, 1870, c. 230, s. 31, v. 16, p. 202.

LeRoy *v.* Clayton, 2 Saw., 493.

Limitation upon time of completing applications.

SEC. 4894. All applications for patents shall be completed and prepared for examination within two years after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable.

8 July, 1870, c. 230,s.32,v.16,p.202.

Bell *v.* Daniels, 1 Bond, 212.

Patents granted to assignee.

SEC. 4895. Patents may be granted and issued or re-issued to the assignee of the inventor or discoverer; but the assignment must first be entered of record in the Patent-Office. And in all cases of an application by an assignee for the issue of a patent, the application shall be made and the specification sworn to by the inventor or discoverer; and in all cases of an application for a re-issue of any patent, the application must be made and the corrected specification signed by the inventor or discoverer, if he is living, unless the patent was issued and the assignment made before the eighth day of July, eighteen hundred and seventy.

8 July, 1870, c. 230,s.33,v.16,p.202. 3 Mar., 1871, c. 132, v. 16, p. 583.

Gayler *v.* Leonard, 10 How., 477; Swift *v.* Whisen, 3 Fish Pat. Cas., 343.

When and on what oath executor or administrator may obtain patent.

SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will, disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his life time; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them.

8 July, 1870, c. 230, s. 34, v. 16, p. 202.

Rubber Co. *v.* Goodyear, 9 Wall., 788.

Renewal of application in cases of failure to pay fees in season.

SEC. 4897. Any person who has an interest in an invention or discovery, whether as inventor, discoverer, or assignee, for which a patent was ordered to issue upon the payment of the final fee, but who fails to make payment thereof within six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent, shall have a right to make an application for a patent for such

8 July, 1870, c. 230, s. 35, v. 16, p. 202.

invention or discovery the same as in the case of an original application. But such second application must be made within two years after the allowance of the original application. But no person shall be held responsible in damages for the manufacture or use of any article or thing for which a patent was ordered to issue under such renewed application prior to the issue of the patent. And upon the hearing of renewed applications preferred under this section, abandonment shall be considered as a question of fact.

Assignments of patents.

8 July, 1870, c. 230, s. 36, v. 16, p. 203.

SEC. 4898. Every patent or any interest therein shall be assignable in law, by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent-Office within three months from the date thereof.

Woodworth *v.* Wilson, 4 How., 712; Wilson *v.* Simpson, 9 How., 109; Gaylor *v.* Wilder, 10 How., 494; Bloomer *v.* McQuewan, 14 How., 539; Kinsman *v.* Parkhurst, 18 How., 289; Hartshorn *v.* Day, 19 How., 211; Railroad Co. *v.* Trimble, 10 Wall., 367; Nicolson Pavement Co. *v.* Jenkins, 14 Wall., 452; Adams *v.* Burke, 17 Wall., 453; Eunson *v.* Dodge, 18 Wall., 414; Goodyear *v.* Cary, 4 Blatch., 271; Perry *v.* Corning, 7 Blatch., 195; Bell *v.* McCullough, 1 Bond, 194; Hussey *v.* Whitely, 1 Bond, 407; Pitts *v.* Jameson, 15 Barb., (N. Y.,) 310; Celluloid Manufacturing Co. *v.* Goodyear Dental Vul. Co., 13 Blatch., 375; May *v.* Chaffee, 2 Dill., 385; McKay *v.* Wooster, 2 Saw., 373; Turnbull *v.* Weir Plow Co., 6 Biss., 225.

Persons purchasing of inventor, before application, may use or sell the thing purchased.

8 July, 1870, c. 230, s. 37, v. 16, p. 203.

SEC. 4899. Every person who purchases of the inventor, or discoverer, or with his knowledge and consent constructs any newly invented or discovered machine, or other patentable article, prior to the application by the inventor or discoverer for a patent, or who sells or uses one so constructed, shall have the right to use, and vend to others to be used, the specific thing so made or purchased, without liability therefor.

Kendall *v.* Winsor, 21 How., 322; Sargent *v.* Seagrave, 2 Curt. C. C., 555; Root *v.* Ball and Davis, 4 McLean, 177.

Patented articles must be marked as such.

8 July, 1870, c. 230, s. 38, v. 16, p. 203.

SEC. 4900. It shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word "patented," together with the day and year the patent was granted; or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice; and in any suit for infringement, by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the article so patented.

Rubber Co. *v.* Goodyear, 9 Wall., 788; Goodyear *v.* Allyn, 6 Blatch., 33.

Penalty for falsely marking or labeling articles as patented.

8 July, 1870, c. 230, s. 39, v. 16, p. 203.

SEC. 4901. Every person who, in any manner, marks upon anything made, used, or sold by him for which he has not obtained a patent, the name or any imitation of the name of any person who has obtained a patent therefor without the consent of such patentee, or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any such patented article the word "patent" or "patentee," or the words "letters-patent," or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any unpatented article the word "patent," or any word importing that the same is patented, for the purpose of deceiving the public, shall be liable, for every such offense, to a penalty of not less than one hundred dollars, with costs; one-half of said penalty to the person who shall sue for the same, and the other to the use of the United States, to be recovered by suit in any district court of the United States within whose jurisdiction such offense may have been committed.

Filing and effect of caveats.

SEC. 4902. Any citizen of the United States who makes any new invention or discovery, and desires further time to mature the same, may, on

payment of the fees required by law, file in the Patent-Office a caveat setting forth the design thereof, and of its distinguishing characteristics, and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year by any other person for a patent with which such caveat would in any manner interfere, the Commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office, and give notice thereof, by mail, to the person by whom the caveat was filed. If such person desires to avail himself of his caveat, he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post-office in Washington, with the usual time required for transmitting it to the caveator added thereto; which time shall be indorsed on the notice. An alien shall have the privilege herein granted, if he has resided in the United States one year next preceding the filing of his caveat, and has made oath of his intention to become a citizen.

8 July, 1870, c. 230, s. 40, v. 16, p. 203.

Bell *v.* Daniels, 1 Bond, 212.
Weston *v.* White, 13 Blatch., 447.

Notice of rejection of claim for patent to be given to applicant.

SEC. 4903. Whenever, on examination, any claim for a patent is rejected, the Commissioner shall notify the applicant thereof, giving him briefly the reasons for such rejection, together with such information and references as may be useful in judging of the propriety of renewing his application or of altering his specification; and if, after receiving such notice, the applicant persists in his claim for a patent, with or without altering his specifications, the Commissioner shall order a re-examination of the case.

8 July, 1870, c. 230, s. 41, v. 16, p. 204.

Interferences.

SEC. 4904. Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And the Commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the primary examiner, or of the board of examiners-in-chief, as the case may be, within such time, not less than twenty days, as the Commissioner shall prescribe.

8 July, 1870, c. 230, s. 42, v. 16, p. 204.

Affidavits and depositions.

SEC. 4905. The Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent-Office, and such affidavits and depositions may be taken before any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where the officer resides.

8 July, 1870, c. 230, s. 43, v. 16, p. 204.

Subpœnas to witnesses.

SEC. 4906. The clerk of any court of the United States, for any district or Territory wherein testimony is to be taken for use in any contested case pending in the Patent-Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpœna for any witness residing or being within such district or Territory, commanding him to appear and testify before any officer in such district or Territory authorized to take depositions and affidavits, at any time and place in the subpœna stated. But no witness shall be required to attend at any place more than forty miles from the place where the subpœna is served upon him.

8 July, 1870, c. 230, ss. 44, 45, v. 16, p. 204.

Witness fees.

SEC. 4907. Every witness duly subpœned and in attendance shall be allowed the same fees as are allowed to witnesses attending the courts of the United States.

Ibid., s. 45.

Penalty for failing to attend or refusing to testify.

SEC. 4908. Whenever any witness, after being duly served with such subpœna, neglects or refuses to appear, or after appearing refuses to testify, the judge of the court whose clerk issued the subpœna may, on proof of such neglect or refusal, enforce obedience to the process, or punish the disobedience, as in other like cases. But no witness shall be deemed guilty of contempt for disobeying such subpœna, unless his fees and traveling expenses in going to, returning from, and one day's attendance at the place of examination, are paid or tendered him at the time

Ibid., ss. 44, 45.

of the service of the subpœna; nor for refusing to disclose any secret invention or discovery made or owned by himself.

Appeals from primary examiners to examiners-in-chief

Ibid., s. 46.

SEC. 4909. Every applicant for a patent or for the re-issue of a patent, any of the claims of which have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner, or of the examiner in charge of interferences in such case, to the board of examiners-in-chief; having once paid the fee for such appeal.

From examiners-in-chief to Commissioner.

Ibid., s. 47, p. 205.

SEC. 4910. If such party is dissatisfied with the decision of the examiners-in-chief, he may, on payment of the fee prescribed, appeal to the Commissioner in person.

From the Commissioner to the supreme court, D. C.

Ibid., s. 48.

SEC. 4911. If such party, except a party to an interference, is dissatisfied with the decision of the Commissioner, he may appeal to the supreme court of the District of Columbia, sitting in banc.

Notice of such appeal.

Ibid., s. 49.

SEC. 4912. When an appeal is taken to the supreme court of the District of Columbia, the appellant shall give notice thereof to the Commissioner, and file in the Patent-Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing.

Proceedings on appeal to supreme court.

Ibid., s. 51.

SEC. 4913. The court shall, before hearing such appeal, give notice to the Commissioner of the time and place of the hearing, and on receiving such notice the Commissioner shall give notice of such time and place in such manner as the court may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the Commissioner shall furnish the court with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal. And at the request of any party interested, or of the court, the Commissioner and the examiners may be examined under oath, in explanation of the principles of the thing for which a patent is demanded.

Determination of such appeal, and its effect.

Ibid., s. 50.

Fry *v.* Quinlan, 13 Blatch., 205.

SEC. 4914. The court, on petition, shall hear and determine such appeal, and revise the decision appealed from in a summary way on the evidence produced before the Commissioner, at such early and convenient time as the court may appoint; and the revision shall be confined to the points set forth in the reasons of appeal. After hearing the case the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent-Office, and shall govern the further proceedings in the case. But no opinion or decision of the court in any such case shall preclude any person interested from the right to contest the validity of such patent in any court wherein the same may be called in question.

Patents obtainable by bill in equity.

Ibid., s. 52.

SEC. 4915. Whenever a patent on application is refused, either by the Commissioner of Patents or by the supreme court of the District of Columbia upon appeal from the Commissioner, the applicant may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the Commissioner to issue such patent on the applicant filing in the Patent-Office a copy of the adjudication, and otherwise complying with the requirements of law. In all cases, where there is no opposing party, a copy of the bill shall be served on the Commissioner; and all the expenses of the proceeding shall be paid by the applicant, whether the final decision is in his favor or not. [See § 629, ¶ 9.]

Re-issue of defective patents.

8 July, 1870, c. 230, s. 53, v. 16, p. 205.

Shaw *v.* Cooper, 7 Pet., 292; Wilson *v.* Rousseau, 4 How.,

SEC. 4916. Whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the Commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or, in

the case of his death or of an assignment of the whole or any undivided part of the original patent, then to his executors, administrators, or assigns, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the amended patent. The Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a re-issue for each of such re-issued letters-patent. The specifications and claim in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so re-issued, together with the corrected specification, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine-patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid.

646; Moffit *v.* Garr, 1 Bl., 273; Reed *v.* Bowman, 2 Wall., 591; Commissioner *v.* Whitely, 4 Wall., 522; Bennet *v.* Fowler, 8 Wall., 445; Morey *v.* Lockwood, 8 Wall., 230; Seymour *v.* Osborne, 11 Wall., 516; Carlton *v.* Bokee, 17 Wall., 463; Ames *v.* Howard, 1 Sumn., 488; Carver *v.* Braintree Manufacturing Company, 2 Story, 439; Allen *v.* Blunt, 3 Story, 743; Woodward *v.* Stone, 3 Story, 753; Woodworth *v.* Hall, 1 Wood. & M., 261, 262; Allen *v.* Blunt, 2 Wood. & M., 138; Woodworth *v.* Edwards, 3 Wood. & M., 126; Forbes *v.* Stove Company, 2 Cliff., 379; Cahart *v.* Austin, 2 Cliff., 528; Gibson *v.* Harris, 1 Blatch., 169; Potter *v.* Holland, 4 Blatch., 206; Batten *v.* Taggert, 2 Wall., jr., 102; Stanley *v.* Whipple, 2 McLean, 37; Moffit *v.* Garr, 1 Bond, 315; Russell *v.* Dodge, 93 U. S., 460; Tarr *v.* Webb, 10 Blatch., 96; Salamanca Company *v.* Haven, 3 Dill., 131; McComb *v.* Ernest et al., 1 Woods., 195; Calkins *v.* Bertram, 6 Biss., 494.

Disclaimer.

8 July, 1870, c. 230, s. 54, v. 16, p. 206.

SEC. 4917. Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed more than that of which he was the original or first inventor or discoverer, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of such parts of the thing patented as he shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent-Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing it.

Silsby *v.* Foote, 14 How., 218; O'Reily *v.* Morse, 15 How., 121; Seymour v. McCormick, 19 How., 206; Wyeth v. Stone, 1 Story, 294; Reed *v.* Cutter, 1 Story, 600; Guyon *v.* Serrell, 1 Blatch., 244; Hall *v.* Wilds, 2 Blatch., 198; Tuck *v.* Bramhill, 6 Blatch., 95; Whitney *v.* Emmett, 1 Baldw., 313; Brooks *v.* Jenkins, 4 McLean, 449; Rumford Chemical Works *v.* Laner, 10 Blatch., 122.

Suits touching interfering patents.

8 July, 1870, c. 230, s. 58, v. 16, p. 207.

SEC. 4918. Whenever there are interfering patents, any person interested in any one of them, or in the working of the invention claimed under either of them, may have relief against the interfering patentee, and all parties interested under him, by suit in equity against the owners of the interfering patent; and the court, on notice to adverse parties, and other due proceedings had according to the course of equity, may adjudge and declare either of the patents void in whole or in part, or inoperative, or invalid in any particular part of the United States, according to the interest of the parties in the patent or the invention patented. But no such judgment or adjudication shall affect the right of any person except the parties to the suit and those deriving title under them subsequent to the rendition of such judgment.

Foster *v.* Lindsay, 3 Dill., 127.

Suits for infringement; damages.

8 July, 1870, c. 230, s. 59, v. 16, p. 207.

SEC. 4919. Damages for the infringement of any patent may be recovered by action on the case, in the name of the party interested, either as patentee, assignee, or grantee. And whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount found by the verdict as the actual damages sustained, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

Dean *v.* Mason, 20 How., 198; Corporation of New York *v.* Ransom, 23 How., 487; Moore *v.* Marsh, 7 Wall., 515; Mowry *v.* Whitney, 14 Wall., 620; Mitchell *v.* Hawley, 16 Wall., 544; Philp *v.* Nock, 17 Wall., 460; Birdsall et al. *v.* Coolidge, 93 U. S., 64.

Pleading and proof in actions for infringement.

Ibid., s. 61, p. 208.

SEC. 4920. In any action for infringement the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney, thirty days before, may prove on trial any one or more of the following special matters:

Blanchard v. Putnam, 8 Wall., 420; Wise v. Allis, 9 Wall., 737; Collender v. Griffith, 11 Blatch., 212; Union Paper-Bag Machine Co. v. Newell, 11 Blatch., 549; Cohn v. U. S. Corset Co., 12 Blatch., 225; Andrews v. Carman, 13 Blatch., 307; Webster Loom Co. v. Higgins, 13 Blatch., 349; Johnson v. Farrman et al., 1 Woods, 138; Coolidge v. McCone, 2 Saw., 571.

First. That for the purpose of deceiving the public the description and specification filed by the patentee in the Patent-Office was made to contain less than the whole truth relative to his invention or discovery, or more than is necessary to produce the desired effect; or,

Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting and perfecting the same; or,

Third. That it had been patented or described in some printed publication prior to his supposed invention or discovery thereof; or,

Fourth. That he was not the original and first inventor or discoverer of any material and substantial part of the thing patented; or,

Fifth. That it had been in public use or on sale in this country for more than two years before his application for a patent, or had been abandoned to the public.

And in notices as to proof of previous invention, knowledge, or use of the thing patented, the defendant shall state the names of patentees and the dates of their patents, and when granted, and the names and residences of the persons alleged to have invented, or to have had the prior knowledge of the thing patented, and where and by whom it had been used; and if any one or more of the special matters alleged shall be found for the defendant, judgment shall be rendered for him with costs. And the like defenses may be pleaded in any suit in equity for relief against an alleged infringement; and proofs of the same may be given upon like notice in the answer of the defendant, and with the like effect.

Power of courts to grant injunctions and estimate damages.

Ibid., s. 55, p. 206.

SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement, the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby; and the court shall assess the same or cause the same to be assessed under its direction. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case.

Woodworth v. Wilson, 4 How., 712; Hogg v. Emerson, 11 How., 587; Livingston v. Woodworth, 15 How., 546; Seymour v. McCormick, 16 How., 489; Dean v. Mason, 20 How., 198; Corporation of New York v. Ransom, 23 How., 487; Moore v. Marsh, 7 Wall., 515; Rubber Company v. Goodyear, 9 Wall., 788; Mowry v. Whitney, 14 Wall., 629; Mitchell v. Hawley, 16 Wall., 544; Philp v. Nock, 17 Wall., 460; Nesmith v. Calvert, 1 Wood. & M., 34; Woodworth v. Edwards, 3 Wood. & M., 120; Woodworth v. Weed, 1 Blatch., 165; Allen v. Blunt, 1 Blatch., 486; Wilson v. Sherman, 1 Blatch., 536; Goodyear v. Day, 1 Blatch., 565; Goodyear v. Rubber Company, 4 Blatch., 63; Tatham v. Lowber; 4 Blatch., 86; Goodyear v. Allyn, 6 Blatch., 33; Ogle v. Ege, 4 Wash., 584; Blank v. Manufacturing Company, 3 Wall., jr., 196; Brooks v. Stolley, 3 McLean, 523; Hussy v. Whitely, 1 Bond, 407; Cochrane v. Deener, 94 U. S., 780; Rumford Chemical Works v. Hecker, 11 Blatch., 552; Hockholzer v. Eager, 2 Saw., 361; Smith v. Pryor, 2 Saw., 461.

Suit for infringement where specification is too broad.

8 July, 1870, c. 230, s. 60, v. 16, p. 207.

SEC. 4922. Whenever, through inadvertence, accident, or mistake, and without any willful default or intent to defraud or mislead the public, a patentee has, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor or discoverer, every such patentee, his executors, administrators, and assigns, whether of the whole or any sectional interest in the patent, may maintain a suit at law or in equity, for the infringement of any part thereof, which was bona fide his own, if it is a material and substantial part of the thing patented, and definitely distinguishable from the parts claimed without right, notwithstanding the specifications may embrace more than that of which the patentee was the first inventor or discoverer. But in every such case in which a judgment or decree shall be rendered for the plaintiff no costs shall be recovered unless the proper disclaimer

O'Reilly v. Morse, 15 How., 62; Seymour v. McCormick, 19 How., 106; Silsby v. Foote, 20 How., 378; Vance v. Campbell, 1 Bl., 427; Wyeth v. Stone, 1 Story, 273; Reed v. Cutter, 1

has been entered at the Patent-Office before the commencement of the suit. But no patentee shall be entitled to the benefits of this section if he has unreasonably neglected or delayed to enter a disclaimer.

Story, 600; Pitts *v.* Whitman, 2 Story, 621; Guyon *v.* Serrell, 1 Blatch., 244; Hall *v.* Wilds, 2 Blatch., 198, 199; Brooks *v.* Jenkins, 3 McLean, 449.

Patent not void on account of previous use in foreign country.

SEC. 4923. Whenever it appears that a patentee, at the time of making his application for the patent, believed himself to be the original and first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been known or used in a foreign country, before his invention or discovery thereof, if it had not been patented or described in a printed publication.

8 July, 1870, c. 230, s. 62, v. 16, p. 208.

Judson *v.* Cope, 1 Bond, 327; Bartholomew *v.* Sawyer, 1 Fish. Pat. Cas., 516; How *v.* Morton, 1 Fish. Pat. Cas., 586.

Extension of patents granted prior to March 2, 1861.

SEC. 4924. Where the patentee of any invention or discovery, the patent for which was granted prior to the second day of March, eighteen hundred and sixty-one, shall desire an extension of this patent beyond the original term of its limitation, he shall make application therefor, in writing, to the Commissioner of Patents, setting forth the reasons why such extension should be granted; and he shall also furnish a written statement under oath of the ascertained value of the invention or discovery, and of his receipts and expenditures on account thereof, sufficiently in detail to exhibit a true and faithful account of the loss and profit in any manner accruing to him by reason of the invention or discovery. Such application shall be filed not more than six months nor less than ninety days before the expiration of the original term of the patent; and no extension shall be granted after the expiration of the original term.

8 July, 1870, c. 230, s. 63, v. 16, p. 208.

Commissioner *v.* Whitely, 4 Wall., 522.

What notice of application for extension must be given.

SEC. 4925. Upon the receipt of such application, and the payment of the fees required by law, the Commissioner shall cause to be published in one newspaper in the city of Washington, and in such other papers published in the section of the country most interested adversely to the extension of the patent as he may deem proper, for at least sixty days prior to the day set for hearing the case, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted.

8 July, 1870, c. 230, s. 64, v. 16, p. 208.

Applications for extension, to whom to be referred.

SEC. 4926. Upon the publication of the notice of an application for an extension, the Commissioner shall refer the case to the principal examiner having charge of the class of inventions to which it belongs, who shall make the Commissioner a full report of the case, stating particularly whether the invention or discovery was new and patentable when the original patent was granted.

Ibid., s. 65.

Commissioner to hear and decide the question of extension.

SEC. 4927. The Commissioner shall, at the time and place designated in the published notice, hear and decide upon the evidence produced, both for and against the extension; and if it shall appear to the satisfaction of the Commissioner that the patentee, without neglect or fault on his part, has failed to obtain from the use and sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it, and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the Commissioner shall make a certificate thereon, renewing and extending the patent for the term of seven years from the expiration of the first term. Such certificate shall be recorded in the Patent-Office; and thereupon such patent shall have the same effect in law as though it had been originally granted for twenty-one years.

Ibid., s. 66, p. 209.

Woodworth *v.* Edwards, 3 Wood. & M., 120; Gibson *v.* Harris, 1 Blatch., 167; Colt *v.* Young, 2 Blatch., 471.

Operation of extensions.

SEC. 4928. The benefit of the extension of a patent shall extend to the assignees and grantees of the right to use the thing patented, to the extent of their interest therein.

8 July, 1870, c. 230, s. 67, v. 16, p. 209.—Wilson *v.* Rousseau, 4 How., 646; Bloomer *v.* McQuewan, 14 How., 549; Chaffee *v.* The Boston Belting Co., 22 How., 223; Bloomer *v.* Millinger, 1 Wall., 340; Nicolson Paving Co. *v.* Jenkins, 14 Wall., 452; Eunson *v.* Dodge, 18 Wall., 414; Gibson *v.* Cook, 2 Blatch., 146; Blanchard *v.* Whitney, 3 Blatch., 307; Day *v.* Rubber Company, 3 Blatch., 488; Phelps *v.* Comstock, 4 McLean, 353; Wooster *v.* Seidenberg, 13 Blatch., 88.

Patents for designs authorized.

8 July, 1870, c. 230, s. 71, v. 16, p. 209. 18 *June*, 1874, c. 301, *r.* 18, *p.* 78. Clark *v.* Bousfield, 10 Wall., 133; Gorham Co. *v.* White, 14 Wall., 511; Booth *v.* Garelly, 1 Blatch., 247; Root *v.* Ball, 4 McLean, 180.

SEC. 4929. Any person who, by his own industry, genius, efforts, and expense, has invented and produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woolen, silk, cotton, or other fabrics; any new and original impression, ornament, patent, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention of production thereof, or patented or described in any printed publication, may, upon payment of the fee prescribed, and other due proceedings had the same as in cases of inventions or discoveries, obtain a patent therefor.

Models of designs.

8 July, 1870, c. 230, s. 72, v. 16, p. 210.

SEC. 4930. The Commissioner may dispense with models of designs when the design can be sufficiently represented by drawings or photographs.

Duration of patents for designs.

Ibid., s. 73.

SEC. 4931. Patents for designs may be granted for the term of three years and six months, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

Extension of patents for designs.

Ibid., s. 74.

SEC. 4932. Patentees of designs issued prior to the second day of March, eighteen hundred and sixty-one, shall be entitled to extension of their respective patents for the term of seven years, in the same manner and under the same restrictions as are provided for the extension of patents for inventions or discoveries, issued prior to the second day of March, eighteen hundred and sixty-one.

Patents for designs subject to general rules of patent law.

Ibid., s. 76.

SEC. 4933. All the regulations and provisions which apply to obtaining or protecting patents for inventions or discoveries not inconsistent with the provisions of this Title, shall apply to patents for designs.

Fees in obtaining patents, &c.

8 July, 1870, c. 230, s. 68, v. 16, p. 209. 8 July, 1870, c. 230, s. 75, v. 16, p. 210. 24 Mar., 1871, c. 5, s. 2, v. 7, p. 3.

SEC. 4934. The following shall be the rates for patent-fees:

On filing each original application for a patent, except in design cases, fifteen dollars.

On issuing each original patent, except in design cases, twenty dollars.

In design cases: For three years and six months, ten dollars; for seven years, fifteen dollars; for fourteen years, thirty dollars.

On filing each caveat, ten dollars.

On every application for the re-issue of a patent, thirty dollars.

On filing each disclaimer, ten dollars.

On every application for the extension of a patent, fifty dollars.

On the granting of every extension of a patent, fifty dollars.

On an appeal for the first time from the primary examiners to the examiners in-chief, ten dollars.

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars.

For certified copies of patents and other papers, including certified printed copies, ten cents per hundred words.

For recording every assignment, agreement, power of attorney, or other paper, of three hundred words or under, one dollar; of over three hundred and under one thousand words, two dollars; of over one thousand words, three dollars.

For copies of drawings, the reasonable cost of making them.

Mode of payment.

8 July, 1870, c. 230, s. 69, v. 16, p. 209.

SEC. 4935. Patent-fees may be paid to the Commissioner of Patents, or to the Treasurer or any of the assistant treasurers of the United States, or to any of the designated depositaries, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose; and such officer shall give the depositor a receipt or certificate of deposit therefor. All money received at the Patent-Office, for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever.

Refunding.

Ibid., s. 70.

SEC. 4936. The Treasurer of the United States is authorized to pay back any sum or sums of money to any person who has through mistake paid the same into the Treasury, or to any receiver, or depositary, to the

credit of the Treasury, as for fees accruing at the Patent-Office, upon a certificate thereof being made to the Treasurer by the Commissioner of Patents.

CHAPTER TWO.

TRADE-MARKS.

Sec.
4937. Registration of trade-marks authorized.
4938. Accompanying declaration under oath.
4939. Restriction on the registration of trade-marks.
4940. Time of receipt of trade-mark for registration to be certified.
4941. Duration of protection of registered trade-marks and renewal.
4942. Remedy for infringement of registered trade-marks.
4943. Restriction upon actions for infringement.
4944. Penalty for false registration of trade-marks.
4945. Former rights and remedies preserved.
4946. Saving as to rights after expiration of term for which a trade-mark has been registered.
4947. Regulations for transfer of rights to trade-marks.

Registration of trade-marks authorized.

8 July, 1870, c. 230, s. 77, v. 16, p. 210.

14 *Aug.*, 1876, *c.* 274, *v.* 19, *p.* 141.

Smith *v.* Reynolds, 10 Blatch., 85; Smith *v.* Reynolds, 10 Blatch., 100; Osgood *v.* Rockwood, 11 Blatch., 310; Moorman *v.* Hodge, 2 Saw., 78.

SEC. 4937. Any person or firm domiciled in the United States and any corporation created by the authority of the United States, or of any State or Territory thereof, and any person, firm, or corporation resident of or located in any foreign country which by treaty or convention affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark by complying with the following requirements:

First. By causing to be recorded in the Patent-Office a statement specifying the names of the parties, and their residences and place of business, who desire the protection of the trade-mark; the class of merchandise, and the particular description of goods comprised in such class, by which the trade-mark has been or is intended to be appropriated; a description of the trade-mark itself, with fac-similes thereof, showing the mode in which it has been or is intended to be applied and used; and the length of time, if any, during which the trade-mark has been in use.

Second. By making payment of a fee of twenty-five dollars, in the same manner and for the same purpose as the fee required for patents.

Third. By complying with such regulations as may be prescribed by the Commissioner of Patents.

Accompanying declaration under oath.

8 July, 1870, c. 230, s. 77, v. 16, p. 210.

SEC. 4938. The certificate prescribed by the preceding section must, in order to create any right whatever in favor of the party filing it, be accompanied by a written declaration verified by the person, or by some member of the firm or officer of the corporation by whom it is filed, to the effect that the party claiming protection for the trade-mark has a right to the use of the same, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; and that the description and fac-similes presented for record are true copies of the trade-mark sought to be protected.

Restriction on the registration of trade-marks.

Ibid., s. 79, p. 211.

SEC. 4939. The Commissioner of Patents shall not receive and record any proposed trade-mark which is not and cannot become a lawful trade-mark, or which is merely the name of a person, firm, or corporation unaccompanied by a mark sufficient to distinguish it from the same name when used by other persons, or which is identical with a trade-mark appropriate to the same class of merchandise and belonging to a different owner, and already registered or received for registration, or which so nearly resembles such last-mentioned trade-mark as to be likely to deceive the public. But this section shall not prevent the registry of any lawful trade-mark rightfully in use on the eighth day of July, eighteen hundred and seventy.

Time of receipt of trade-mark for registration to be certified.

Ibid., s. 80.

SEC. 4940. The time of the receipt of any trade-mark at the Patent-Office for registration shall be noted and recorded. Copies of the trade-mark and of the date of the receipt thereof, and of the statement filed therewith, under the seal of the Patent-Office, certified by the Commissioner, shall be evidence in any suit in which such trade-mark shall be brought in controversy.

Duration of protection of registered trade-mark and renewal.

8 July, 1870, c. 230, s. 78, v. 16, p. 211.

SEC. 4941. A trade-mark registered as above prescribed shall remain in force for thirty years from the date of such registration; except in cases where such trade-mark is claimed for and applied to articles not manufactured in this country and in which it receives protection under the laws of any foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the same time that it becomes of no effect elsewhere. Such trade-mark during the period that it remains in force shall entitle the person, firm, or corporation registering the same to the exclusive use thereof so far as regards the description of goods to which it is appropriated in the statement filed under oath as aforesaid, and no other person shall lawfully use the same trade-mark, or substantially the same, or so nearly resembling it as to be calculated to deceive, upon substantially the same description of goods. And at any time during the six months prior to the expiration of the term of thirty years, application may be made for a renewal of such registration, under regulations to be prescribed by the Commissioner of Patents. The fee for such renewal shall be the same as for the original registration; and a certificate of such renewal shall be issued in the same manner as for the original registration; and such trade-mark shall remain in force for a further term of thirty years.

Remedy for infringement of registered trade-marks.

Ibid., s. 79.

14 Aug., 1876, c. 274, s. 2, v. 19, p. 141.

SEC. 4942. Any person who shall reproduce, counterfeit, copy, or imitate any recorded trade-mark, and affix the same to goods of substantially the same descriptive properties and qualities as those referred to in the registration, shall be liable to an action on the case for damages for such wrongful use of such trade-mark, at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of his trade-mark and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful use.

Restriction upon actions for infringement.

8 July, 1870, c. 230, s. 84, v. 16, p. 212.

SEC. 4943. No action shall be maintained under the provisions of this chapter by any person claiming the exclusive right to any trade-mark which is used or claimed in any unlawful business, or upon any article which is injurious in itself, or upon any trade-mark which has been fraudulently obtained, or which has been formed and used with the design of deceiving the public in the purchase or use of any article of merchandise.

Penalty for false registration of trade-marks.

Ibid., s. 82.

SEC. 4944. Any person who shall procure the registry of any trade-mark, or of himself as the owner of a trade-mark, or an entry respecting a trade-mark in the Patent-Office, by making any false or fraudulent representations or declarations, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such registry or entry, to the person injured thereby; to be recovered in an action on the case.

Former rights and remedies preserved.

Ibid., s. 83.

SEC. 4945. Nothing in this chapter shall prevent, lessen, impeach, or avoid any remedy at law or in equity, which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this chapter had not been enacted.

Saving as to rights after expiration of term for which a trade-mark has been registered.

Ibid., s. 78, p. 211.

SEC. 4946. Nothing in this chapter shall be construed by any court as abridging or in any matter affecting unfavorably the claim of any person to any trade-mark after the expiration of the term for which such trade-mark was registered.

Regulations for transfer of rights to trade-marks.

Ibid., s. 81.

SEC. 4947. The Commissioner of Patents is authorized to make rules, regulations, and prescribe forms for the transfer of the right to the use of trade-marks, conforming as nearly as practicable to the requirements of law respecting the transfer and transmission of copyrights.

CHAPTER THREE.

COPYRIGHTS.

Sec.
4948. Copyrights to be under charge of Librarian of Congress.
4949. Seal of office.
4950. Bond of Librarian.
4951. Annual report.
4952. What publications may be entered for copyright.
4953. Term of copyrights.
4954. Continuance of term.
4955. Assignment of copyrights and recording.
4956. Deposit of title and published copies.
4957. Record of entry and attested copy.
4958. Fees.
4959. Copies of copyright works to be furnished to Librarian of Congress.
4960. Penalty for omission.
4961. Postmasters to give receipts.
4962. Publication of notice of entry for copyright prescribed.
4963. Penalty for false publication of notice of entry.
4964. Damages for violation of copyright of books.
4965. For violating copyright of maps, charts, prints, &c.
4966. For violating copyright of dramatic compositions.
4967. Damages for printing or publishing any manuscript without consent of author, &c.
4968. Limitation of action in copyright cases.
4969. Defenses to action in copyright cases.
4970. Injunctions in copyright cases.
4971. Aliens and non-residents not privileged.

Copyrights to be under charge of Librarian of Congress.

8 July, 1870, c. 230, s. 85, v. 16, p. 212.

18 *June*, 1874, c.

SEC. 4948. All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the joint committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

301, *p.* 79.—Shook *v.* Rankin, 6 Biss., 477.

Seal of office.

8 July, 1870, c. 230, s. 85, v. 16, p. 212.

SEC. 4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

Bond of Librarian.

Ibid.

SEC. 4950. The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

Annual report.

Ibid.

SEC. 4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

What publications may be entered for copyright.

Ibid., s. 86.

Wheaton *v.* Peters, 8 Pet., 591; Stephens *v.* Cady, 14 How., 528; Jollie *v.* Jaques, 1 Blatch., 625; Boucicault *v.* Fox, 5 Blatch., 87; Wood *v.* Abbott, 5 Blatch.,

SEC. 4952. Any citizen of the United States or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works.

325; Rossiter *v.* Hall, 5 Blatch., 362; Daly *v.* Palmer, 6 Blatch., 256.

Term of copyrights.

8 July, 1870, c. 230, s. 87, v. 16, p. 212.

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

Continuance of term.

Ibid., s. 88.

Wheaton *v.* Peters, 8 Pet., 591; Pierrpont *v.* Fowle, 2 Wood. & M., 42.

SEC. 4954. The author, inventor, or designer, if he be still living and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six

months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

Assignment of copyrights and recording.

8 July, 1870, c. 230, s. 89, v. 16, p. 213.

SEC. 4955. Copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

Wheaton *v.* Peters, 8 Pet., 591; Little *v.* Hall, 18 How., 165; Pierrpont *v.* Fowle, 2 Wood. & M., 42; Webb *v.* Powers, 2 Wood. & M., 497.

Deposit of title and published copies.

8 July, 1870, c. 230, s. 90, v. 16, p. 213.

SEC. 4956. No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine arts, for which he desires a copyright, nor unless he shall also, within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book or other article, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same.

Record of entry and attested copy.

8 July, 1870, c. 230, s. 91, v. 16, p. 213.

SEC. 4957. The Librarian of Congress shall record the name of such copyright book or other article, forthwith, in a book to be kept for that purpose, in the words following: "Library of Congress, to wit: Be it remembered that on the day of , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which is in the following words, to wit: (here insert the title or description,) the right whereof he claims as author, (originator, or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

Fees.

Ibid., s. 92.

18 *June*, 1874, c. 301, *v.* 18, *p.* 78.

SEC. 4958. The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or description of any copyright book or other article, fifty cents.

Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

Third. For recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words.

Fourth. For every copy of an assignment, ten cents for every one hundred words.

All fees so received shall be paid into the Treasury of the United States.

Copies of copyright works to be furnished to Librarian of Congress.

8 July, 1870, c. 230, s. 93, v. 16, p. 213.

SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, District of Columbia, within ten days after its publication, two complete printed copies thereof, of the best edition issued, or description or photograph of such article as hereinbefore required, and a copy of every subsequent edition wherein any substantial changes shall be made.

Penalty for omission.

8 July, 1870, c. 230, s. 93, v. 16, p. 213.

SEC. 4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies, or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

Postmasters to give receipts.

Ibid., s. 96, p. 214.

SEC. 4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

Publication of notice of entry for copyright prescribed.

Ibid., s. 97.

18 *June*, 1874, *c.* 301, *v.* 18, *p.* 78.

Rossiter *v.* Hall, 5 Blatch., 362.

SEC. 4962. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words, "Entered according to act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington."

Penalty for false publication of notice of entry.

8 July, 1870, c. 230, s. 98, v. 18, p. 214.

Ferrett *v.* Atwill, 1 Blatch., 154.

SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty, and one-half to the use of the United States.

Damages for violation of copyright of books.

8 July, 1870, c. 230, s. 99, v. 16, p. 214.

Gray *v.* Russell, 1 Story, 19; Folsom *v.* Marsh, 2 Story, 115; Atwill *v.* Ferrett, 2 Blatch., 39; Van Hook *v.* Pendleton, 2 Blatch., 85; Story's Executors *v.* Holcombe, 4 McLean, 306; Webb *v.* Powers, 2 Wood. & M., 497.

SEC. 4964. Every person who, after the recording of the title of any book as provided by this chapter, shall within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, or import, or knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

For violating copyright of maps, charts, prints, &c.

8 July, 1870, c. 230, s. 100, v. 16, p. 214.

Gray *v.* Russell, 1 Story, 19; Folsom *v.* Marsh, 2 Story, 115; Atwill *v.* Ferrett, 2 Blatch., 39; Van Hook *v.* Pendleton, 2 Blatch., 85; Story's Ex'rs *v.* Holcombe, 4 McLean, 306.

SEC. 4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States.

For violating copyright of dramatic compositions.

8 July, 1870, c. 230, s. 101, v. 16, p. 214.

Boucicault *v.* Fox, 5 Blatch., 87; Daly *v.* Palmer, 6 Blatch., 256; Boucicault *v.* Hart, 13 Blatch., 47.

SEC. 4966. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just.

Damages for printing or publishing any manu-

SEC. 4967. Every person who shall print or publish any manuscript whatever, without the consent of the author or proprietor first obtained, if such author or proprietor is a citizen of the United States, or resident

script without consent of author, &c.

therein, shall be liable to the author or proprietor for all damages occasioned by such injury.

8 July, 1870, c. 230, s. 102, v. 16, p. 215.—Wheaton *v.* Peters, 8 Pet., 657; Bartlette *v.* Crittenden, 4 McLean, 300; Eyre *v.* Higbee, 22 How. Pr. R., 207.

Limitation of action in copyright cases.

SEC. 4968. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

8 July, 1870, c. 230, s. 104, v. 16, p. 215.

Defenses to action in copyright cases.

SEC. 4969. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

Ibid., s. 105.

Injunctions in copyright cases.

SEC. 4970. The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

Ibid., s. 106.

Aliens and non-residents not privileged.

SEC. 4971. Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein.

Ibid., s. 103.

TITLE LXI.

BANKRUPTCY.

CHAPTER ONE.

COURTS OF BANKRUPTCY, THEIR JURISDICTION, ORGANIZATION, AND POWERS.

Sec.
4972. Scope of the jurisdiction of courts of bankruptcy.
4973. Authority of district courts and judges.
4974. Sessions of the district courts.
4975. Power of district courts to compel obedience.
4976. Powers of circuit judge during absence, sickness, or disability of district judge.
4977. Powers of the supreme court for the District of Columbia.
4978. Powers of the supreme courts for the Territories.
4979. Jurisdiction of actions between assignees and persons claiming adverse interest.
4980. Appeals to circuit court.
4981. How taken.
4982. How entered.
4983. Waiver of appeal.
4984. Appeal from decision rejecting claim.
4985. Costs.
4986. Power of general superintendence conferred on circuit court.
4987. Superintendence by supreme courts of Territories.
4988. Power of district judge in a district not within any organized circuit.
4989. Appeal and writ of error to Supreme Court.

Sec.
4990. Supreme Court may prescribe rules.
4991. What constitutes commencement of proceedings.
4992. Records of bankruptcy proceedings.
4993. Registers in bankruptcy.
4994. Who are eligible.
4995. Qualification.
4996. Restrictions upon registers.
4997. Removal of registers.
4998. Powers of registers.
4999. Limitations upon powers of registers.
5000. Registers to keep memoranda of proceedings.
5001. Registers to attend at place directed by judge.
5002. Power to summon witnesses.
5003. Mode of taking evidence.
5004. Depositions and acts to be reduced to writing.
5005. Witnesses must attend.
5006. Contempt before register.
5007. Registers may act for each other.
5008. Payment of fees of registers.
5009. Contested issues to be decided by judge.
5010. Certificates of matters to be decided by judge.
5011. Appeal from judge's decision upon questions submitted.
5012. Penalties against officers.
5013. Meaning of terms and computation of time.

Scope of the jurisdiction of courts of bankruptcy.

2 Mar., 1867, c. 176, s. 1, v. 14, p. 517.
22 *June*, 1874, c. 390, *r.* 18, *p.* 178.
14 *April*, 1876, c. 62, *r.* 19, *p.* 33.

SEC. 4972. The jurisdiction conferred upon the district courts as courts of bankruptcy shall extend:

First. To all cases and controversies arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy.

Second. To the collection of all the assets of the bankrupt.

Third. To the ascertainment and liquidation of the liens and other specific claims thereon.

Fourth. To the adjustment of the various priorities and conflicting interests of all parties.

Fifth. To the marshaling and disposition of the different funds and assets, so as to secure the rights of all parties and due distribution of the assets among all the creditors.

Sixth. To all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt, and the close of the proceedings in bankruptcy.

Markson *v.* Heaney, 1 Dill., 497; *In re* Wilbur, 1 Ben., 527; *In re* Bernstein, 2 Ben., 44; *In re* Schnepf, 2 Ben., 72; *In re* Olcott, 2 Ben., 443; *In re* Richardson, 3 Ben., 517; *In re* Schwab, 3 Ben., 231; *In re* Davidson, 4 Ben., 10; Johnson *v.* Bishop, 1 Wool., 324; Sherman *v.* Bingham, 5 Bank. Reg., 34; Alden *v.* Boston, &c., R. R., 5 Bank. Reg., 230; Sweatt *v.* Railroad, 5 Bank Reg., 234; *In re* Iron Mountain Co., 9 Blatch., 320; *In re* Sacchi, 10 Blatch., 29; Coit *v.* Robinson, 19 Wall., 274; O'Brien *v.* Weld et al., 92 U.S., 81; *In re* Casey, 10 Blatch., 376; Flanders & Libby, 6 Biss., 16; *In re* Milton, 6 Biss., 30.

Authority of district courts and judges.

2 Mar., 1867, c. 176, s. 1, v. 14, p. 517.

Smith *v.* Mason, 14 Wall., 419.

SEC. 4973. The district courts shall be always open for the transaction of business in the exercise of their jurisdiction as courts of bankruptcy; and their powers and jurisdiction as such courts shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

Session of the district courts.

2 Mar., 1867, c. 176, s. 1, v. 14, p. 517.

22 *June*, 1874, *c.* 390, *v.* 18, *p.* 178.

SEC. 4974. A district court may sit for the transaction of business in bankruptcy, at any place within the district, of which place and of the time of commencing session the court shall have given notice, as well as at the places designated by law for holding sessions of such court.

This section is a literal copy of the first section of the act of 2 March, 1867, c. 176, v. 14, p. 517; and the act of 22 June, 1874, c. 390, s. 2, v. 18, p. 178, amended the said first section by the addition of the following proviso: "*Provided*, That the court having charge of the estate of any bankrupt may direct that any of the legal assets or debts of the bankrupt, as contradistinguished from equitable demands, shall, when such debt does not exceed five hundred dollars, be collected in the courts of the State where such bankrupt resides having jurisdiction of claims of such nature and amount."

Powers of district courts to compel obedience.

2 Mar., 1867, c. 176, s. 1, v. 14, p. 517.

In re Hirsch, 2 Ben., 493.

SEC. 4975. The district courts as courts of bankruptcy shall have full authority to compel obedience to all orders and decrees passed by them in bankruptcy, by process of contempt and other remedial process, to the same extent that the circuit courts now have in any suit pending therein in equity.

Powers of circuit judge during absence, sickness, or disability of district judge.

30 June, 1870, c. 177, s. 2, v. 16, p. 174.

Sandusky *v.* National Bank, 23 Wall., 289.

SEC. 4976. In case of a vacancy in the office of district judge in any district, or in case any district judge shall, from sickness, absence, or other disability, be unable to act, the circuit judge of the circuit in which such district is included may make, during such disability or vacancy, all necessary rules and orders preparatory to the final hearing of all causes in bankruptcy, and cause the same to be entered or issued, as the case may require, by the clerk of the district court.

Powers of the supreme court for the District of Columbia.

2 Mar., 1867, c. 178, s. 49, v. 14, p. 541.

SEC. 4977. The same jurisdiction, power, and authority which are hereby conferred upon the district courts in cases in bankruptcy are also conferred upon the supreme court of the District of Columbia, when the bankrupt resides in that District.

Powers of the supreme courts for the Territories.

Ibid.

30 June, 1870, c. 177, s. 1, v. 16, p. 173.

22 *June*, 1874, *c.* 390, *s.* 16, *v.* 18, *p.* 182. 14 *April*, 1876, *c.* 62, *v.* 19, *p.* 33.

SEC. 4978. The same jurisdiction, power, and authority which are hereby conferred upon the district courts in cases in bankruptcy are also conferred upon the supreme courts of the several Territories when the bankrupt resides in either of the Territories. This jurisdiction may be exercised, upon petitions regularly filed in such courts, by either of the justices thereof while holding the district court in the district in which the petitioner or the alleged bankrupt resides.

Jurisdiction of actions between assignees and persons claiming adverse interests.

2 Mar., 1867, c. 176, s. 2, v. 14, p. 518.

8 June, 1872, c. 340, v. 17, p. 334.

22 *June*, 1874, *c.* 390, *ss.* 2, 3, *v.* 18, *p.* 178. 22 *June*, 1874, *c.* 401, *s.* 2, *v.* 18, *p.* 195.—Smith *v.* Mason, 14 Wall., 419; Marshall *v.* Knox, 16 Wall., 551; *In re* Masterson, 4 Bank. Reg., 180; Barston *v.* Peckham, 5 Bank. Reg., 72; Burbank *v.* Bigelow et al., 92 U. S., 179; Wiswall et al. *v.* Campbell et al., 93 U. S., 347; Thames *v.* Miller, 2 Woods, 564.

SEC. 4979. The several circuit courts shall have within each district concurrent jurisdiction with the district court, whether the powers and jurisdiction of a circuit court have been conferred on such district court or not, of all suits at law or in equity brought by an assignee in bankruptcy against any person claiming an adverse interest, or by any such person against an assignee, touching any property or rights of the bankrupt transferable to or vested in such assignee.

Appeals to circuit court.

2 Mar., 1867, c. 176, s. 8, v. 14, p. 520.

Morgan *v.* Thornhill, 11 Wall., 65;

SEC. 4980. Appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error from the circuit courts to the district courts may be allowed in cases at law, arising under or authorized by this Title, when the debt or damages claimed amount to more than five hundred dollars; and any supposed creditor, whose claim is wholly or in part rejected, or an assignee who is dissatisfied with the

allowance of a claim, may appeal from the decision of the district court to the circuit court for the same district.

Hall *v.* Allen, 12 Wall., 452; Insurance Company *v.* Comstock, 16 Wall., 258; Stickney *v.* Wilt, 23 Wall., 150; Sandusky *v.* National Bank, 23 Wall., 289; Wiswall et al. *v.* Campbell et al., 93 U. S., 347; Smith *v.* Kehr, 2 Dill., 50; *In re* Pictou, 2 Dill., 549; *In re* Joseph, 2 Woods, 390.

How taken.

SEC. 4981. No appeal shall be allowed in any case from the district to the circuit court unless it is claimed, and notice given thereof to the clerk of the district court, to be entered with the record of the proceedings, and also to the assignee or creditor, as the case may be, or to the defeated party in equity, within ten days after the entry of the decree or decision appealed from; nor unless the appellant at the time of claiming the same shall give bond in the manner required in cases of appeals in suits in equity; nor shall any writ of error be allowed unless the party claiming it shall comply with the provisions of law regulating the granting of such writs.

2 Mar., 1867, c. 176, s. 8, v. 14, p. 520.

In re Coleman, 7 Blatch., 192; Ruddick *v.* Billings, 1 Wool., 330; *In re* York and Hoover, 4 Bank. Reg., 156; *In re* Place et al., 4 Bank. Reg., 178; Baldwin *v.* Rapplee, 5 Bank Reg., 19; Wood *v.* Bailey, assignee, 21 Wall., 640.

How entered.

SEC. 4982. Such appeal shall be entered at the term of the circuit court which shall be held within the district next after the expiration of ten days from the time of claiming the same.

2 Mar., 1867, c. 176, s. 8, v. 14, p. 520.

Baldwin *v.* Rapplee, 5 Bank. Reg., 19.

Waiver of appeal.

SEC. 4983. If the appellant, in writing, waives his appeal before any decision thereon, proceedings may be had in the district court as if no appeal had been taken.

2 Mar., 1867, c. 176, s. 8, v. 14, p. 520.

Appeal from decision rejecting claim.

SEC. 4984. A supposed creditor who takes an appeal to the circuit court from the decision of the district court, rejecting his claim in whole or in part, shall, upon entering his appeal in the circuit court, file in the clerk's office thereof a statement in writing of his claim, setting forth the same, substantially, as in a declaration for the same cause of action at law, and the assignee shall plead or answer thereto in like manner, and like proceeding shall thereupon be had in the pleadings, trial, and determination of the cause, as in actions at law commenced and prosecuted, in the usual manner, in the courts of the United States, except that no execution shall be awarded against the assignee for the amount of a debt found due to the creditor.

Ibid., s. 24, p. 528.

Costs.

SEC. 4985. The final judgment of the circuit court, rendered upon any appeal provided for in the preceding section, shall be conclusive, and the list of debts shall, if necessary, be altered to conform thereto. The party prevailing in the suit shall be entitled to costs against the adverse party, to be taxed and recovered as in suits at law; if recovered against the assignee, they shall be allowed out of the estate.

2 Mar., 1867, c. 176, s. 24, v. 14, p. 528.

Power of general superintendence conferred on circuit court.

SEC. 4986. The circuit court for each district shall have a general superintendence and jurisdiction of all cases and questions arising in the district court for such district when sitting as a court of bankruptcy, whether the powers and jurisdiction of a circuit court have been conferred on such district court or not; and except when special provision is otherwise made, may, upon bill, petition, or other proper process, of any party aggrieved, hear and determine the case as in a court of equity; and the powers and jurisdiction hereby granted may be exercised either by the court in term time, or, in vacation, by the circuit justice or by the circuit judge of the circuit.

Ibid., s. 2, p. 518. 8 June, 1872, c. 340, v. 17, p. 334. 22 *June*, 1874, c. 390, *s.* 3, *v.* 18, *p.* 178. 22 *June*, 1874, c. 401, *ss.* 2, 5, *v.* 18, *p.* 195.

Morgan *v.* Thornhill, 11 Wall., 65; Hall *v.* Allen, 12 Wall., 452; Mead *v.* Thompson, 15 Wall., 635; *In re* Binninger, 7 Blatch., 159; *In re* Binninger, 7 Blatch., 165; *In re* Hall, 1 Dill., 586; Ruddick *v.* Billings, 1 Wool., 330; Littlefield *v.* Canal Company, 4 Bank Reg., 77; *In re* Place et al., 4 Bank. Reg., 178; Como *v.* Crane, 94 U. S., 441; *In re* Joseph, 2 Woods, 390; Thames *v.* Miller, 2 Woods, 564.

Superintendence by supreme courts of Territories.

SEC. 4987. The several supreme courts of the Territories shall have the same general superintendence and jurisdiction over the acts and decisions of the justices thereof in cases of bankruptcy as is conferred on the circuit courts over proceedings in the district courts.

30 June, 1870, c. 177, s. 1, v. 16, p. 173.

Power of district judge in a district not within any organized circuit.

SEC. 4988. In districts which are not within any organized circuit of the United States, the power and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

2 Mar., 1867, c. 176, s. 49, v. 14, p. 541.

Appeal and writ of error to Supreme Court.

SEC. 4989. No appeal or writ of error shall be allowed in any case arising under this Title from the circuit courts to the Supreme Court, unless the matter in dispute in such case exceeds two thousand dollars.

Ibid., s. 9, p. 520.—Morgan *v.* Thornhill, 11 Wall., 65; Hall *v.* Allen, 12 Wall., 452; Smith *v.* Mason, 14 Wall., 419; Insurance Company *v.* Comstock, 16 Wall., 258; Thornhill *v.* Bank of Louisiana, 5 Bank. Reg., 377.

Supreme Court may prescribe rules.

SEC. 4990. The general orders in bankruptcy heretofore adopted by the justices of the Supreme Court, as now existing, may be followed in proceedings under this Title; and the justices may, from time to time, subject to the provisions of this Title, rescind or vary any of those general orders, and may frame, rescind, or vary other general orders, for the following purposes:

2 Mar., 1867, c. 176, s. 10, v. 14, p. 521.

22 *June*, 1874, *c.* 390, *s.* 18, *r.* 18, *p.* 184.

First. For regulating the practice and procedure of the district courts in bankruptcy, and the forms of petitions, orders, and other proceedings to be used in such courts in all matters under this Title.

In re Robinson, 2 Ben., 145.

Second. For regulating the duties of the various officers of such courts.

Third. For regulating the fees payable and the charges and costs to be allowed, except such as are established by this Title or by law, with respect to all proceedings in bankruptcy before such courts, not exceeding the rate of fees now allowed by law for similar services in other proceedings.

Fourth. For regulating the practice and procedure upon appeals.

Fifth. For regulating the filing, custody, and inspection of records.

Sixth. And generally for carrying the provisions of this Title into effect.

All such general orders shall from time to time be reported to Congress, with such suggestions as the justices may think proper.

What constitutes commencement of proceedings.

SEC. 4991. The filing of the petition for an adjudication in bankruptcy, either by a debtor in his own behalf, or by any creditor against a debtor, shall be deemed to be the commencement of proceedings in bankruptcy.

2 Mar., 1867, c. 176, s. 38, v. 14, p. 535.

In re Patterson, 1 Ben., 508; Gaytes *v.* American, 5 Biss., 86.

Records of bankruptcy proceedings.

SEC. 4992. The proceedings in all cases of bankruptcy shall be deemed matters of record, but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered in the office of the clerk of the court, and a docket only, or short memorandum thereof, kept in books to be provided for that purpose, which shall be open to public inspection. Copies of such records, duly certified under the seal of the court, shall in all cases be presumptive evidence of the facts therein stated.

2 Mar., 1867, c. 176, s. 38, v. 14, p. 535.

22 *June*, 1874, *c.* 390, *s.* 18, *r.* 18, *p.* 184.

22 *June*, 1874, *c.* 390, *s.* 19, *r.* 18, *p.* 185.

Registers in bankruptcy.

SEC. 4993. Each district judge shall appoint, upon the nomination and recommendation of the Chief Justice of the Supreme Court, one or more registers in bankruptcy, when any vacancy occurs in such office, to assist him in the performance of his duties, under this Title, unless he shall deem the continuance of the particular office unnecessary.

2 Mar., 1867, c. 176, s. 3, v. 14, p. 518.

Who are eligible.

SEC. 4994. No person shall be eligible for appointment as register in bankruptcy, unless he is a counselor of the district court for the district in which he is appointed, or of some one of the courts of record of the State in which he resides.

Ibid.

Qualification.

SEC. 4995. Before entering upon the duties of his office, every person appointed a register in bankruptcy shall give a bond to the United States, for the faithful discharge of the duties of his office, in a sum not less than one thousand dollars, to be fixed by the district judge, with sureties satisfactory to such judge; and he shall, in open court, take and subscribe the oath prescribed in section seventeen hundred and fifty-six, Title, "PRO-

2 Mar., 1867, c. 176, s. 3, v. 14, p. 518.

VISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS," and also an oath that he will not, during his continuance in office, be, directly or indirectly, interested in or benefited by the fees or emoluments arising from any suit or matter pending in bankruptcy, in either the district or circuit court in his district.

Restrictions upon registers.

SEC. 4996. No register shall be of counsel or attorney, either in or out of court, in any suit or matter pending in bankruptcy in either the circuit or district court of his district, nor in an appeal therefrom; nor shall he be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of those courts as courts of bankruptcy, nor shall he be interested in the fees or emoluments arising from any such trusts.

Ibid., s. 4, p. 519. 22 *June*, 1874, *c.* 390, *s.* 18, *v.* 18, *p.* 184.

Removal of registers.

SEC. 4997. Registers are subject to removal from office by the judge of the district court.

2 Mar., 1867, c. 176, s. 5, v. 14, p. 519. 22 *June*, 1874, *c.* 390, *s.* 19, *v.* 18, *p.* 186.

Powers of registers.

SEC. 4998. Every register in bankruptcy has power:

First. To make adjudication of bankruptcy in cases unopposed.

Second. To receive the surrender of any bankrupt.

Third. To administer oaths in all proceedings before him.

Fourth. To hold and preside at meetings of creditors.

Fifth. To take proof of debts.

Sixth. To make all computations of dividends, and all orders of distribution.

Seventh. To furnish the assignee with a certified copy of such orders, and of the schedules of creditors and assets filed in each case.

Eighth. To audit and pass accounts of assignees.

Ninth. To grant protection.

Tenth. To pass the last examination of any bankrupt in cases whenever the assignee or a creditor do not oppose.

Eleventh. To sit in chambers and dispatch there such part of the administrative business of the court and such uncontested matters as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct.

2 Mar., 1867, c. 176, s. 4, v. 14, p. 519. 22 *June*, 1874, *c.* 390, *s.* 19, *r.* 18, *p.* 185. *In re* Hasbrouck, 1 Ben., 402; *In re* Orne, 1 Ben., 420; *In re* Adams, 3 Ben., 7; *In re* Hyman, 3 Ben., 28; *In re* Speyer, 6 Bank. Reg., 255.

Limitations upon powers of registers.

SEC. 4999. No register shall have power to commit for contempt, or to make adjudication of bankruptcy when opposed; or to decide upon the allowance or suspension of an order of discharge.

2 Mar., 1867, c. 176, s. 4, v. 14, p. 519.

Registers to keep memoranda of proceedings.

SEC. 5000. Every register shall make short memoranda of his proceedings in each case in which he acts, in a docket to be kept by him for that purpose, and shall forthwith, as the proceedings are taken, forward to the clerk of the district court a certified copy of these memoranda, which shall be entered by the clerk in the proper minute-book to be kept in his office.

Ibid.

Registers to attend at place directed by judge.

SEC. 5001. The judge of the district court may direct a register to attend at any place within the district for the purpose of hearing such voluntary applications under this Title as may not be opposed, of attending any meeting of creditors, or receiving any proofs of debts, and, generally, for the prosecution of any proceedings under this Title.

Ibid., s. 5.

Power to summon witnesses.

SEC. 5002. Every register, so acting, shall have and exercise all powers, except the power of commitment, vested in the district court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents.

Ibid.

Mode of taking evidence.

SEC. 5003. Evidence or examination in any of the proceedings under this Title may be taken before the court, or a register in bankruptcy, viva voce or in writing, before a commissioner of the circuit court, or by affidavit, or on commission, and the court may direct a reference to a register in bankruptcy, or other suitable person, to take and certify such examination, and may compel the attendance of witnesses, the production of books and papers, and the giving of testimony in the same manner as in suits in equity in the circuit court.

Ibid., s. 38, p. 535. Lawrence *v.* Graves, 5 Bank. Reg., 279. *Ex parte* Wild, 12 Blatch., 42.

Depositions and acts to be reduced to writing.

SEC. 5004. All depositions of persons and witnesses taken before a register, and all acts done by him, shall be reduced to writing, and be signed by him, and shall be filed in the clerk's office as part of the pro-

Ibid., s. 5, p. 519.

ceedings. He shall have power to administer oaths in all cases and in relation to all matters in which oaths may be administered by commissioners of circuit courts.

Witnesses must attend.

SEC. 5005. Parties and witnesses summoned before a register shall be bound to attend in pursuance of such summons at the place and time designated therein, and shall be entitled to protection, and be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpœna.

2 Mar., 1867, c. 176, s. 7, v. 14, p. 520.

In re Fredenburg, 2 Ben., 133; *In re* Woolford, 4 Ben., 9; Tenny et al., *v.* Collins, 4 Bank. Reg., 156.

Contempt before register.

SEC. 5006. Whenever any person examined before a register refuses or declines to answer, or to swear to or sign his examination when taken, the register shall refer the matter to the judge, who shall have power to order the person so acting to pay the costs thereby occasioned, and to punish him for contempt, if such person be compellable by law to answer such question or to sign such examination.

Ibid.

Registers may act for each other.

SEC. 5007. Any register may act in the place of any other register appointed by and for the same district court.

Ibid., s 4, p. 519.

Payment of fees of registers.

SEC. 5008. The fees of registers, as established by law or by rules and orders framed pursuant to law, shall be paid to them by the parties for whom the services may be rendered.

Ibid.

In re MacIntire, 1 Ben., 277.

Contested issues to be decided by judge.

SEC. 5009. In all matters where an issue of fact or of law is raised and contested by any party to the proceedings before any register, he shall cause the question or issue to be stated by the opposing parties in writing, and he shall adjourn the same into court for decision by the judge.

2 Mar., 1867, c. 176, s. 4, v. 14, p. 519.

In re Patterson, 1 Ben., 448; *In re* Levy, 1 Ben., 496; *In re* Watts, 3 Ben., 166.

Certificates of matters to be decided by judge.

SEC. 5010. Any party shall, during the proceedings before a register, be at liberty to take the opinion of the district judge upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the register in the shape of a short certificate to the judge, who shall sign the same if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceeding; but every such certificate may be discharged or varied by the judge at chambers or in open court.

2 Mar., 1867, c. 176, s. 6, v. 14, p. 520.

In re Pulver, 1 Ben., 381; *In re* Levy, 1 Ben., 496; *In re* Haskell, 4 Bank. Reg., 181.

Appeal from judge's decision upon questions submitted.

SEC. 5011. In any proceedings within the jurisdiction of the court, under this Title, the parties concerned, or submitting to such jurisdiction, may at any stage of the proceedings, by consent, state any questions in a special case for the opinion of the court, and the judgment of the court shall be final unless it is agreed and stated in the special case that either party may appeal, if, in such case, an appeal is allowed by this Title. The parties may also, if they think fit, agree, that upon the questions raised by such special case being finally decided, a sum of money, fixed by the parties, or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

2 Mar., 1867, c. 176, s. 6, v. 14, p. 520.

Penalties against officers.

SEC. 5012. If any judge, register, clerk, marshal, messenger, assignee, or any other officer of the several courts of bankruptcy shall, for anything done or pretended to be done under this Title, or under color of doing anything thereunder, willfully demand or take, or appoint or allow any person whatever to take for him or on his account, or for or on account of any other person, or in trust for him or for any other person, any fee, emolument, gratuity, sum of money, or anything of value whatever, other than is allowed by law, such person shall forfeit and pay a sum not less than three hundred dollars and not more than five hundred dollars, and be imprisoned not exceeding three years.

2 Mar., 1867, c. 176, s. 45, v. 14, p. 539.

Meaning of terms and computation of time.

SEC. 5013. In this Title the word "assignee," and the word "creditor," shall include the plural also; and the word "messenger" shall include his assistant or assistants, except in the provision for the fees of that officer. The word "marshal" shall include the marshal's deputies; the word "person" shall also include "corporation;" and the word "oath" shall include "affirmation." And in all cases in which any particular number of days is prescribed by this Title, or shall be mentioned in any rule or order of court or general order which shall at any time be made under this Title, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall fall on a Sunday, Christmas day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, in which case the time shall be reckoned exclusive of that day also.

2 Mar., 1867, c. 176, s. 48, v. 14, p. 540.

CHAPTER TWO.

VOLUNTARY BANKRUPTCY.

Sec.
5014. Petition and schedule.
5015. Schedule of debts.
5016. Inventory of property.
5017. Oath to petition and schedule.
5018. Oath of allegiance.
5019. Warrant to marshal.
5020. Amendment of schedule.

Petition and schedules.

SEC. 5014. If any person residing within the jurisdiction of the United States, and owing debts provable in bankruptcy exceeding the amount of three hundred dollars, shall apply by petition addressed to the judge of the judicial district in which such debtor has resided or carried on business for the six months next preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain a discharge from his debts, and shall annex to his petition a schedule and inventory, in compliance with the next two sections, the filing of such petition shall be an act of bankruptcy and such petitioner shall be adjudged a bankrupt.

2 Mar., 1867, c. 176, s. 11, v. 14 p. 521.
22 *June*, 1874, *c.* 390, *s.* 5, *v.* 18, *p.* 179.
22 *June*, 1874, *c.* 390, *s.* 15, *v.* 18, *p.* 182.
In re Magie, 2 Ben., 369; *In re* Wyelarski, 4 Bank. Reg., 130; *In re* Fogerty and Gerrity, 4 Bank. Reg., 148; *In re* James L. Fowler, 1 Low., 161; *In re* Goodfellow, 1 Low., 510; *In re* Lyons, 2 Saw., 524; *In re* Wright, 6 Biss., 317.

Schedule of debts.

SEC. 5015. The said schedule must contain a full and true statement of all his debts, exhibiting, as far as possible, to whom each debt is due, the place of residence of each creditor, if known to the debtor, and if not known the fact that it is not known; also the sum due to each creditor; the nature of each debt or demand, whether founded on written security, obligation, or contract, or otherwise; the true cause and consideration of the indebtedness in each case, and the place where such indebtedness accrued; and also a statement of any existing mortgage, pledge, lien, judgment, or collateral or other security given for the payment of the same.

2 Mar., 1867, c. 176, s. 11, v. 14, p. 521.
22 *June*, 1874, *c.* 390, *s.* 15, *v.* 18 *p.* 182.
In re Hill, 1 Ben., 321; *In re* Pulver, 1 Ben., 381; *In re* Orne, 1 Ben., 420.

Inventory of property.

SEC. 5016. The said inventory must contain an accurate statement of all the petitioner's estate, both real and personal, assignable under this Title, describing the same and stating where it is situated, and whether there are any, and, if so, what incumbrances thereon.

2 Mar., 1867, c. 176, s. 11, v. 14, p. 521.
22 *June*, 1874, *c.* 390, *s.* 15, *v.* 18, *p.* 182.—*In re* Hill, 1 Ben., 321; *In re* Sallee, 2 Bank. Reg., 78.

Oath to petition and schedule.

SEC. 5017. The schedule and inventory must be verified by the oath of the petitioner, which may be taken either before the district judge, or before a register, or before a commissioner of the circuit court.

2 Mar., 1867, c. 176, s. 11, v. 14, p. 521.

Oath of allegiance.

SEC. 5018. Every citizen of the United States petitioning to be declared bankrupt shall, on filing his petition, and before any proceedings thereon,

Ibid.

take and subscribe an oath of allegiance and fidelity to the United States, which oath may be taken before either of the officers mentioned in the preceding section, and shall be filed and recorded with the proceedings in bankruptcy.

Warrant to marshal.

Ibid.
22 *June*, 1874, *c.* 390, *ss.* 5, 19, *v.* 18, *pp.* 179, 184.

SEC. 5019. Upon the filing of such petition, schedule, and inventory, the judge or register shall forthwith, if he is satisfied that the debts due from the petitioner exceed three hundred dollars, issue a warrant, to be signed by such judge or register, directed to the marshal for the district, authorizing him forthwith, as messenger, to publish notices in such newspapers as the warrant specifies; to serve written or printed notice, by mail or personally, on all creditors upon the schedule filed with the debtor's petition, or whose names may be given to him in addition by the debtor; and to give such personal or other notice to any persons concerned as the warrant specifies.

Amendment of schedule.

2 Mar., 1867, c. 176, s. 26, v. 4, p. 529. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.—*In re* Morford, 1 Ben., 264; *In re* Orne, 1 Ben., 420; *In re* Watts, 3 Ben., 166; *In re* Ratcliff, 1 Bank. Reg., 98; Lehman's Case, 2 Woods, 554.

SEC. 5020. Every bankrupt shall be at liberty, from [time] to time, upon oath, to amend and correct his schedule of creditors and property, so that the same shall conform to the facts.

CHAPTER THREE.

INVOLUNTARY BANKRUPTCY.

Sec.
5021. Acts of bankruptcy.
5022. Prior acts of bankruptcy.
5023. Who may file petition.
5024. Proceedings after filing petition.
5025. Service of order to show cause.
5026. Proceedings on return day.
5027. Costs at trial.
5028. Warrant.
5029. Distribution of property of debtor.
5030. Schedule and inventory.
5031. Proceedings when debtor is absent.

Acts of bankruptcy.

2 Mar., 1867, c. 176, s. 39, v. 14, p. 536.
22 *June*, 1874, *c.* 390, *s.* 12, *v.* 18, *p.* 180.
26 *July*, 1876, *c.* 234, *v.* 19, *p.* 102.

SEC. 5021. Any person residing within the jurisdiction of the United States and owing debts provable in bankruptcy exceeding the amount of three hundred dollars:

The statute of July 26, 1876, c. 234, v. 19, p. 102, amends the twelfth section of the bankrupt act of 1874, c. 390, v. 18, p. 178.

The twelfth section of the act of 1874 was a substitute, in an amended form, for section thirty-nine of the act of 2 March, 1867, c. 176, v. 14, p. 536, from which, section five thousand and twenty-one of the Revised Statutes was drawn.

In re Marvin, 1 Dill., 178; Wright *v.* Filley, 1 Dill., 171; *In re* Shick, 3 Ben., 5; *In re* Black and Secor, 2 Ben., 196; *In re* Dunham and Orr, 2 Ben., 488; *In re* Dibblee et al., 3 Ben., 283; *In re* Patent Bolt Company, 3 Ben., 369; *In re* Wynne, 4 Bank. Reg., 5; *In re* Leighton, 5 Bank. Reg., 95; *In re* Massachusetts Brick Company, 5 Bank. Reg., 408; *In re* Merchants' Ins. Co., 6 Bank. Reg., 43; *In re* Independent Ins. Co., 6 Bank. Reg., 169; Clarion Bank *v.* Jones, 21 Wall., 325; Burnhisel *v.* Firman, assignee,

First. Who departs from the State, district, or Territory of which he is an inhabitant with intent to defraud his creditors, or, being absent, remains absent with such intent; or,

Second. Who conceals himself to avoid the service of legal process in any action for the recovery of a debt or demand provable in bankruptcy; or,

Third. Who conceals or removes any of his property to avoid its being attached, taken, or sequestered on legal process; or,

Fourth. Who makes any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors; or,

Fifth. Who has been arrested and held in custody under or by virtue of mesne process or execution, issued out of any court of any State, district, or Territory within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate, and for a sum exceeding one hundred dollars, if such process is remaining in force and not discharged by payment, or in some other manner provided by the law of such State, district, or Territory applicable thereto, for a period of seven days; or,

Sixth. Who has been actually imprisoned for more than seven days in a civil action founded on contract, for the sum of one hundred dollars or upward; or,

Seventh. Who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, makes any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate, rights, or credits, or gives any warrant to confess judgment; or procures or suffers his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act; or.

22 Wall., 170; *In re* D. Pratt, 2 Low., 96; Mann's Case, 13 Blatch., 401; Winter *v.* Iowa, &c., R. R. Co., 2 Dill., 487; Oxford Iron Company *v.* Slafter, 13 Blatch., 455; *In re* Chandler, 1 Low., 478; *In re* Smith et al., 2 Low., 69; *In re* Raynor, 11 Blatch., 42; *In re* Clemens, 2 Dill., 533; *In re* Obear, 3 Dill., 37; *In re* King, 3 Dill., 364; *In re* Terry, 5 Biss., 110; Hamlin *v.* Pettibone, 6 Biss., 167; *In re* Sykes, 5 Biss., 113; *In re* Wilson, 5 Biss., 387; *In re* Manning, 5 Biss., 6 Biss., 213; *In re*

Eighth. Who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or who has stopped or suspended and not resumed payment of his commercial paper, within a period of fourteen days, shall be deemed to have committed an act of bankruptcy, and to have become liable to be adjudged a bankrupt. And if such person shall be adjudged a bankrupt, the assignee may recover back the money or other property so paid, conveyed, sold, assigned, or transferred contrary to this Title, provided the person receiving such payment or conveyance had reasonable cause to believe that a fraud on this Title was intended, and that the debtor was insolvent, and such creditor shall not be allowed to prove his debt in bankruptcy.

497; Jack's Case, 1 Woods, 549; *In re* Ryan, 2 Saw., 411; *In re* Frost, Williams & McPheters, 6 Biss., 233; Barr *v.* Hopkins, 6 Biss., 345.

Prior acts of bankruptcy.

SEC. 5022. Any act of bankruptcy committed since the second day of March, eighteen hundred and sixty-seven, may be the foundation of an adjudication of involuntary bankruptcy, upon a petition filed within the time prescribed by law, equally with one committed hereafter.

Who may file petition.

SEC. 5023. An adjudication of bankruptcy may be made on the petition of one or more creditors, the aggregate of whose provable debts amounts to at least two hundred and fifty dollars, provided such petition is brought within six months after the act of bankruptcy shall have been committed.

2 Mar., 1867, c. 176, s. 39, v. 14, p. 536.

4 Bank. Reg., 12; *In re* Skelley, 5 Bank. Reg, 214; *In re* Hunt, 5 Bank. Reg., 433; *In re* Stansell, 6 Bank. Reg., 183; Sloan *v.* Lewis, 22 Wall., 150; *In re* Williams et al., 1 Low., 406; *In re* Alexander, 1 Low., 470; *In re* Currier, 2 Low., 437; *In re* Wilson, 2 Low., 453; *In re* Israel, 3 Dill., 511; *In re* Scammon, 6 Biss., 130, 145, 195; *In re* Raffauf, 6 Biss., 150; *In re*, Hatje, 6 Biss., 436.

In re Linn et al.,

Proceedings after filing the petition.

SEC. 5024. Upon the filing of the petition authorized by the preceding section, if it appears that sufficient grounds exist therefor, the court shall direct the entry of an order requiring the debtor to appear and show cause, at a court of bankruptcy to be holden at a time to be specified in the order, not less than five days from the service thereof, why the prayer of the petition should not be granted. The court may also, by injunction, restrain the debtor, and any other person, in the mean time, from making any transfer or disposition of any part of the debtor's property not excepted by this Title from the operation thereof and from any interference therewith; and if it shall appear that there is probable cause for believing that the debtor is about to leave the district, or to remove or conceal his goods and chattels or his evidence of property, or to make any fraudulent conveyance or disposition thereof, the court may issue a warrant to the marshal of the district, commanding him to arrest and safely keep the alleged debtor, unless he shall give bail to the satisfaction of the court for his appearance from time to time, as required by the court, until its decision upon the petition, or until its further order, and forthwith to take possession provisionally of all the property and effects of the debtor, and safely keep the same until the further order of the court.

2 Mar., 1867, c. 176, s. 40, v. 14, p. 536.

In re Metzler et al., 1 Ben., 356; *In re* Cone et al., 2 Ben., 502; National Bank *v.* Iron Co., 5 Bank. Reg., 491.

Service of order to show cause.

SEC. 5025. A copy of the petition and order to show cause shall be served on the debtor by delivering the same to him personally, or leaving the same at his last or usual place of abode; or, if the debtor cannot be found, and his place of residence cannot be ascertained, service shall be made by publication in such manner as the judge may direct. No further proceedings, unless the debtor appears and consents thereto, shall be had until proof has been given, to the satisfaction of the court, of such

2 Mar., 1867, c. 176, s. 40, v. 14, p. 536.
22 *June*, 1874, c. 390, s. 13, v. 18, p. 182.

In re Washington,

&c., Ins. Co., 2 Ben., 292; Alabama, &c., R. R. Co. *v.* Jones, 5 Bank. Reg., 97.

service or publication; and if such proof is not given on the return day of such order, the proceedings shall be adjourned and an order made that the notice be forthwith so served or published.

Proceedings on return day.

27 Mar., 1867, c. 176, ss. 41, 42, v. 14, p. 537.
22 *June*, 1874, c. 390, *s.* 14, *v.* 18, *p.* 182.

SEC. 5026. On such return day or adjourned day, if the notice has been duly served or published, or is waived by the appearance and consent of the debtor, the court shall proceed summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time, on good cause shown, and shall, if the debtor on the same day so demands, in writing, order a trial by jury at the first term of the court at which a jury shall be in attendance, to ascertain the fact of the alleged bankruptcy. If the petitioning creditor does not appear and proceed on the return day, or adjourned day, the court may upon the petition of any other creditor, to the required amount, proceed to adjudicate on such petition, without requiring a new service or publication of notice to the debtor.

Insurance Co. *v.* Comstock, 16 Wall., 258; *In re* Pupke, 1 Ben., 342; *In re* Weyhausen et al., 1 Ben., 397; *In re* Hoppock, 2 Ben., 478; *In re* Ulrich et al., 3 Ben., 355; Hill *v.* Thompson, 94 U. S., 322; *In re* Lacy, Downs & Co., 12 Blatch., 322; *In re* Findlay, 5 Biss., 480.

Costs at trial.

2 Mar., 1867, c. 176, s. 41, v. 14, p. 537.

SEC. 5027. If upon such hearing or trial the debtor proves to the satisfaction of the court or of the jury, as the case may be, that the facts set forth in the petition are not true, or that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens was the sole ground of the proceeding, the proceedings shall be dismissed and the respondent shall recover costs.

Warrant.

2 Mar., 1867, c. 176, s. 42, v. 14, p. 537.

SEC. 5028. If upon the hearing or trial the facts set forth in the petition are found to be true, or if upon default made by the debtor to appear pursuant to the order, due proof of service thereof is made, the court shall adjudge the debtor to be a bankrupt, and shall forthwith issue a warrant to take possession of his estate.

Hill *v.* Thompson, 94 U. S., 322; Hamlin *v.* Pettibone, 6 Biss., 167.

Distribution of property of debtor.

2 Mar., 1867, c. 176, s. 42, v. 14, p. 537.
22 *June*, 1874, c. 390, *s.* 19, *v.* 18, *p.* 184. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

SEC. 5029. The warrant shall be directed, and the property of the debtor shall be taken thereon, and shall be assigned and distributed in the same manner and with similar proceedings to those [*hereinbefore*] [hereinafter] provided for the taking possession, assignment, and distribution of the property of the debtor upon his own petition.

Schedule and inventory.

2 Mar., 1867, c. 176, s. 42, v. 14, p. 537.
22 *June*, 1874, c. 390, *s.* 15, *v.* 18, *p.* 182.

SEC. 5030. The order of adjudication of bankruptcy shall require the bankrupt forthwith, or within such number of days not exceeding five after the date of the order or notice thereof, as shall by the order be prescribed, to make and deliver, or transmit by mail, post-paid, to the messenger, a schedule of the creditors and an inventory of his estate in the form and verified in the manner required of a petitioning debtor.

Proceedings when debtor is absent.

2 Mar., 1867, c. 176, s. 42, v. 14, p. 537.

SEC. 5031. If the debtor has failed to appear in person, or by attorney, a certified copy of the adjudication shall be forthwith served on him by delivery or publication in the manner provided for the service of the order to show cause; and if the bankrupt is absent or cannot be found, such schedule and inventory shall be prepared by the messenger and the assignee from the best information they can obtain.

CHAPTER FOUR.

PROCEEDINGS TO REALIZE THE ESTATE FOR CREDITORS.

Sec.
5032. Contents of notice to creditors.
5033. Marshal's return.
5034. Choice of assignee.
5035. Who are disqualified.
5036. Bond of assignee.
5037. Assignee liable for contempt.
5038. Resignation of the trust.
5039. Removal of assignee.
5040. Effect of resignation or removal.
5041. Filling vacancies.
5042. Vesting estate in remaining assignee.
5043. Former assignee to execute instruments.
5044. Assignment.

Sec.
5045. Exemptions.
5046. What property vests in assignee.
5047. Right of action of assignee.
5048. No abatement by death or removal.
5049. Copy of assignment conclusive evidence of title.
5050. Bankrupt's books of account.
5051. Debtor must execute instruments.
5052. Chattel-mortgages.
5053. Trust property.
5054. Notice of appointment of assignee and record of assignment.
5055. Assignee to demand and receive all assigned estate.
5056. Notice prior to suit against assignee.
5057. Time of commencing suits.
5058. Assignee's accounts of money received.
5059. Assignee to keep money and goods separate.
5060. Temporary investment of money.
5061. Arbitration.
5062. Assignee to sell property.
5063. Sale of disputed property.
5064. Sale of uncollectible assets.
5065. Sale of perishable property.
5066. Discharge of liens.
5067. Provable debts.
5068. Contingent debts.
5069. Liability of bankrupt as surety.
5070. Sureties for bankrupt.
5071. Debts falling due at stated periods.
5072. No other debts provable.
5073. Set-offs.
5074. Distinct liabilities.
Sec.
5075. Secured debts.
5076. Proof of debt.
5077. Creditor's oath.
5078. Oath by whom made.
5079. Oath, before whom taken; proof sent to register.
5080. Proof to be sent to assignee.
5081. Examination by court into proof of claims.
5082. Withdrawal of papers.
5083. Postponement of proof.
5084. Surrender of preferences.
5085. Allowance and list of debts.
5086. Examination of bankrupt.
5087. Examination of witness.
5088. Examination of bankrupt's wife.
5089. Examination of imprisoned or disabled bankrupt.
5090. No abatement upon death of debtor.
5091. Distribution of bankrupt's estate.
5092. Second meeting of creditors.
5093. Third meeting of creditors.
5094. Notice of meetings.
5095. Creditor may act by attorney.
5096. Settlement of assignee's account.
5097. Dividend not to be disturbed.
5098. Omission of assignee to call meetings.
5099. Compensation of assignee.
5100. Commissions.
5101. Debts entitled to priority.
5102. Notice of dividend to each creditor.
5103. Settlement of bankrupt estates by trustees.

Contents of notice to creditors.

SEC. 5032. The notice to creditors under warrant shall state:

First. That a warrant in bankruptcy has been issued against the estate of the debtor.

Second. That the payment of any debts and the delivery of any property belonging to such debtor to him or for his use, and the transfer of any property by him, are forbidden by law.

Third. That a meeting of the creditors of the debtor, giving the names, residences, and amounts, so far as known, to prove their debts and choose one or more assignees of his estate, will be held at a court of bankruptcy, to be holden at a time and place designated in the warrant, not less than ten nor more than ninety days after the issuing of the same.

2 Mar., 1867, c. 176, s. 11, v. 14, p. 521.

In re Hill, 1 Ben., 321; *In re* Heys, 1 Ben., 333; *In re* Pulver, 1 Ben., 381; *In re* Indianapolis, &c., R. R. Co., 5 Biss., 287; Elfelt *v.* Snow, 2 Saw., 94; *Ex parte* Fremont Nat. Bank, 2 Low., 409.

Marshal's return.

SEC. 5033. At the meeting held in pursuance of the notice, one of the registers of the court shall preside, and the messenger shall make return of the warrant and of his doings thereon; and if it appears that the notice to the creditors has not been given as required in the warrant, the meeting shall forthwith be adjourned, and a new notice given as required.

2 Mar., 1867, c. 176, s. 12, v. 14, p. 522.

In re Hill, 1 Ben., 321; *In re* Devlin, 1 Ben., 335; *In re* Pulver, 1 Ben., 381.

Choice of assignee.

SEC. 5034. The creditors shall, at the first meeting held after due notice from the messenger in presence of a register designated by the court, choose one or more assignees of the estate of the debtor; the choice to be made by the greater part in value and in number of the creditors who have proved their debts. If no choice is made by the creditors at the meeting, the judge, or if there be no opposing interest, the register, shall appoint one or more assignees. If an assignee, so chosen or appointed, fails within five days to express in writing his acceptance of the trust, the judge or register may fill the vacancy. All elections or appointments of assignees shall be subject to the approval of the judge; and when in his judgment it is for any cause needful or expedient, he may appoint additional assignees, or order a new election.

2 Mar., 1867, c. 176, s. 13, v. 14, p. 522.

In re Hill, 1 Ben., 321; *In re* Devlin, 1 Ben., 335 (338); *In re* Bliss, 1 Ben., 407; *In re* Smith, 2 Ben., 113; *In re* A. B., 3 Ben., 66; *In re* Phelps, Caldwell & Co., 1 Bank. Reg., 139; *In re* Scheiffer & Garrett, 2 Bank. Reg., 179; *In re* Zinn, 4 Bank. Reg., 145; *In re* Boston, &c., R. R., 5 Bank. Reg., 233; *In re* Clairmont, 1 Low., 230; *In re* James McGlyn, 2 Low., 127; *In re* Gilley, 2 Low., 250; Woods *v.* Buckewell, 2 Dill., 38; *In re* Tertelling, 2 Dill., 339; *In re* Adler & Brothers, 2 Woods, 571.

Who are disqualified.

2 Mar., 1867, c. 176, s. 18, v. 14, p. 525.

SEC. 5035. No person who has received any preference contrary to the provisions of this Title shall vote for or be eligible as assignee; but no title to property, real or personal, sold, transferred, or conveyed by an assignee, shall be affected or impaired by reason of his ineligibility.

In re Powell, 2 Bank. Reg., 17; *In re* Barrett, 2 Bank. Reg., 165; *In re* Clairmont, 1 Bank. Reg., 42; Reiman Case, 12 Blatch., 562.

Bond of assignee.

2 Mar., 1867, c. 176, s. 13, v. 14, p. 522.

In re Fernberg, 2 Bank. Reg., 114.

SEC. 5036. The district judge at any time may, and upon the request in writing of any creditor who has proved his claim shall, require the assignee to give good and sufficient bond to the United States, with a condition for the faithful performance and discharge of his duties; the bond shall be approved by the judge or register by his indorsement thereon, shall be filed with the record of the case, and inure to the benefit of all creditors proving their claims, and may be prosecuted in the name and for the benefit of any injured party. If the assignee fails to give the bond within such time as the judge or register orders, not exceeding ten days after notice to him of such order, the judge shall remove him and appoint another in his place.

Assignee liable for contempt.

2 Mar., 1867, c. 176, s. 18, v. 14, p. 525.

SEC. 5037. Any assignee who refuses or unreasonably neglects to execute an instrument when lawfully required by the court, or disobeys a lawful order or decree of the court in the premises, may be punished as for a contempt of court.

Resignation of the trust.

Ibid.

SEC. 5038. An assignee may, with the consent of the judge, resign his trust and be discharged therefrom.

Removal of assignee.

Ibid.

22 *June*, 1874, *c.* 390, *s.* 4, *v.* 18, *p.* 179.

22 *June*, 1874, *c.* 390, *s.* 19, *v.* 18, *p.* 185.

SEC. 5039. The court, after due notice and hearing, may remove an assignee for any cause which, in his judgment, renders such removal necessary or expedient. At a meeting called for the purpose by order of the court, in its discretion, or called upon the application of a majority of the creditors in number and value, the creditors may, with consent of the court, remove any assignee by such a vote as is provided for the choice of assignee.

In re Stokes, 1 Bank. Reg., 130; *In re* Scheiffer & Garrett, 2 Bank. Reg., 179; *In re* Mallory, 4 Bank. Reg., 38; *In re* Price, 4 Bank. Reg., 137; *In re* Carson, 5 Bank. Reg., 290; *In re* Blodget & Sanford, 5 Bank. Reg., 472; *In re* Dewey, 1 Low., 493; *Ex parte* Perkins, 5 Biss., 254; *In re* Adler & Brothers, 2 Woods, 571.

Effect of resignation or removal.

2 Mar., 1867, c. 176, s. 18, v. 14, p. 525.

22 *June*, 1874, *c.* 390, *s.* 19, *v.* 18, *p.* 185.

SEC. 5040. The resignation or removal of an assignee shall in no way release him from performing all things requisite on his part for the proper closing up of his trust and the transmission thereof to his successors, nor shall it affect the liability of the principal or surety on the bond given by the assignee.

Filling vacancies.

2 Mar., 1867, c. 176, s. 18, v. 14, p. 525.

SEC. 5041. Vacancies caused by death or otherwise in the office of assignee may be filled by appointment of the court, or at its discretion by an election by the creditors, in the same manner as in the original choice of an assignee, at a regular meeting, or at a meeting called for the purpose, with such notice thereof in writing to all known creditors, and by such person as the court shall direct.

Vesting estate in remaining assignee.

Ibid.

SEC. 5042. When, by death or otherwise, the number of assignees is reduced, the estate of the debtor not lawfully disposed of shall vest in the remaining assignee or assignees, and in the persons selected to fill vacancies, if any, with the same powers and duties relative thereto as if they were originally chosen.

Former assignee to execute instruments.

Ibid.

SEC. 5043. Any former assignee, his executors or administrators, upon request, and at the expense of the estate, shall make and execute to the new assignee all deeds, conveyances, and assurances, and do all other lawful acts requisite to enable him to recover and receive all the estate. And the court may make all orders which it may deem expedient to secure the proper fulfillment of the duties of any former assignee, and the rights and interests of all persons interested in the estate.

Assignment.

Ibid., *s.* 14, p. 522.

Allen *v.* Massey, 17 Wall., 351; *In re*

SEC. 5044. As soon as an assignee is appointed and qualified, the judge, or, where there is no opposing interest, the register, shall, by an instrument under his hand, assign and convey to the assignee all the estate, real and personal, of the bankrupt, with all his deeds, books, and

papers relating thereto, and such assignment shall relate back to the commencement of the proceedings in bankruptcy, and by operation of law shall vest the title to all such property and estate, both real and personal, in the assignee, although the same is then attached on mesne process as the property of the debtor, and shall dissolve any such attachment made within four months next preceding the commencement of the bankruptcy proceedings.

Voge, 7 Blatch., 18; Johnson *v.* Bishop, 1 Wool., 324; *In re* Ellis, 1 Bank. Reg., 154; Bowman *v.* Harding, 4 Bank. Reg., 5; Doe *v.* Childress, 21 Wall., 642; Hampton *v.* Rouse, 22 Wall., 263; Morgan *v.* Campbell, 22 Wall., 381; Donaldson, assignee, *v.* Farwell et al., 93 U. S., 631; Jaycox and Green's Case, 13 Blatch., 70; Rix *v.* Capitol Bank, 2 Dill., 367; Austin *v.* Reilly, 2 Wood., 670.

Exemptions.

2 Mar., 1867, c. 176, s. 14, v. 14, p. 522.
8 June, 1872, c. 339, v. 17, p. 334.
3 Mar., 1873, c. 235, v. 17, p. 577.

SEC. 5045. There shall be excepted from the operation of the conveyance the necessary household and kitchen furniture, and such other articles and necessaries of the bankrupt as the assignee shall designate and set apart, having reference in the amount to the family, condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of five hundred dollars; also the wearing apparel of the bankrupt, and that of his wife and children, and the uniform, arms, and equipments of any person who is or has been a soldier in the militia, or in the service of the United States; and such other property as now is, or hereafter shall be, exempted from attachment, or seizure, or levy on execution by the laws of the United States, and such other property not included in the foregoing exceptions as is exempted from levy and sale upon execution or other process or order of any court by the laws of the State in which the bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount allowed by the constitution and laws of each State, as existing in the year eighteen hundred and seventy-one; and such exemptions shall be valid against debts contracted before the adoption and passage of such State constitution and laws, as well as those contracted after the same, and against liens by judgment or decree of any State court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding. These exceptions shall operate as a limitation upon the conveyance of the property of the bankrupt to his assignee; and in no case shall the property hereby excepted pass to the assignee, or the title of the bankrupt thereto be impaired or affected by any of the provisions of this Title; and the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of the said court.

In re Beckerford, 1 Dill., 45; *In re* Van Buren Cobb, 1 Bank. Reg., 106; *In re* Thornton, 2 Bank. Reg., 68; *In re* Griffin, 2 Bank. Reg., 85; *In re* Lambert, 2 Bank. Reg., 138; *In re* Jefferson and Pearce, 2 Bank. Reg., 158; *In re* Gainey, 2 Bank. Reg., 163; *In re* McLean, 2 Bank. Reg., 173; *In re* Hester, 5 Bank. Reg., 285; *In re* Stevens, 5 Bank. Reg., 298; *In re* Welsh, 5 Bank. Reg., 348; *In re* Hunt, 5 Bank. Reg., 493; Bennett *v.* Erben, 2 Bank. Reg., 66; *In re* Hay, 2 Low., 180; Nutter *v.* Wheeler, 2 Low., 346; *In re* Jones, 2 Dill., 343; *In re* Hezekiah, 2 Dill., 551; *In re* Cohen, 3 Dill., 295; *In re* Poleman, 5 Biss., 526; *In re* Davis, 2 Saw., 255; *In re* Henkel, 2 Saw., 305; *In re* Smith, 2 Woods, 458; McFarland *v.* Goodman, 6 Biss., 111; *In re* Owens, 6 Biss., 432.

What property vests in assignee.

2 Mar., 1867, c. 176, s. 14, v. 14, p. 522.

SEC. 5046. All property conveyed by the bankrupt in fraud of his creditors; all rights in equity, choses in action, patent-rights, and copyrights; all debts due him, or any person for his use, and all liens and securities therefor; and all his rights of action for property or estate, real or personal, and for any cause of action which he had against any person arising from contract or from the unlawful taking or detention, or injury to the property of the bankrupt; and all his rights of redeeming such property or estate; together with the like right, title, power, and authority to sell, manage, dispose of, sue for, and recover or defend the same, as the bankrupt might have had if no assignment had been made, shall, in virtue of the adjudication of bankruptcy and the appointment of his assignee, but subject to the exceptions stated in the preceding section, be at once vested is such assignee.

Allan *v.* Massay, 17 Wall., 351; Shackleford *v.* Collier, 6 Bush., (Ky.,) 149; Boone *v.* Hall, 7 Bush., (Ky.,) 66; Pratt *v.* Curtis, 6 Bank. Reg., 139; Dwight et al. *v.* Ames, 2 Bank. Reg., 147; Claflin *v.* Houseman, 93 U. S., 130; Foster et al. *v.* Ames, 1 Low., 313; *Ex parte* Rockford et al.; *In re* McKay et al., 1 Low., 345; *Ex parte* Faxon, 1 Low., 404; *In re* Griffiths, 1 Low., 431; *In re* Johnson & Stowers, 2 Low., 129; Nutter *v.* Wheeler, 2 Low., 346; Durant *v.* Massachusetts Hos. Life Ins. Co., 2 Low., 575; Humes *v.* Scruggs, 94 U. S., 22; Collin's Case, 12 Blatch., 548; Sanford *v.* Lockland, 2 Dill., 6; *In re* Murrin, 2 Dill., 120; Borland *v.* Phillips, 2 Dill., 383; Kappner *v.* Saint Louis Railroad et al., 3 Dill., 228; Gibson *v.* Dobie, 5 Biss., 198; Goddard *v.* Weaver, 1 Woods, 257; Jackson *v.* McCulloch, 1 Woods, 433; *In re* Sutherland, 6 Biss., 526.

Right of action of assignee.

SEC. 5047. The assignee shall have the like remedy to recover all the estate, debts, and effects in his own name, as the debtor might have had

2 Mar., 1867, c. 176, ss. 14, 16, v. 14, pp. 523, 524. 22 *June*, 1874, *c.* 390, *s.* 2, *r.* 18, *p.* 178.

if the decree in bankruptcy had not been rendered and no assignment had been made. If at the time of the commencement of the proceedings in bankruptcy, an action is pending in the name of the debtor for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall, if he requires it, be admitted to prosecute the action in his own name, in like manner and with like effect as if it had been originally commenced by him. And if any suit at law or in equity, in which the bankrupt is a party in his own name, is pending at the time of the adjudication of bankruptcy, the assignee may defend the same in the same manner and with the like effect as it might have been defended by the bankrupt.

Herndon *v.* Howard, 9 Wall., 664; North Carolina *v.* Trustees of University, 5 Bank. Reg., 466; Neal *v.* Beckwith et al., 2 Bank. Reg., 82; Norton, assignee, *v.* Switzer, 93 U. S., 358; *Ex parte* Tremont National Bank., 2 Low., 409; Babbitt *v.* Burges, 2 Dill., 169; Markson *v.* Hobson, 2 Dill., 327; Payson *v.* Stoever, 2 Dill., 427; Cragin *v.* Thompson, 2 Dill., 513; Cragin *v.* Carmichael, 2 Dill., 519; Townsend *v.* Leonard, 3 Dill., 371; Bradley *v.* Frost, 3 Dill., 457; Donaldson *v.* Farwell, 5 Biss., 451; Davis *v.* Railroad Company, 1 Woods, 661.

No abatement by death or removal.

2 Mar., 1867, c. 176, s. 16, v. 14, p. 524.

SEC. 5048. No suit pending in the name of the assignee shall be abated by his death or removal; but upon the motion of the surviving or remaining or new assignee, as the case may be, he shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally commenced by him.

Copy of assignment conclusive evidence of title.

Ibid., s. 14, p. 522.

SEC. 5049. A copy duly certified by the clerk of the court, under the seal thereof, of the assignment, shall be conclusive evidence of the title of the assignee to take, hold, sue for, and recover the property of the bankrupt.

Herndon *v.* Howard, 9 Wall., 664.

Bankrupt's books of account.

2 Mar., 1867, c. 176, s. 14, v. 14, p. 522.—Rogers *v.* Winsor, 6 Bank. Reg., 246.

SEC. 5050. No person shall be entitled, as against the assignee, to withhold from him possession of any books of account of the bankrupt, or claim any lien thereon.

Debtor must execute instruments.

2 Mar., 1867, c. 176, s. 14, v. 14, p. 522.

SEC. 5051. The debtor shall, at the request of the assignee and at the expense of the estate, make and execute any instruments, deeds, and writings which may be proper to enable the assignee to possess himself fully of all the assets of the bankrupt.

Chattel mortgages.

Ibid.

SEC. 5052. No mortgage of any vessel or of any other goods or chattels, made as security for any debt, in good faith and for a present consideration and otherwise valid, and duly recorded pursuant to any statute of the United States or of any State, shall be invalidated or affected by an assignment in bankruptcy.

In re Soldiers' Business and Dispatch Co., 3 Ben., 204; Potter et al. *v.* Coggeshall, 4 Bank. Reg., 19; *In re* Eldridge, 4 Bank. Reg., 162; *In re* Daw, 6 Bank. Reg., 10; Brett *v.* Carter, 2 Low., 458; *Ex parte* Fitz, 2 Low., 519; *In re* Stuyvesant Bank, 12 Blatch., 179; *In re* Forbes, 5 Biss., 510.

Trust property.

2 Mar., 1867, c. 176, s. 14, v. 14, p. 522.

SEC. 5053. No property held by the bankrupt in trust shall pass by the assignment.

In re Janeway, 4 Bank. Reg., 26; White *v.* Jones, 6 Bank. Reg., 175; *In re* Coan et als., 6 Biss., 315.

Notice of appointment of assignee and record of assignment.

2 Mar., 1867, c. 176, s. 14, v. 14, p. 522. 18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 320.

SEC. 5054. The assignee shall immediately give notice of his appointment, by publication at least once a week for three successive weeks in such newspapers as shall for that purpose be designated by the court, due regard being had to their general circulation in the district or in that portion of the district in which the bankrupt and his creditors shall reside, and shall, within six months, cause the assignment to him to be recorded in every registry of deeds or other office within the United States where a conveyance of any lands owned by the bankrupt ought by law to be recorded. [And the record of such assignment, or a duly-certified copy thereof, shall be evidence thereof in all courts.]

In re Bellamy, 1 Ben., 390; Davis *v.* Anderson, 6 Bank. Reg., 145; *In re* Hiram Littlefield, 1 Low., 321.

Assignee to demand and receive all assigned estate.

2 Mar., 1867, c. 176, s. 15, v. 14, p. 524.

SEC. 5055. The assignee shall demand and receive, from all persons holding the same, all the estate assigned or intended to be assigned.

Notice prior to suit against assignee.

SEC. 5056. No person shall be entitled to maintain an action against an assignee in bankruptcy for anything done by him as such assignee, without previously giving him twenty days' notice of such action, specifying the cause thereof, to the end that such assignee may have an opportunity of tendering amends, should he see fit to do so.

Ibid., s. 14, p. 522.

Time of commencing suits.

SEC. 5057. No suit, either at law or in equity, shall be maintainable in any court between an assignee in bankruptcy and a person claiming an adverse interest, touching any property or rights of property transferable to or vested in such assignee, unless brought within two years from the time when the cause of action accrued for or against such assignee. And this provision shall not in any case revive a right of action barred at the time when an assignee is appointed.

Ibid., s. 2, p. 518.

Sedgwick *v.* Casey, 4 Bank. Reg., 161; *In re* Masterson, 4 Bank. Reg., 180; *In re* Krogman, 5 Bank. Reg., 116; Peiper *v.* Harmer, 5 Bank. Reg., 252; Davis *v.* Anderson, 6 Bank. Reg., 145; Bailey, assignee, *v.* Glover et al., 21 Wall., 342; Hewett *v.* Norton, 1 Woods, 68; Norton *v.* De La Villebeuve, 1 Woods, 163.

Assignee's accounts of money received.

SEC. 5058. The assignee shall keep a regular account of all money received by him as assignee, to which every creditor shall, at reasonable times, have free resort.

2 Mar., 1867, c. 176, s. 15, v. 14, p. 524. 22 *June*, 1874, *c.* 390, *s.* 19, *v.* 18, *p.* 185.

Assignee to keep money and goods separate.

SEC. 5059. The assignee shall, as soon as may be after receiving any money belonging to the estate, deposit the same in some bank in his name as assignee, or otherwise keep it distinct from all other money in his possession; and shall, as far as practicable, keep all goods and effects belonging to the estate separate from all other goods in his possession, or designated by appropriate marks, so that they may be easily and clearly distinguished, and may not be liable to be taken as his property or for the payment of his debts.

2 Mar., 1867, c. 176, s. 17, v. 14, p. 524.

Temporary investment of money.

SEC. 5060. When it appears that the distribution of the estate may be delayed by litigation or other cause, the court may direct the temporary investment of the money belonging to such estate in securities to be approved by the judge or register, or may authorize it to be deposited in any convenient bank, upon such interest, not exceeding the legal rate, as the bank may contract with the assignee to pay thereon.

Ibid.

Sedgwick *v.* Place, 3 Ben., 360.

Arbitration.

SEC. 5061. The assignee, under the direction of the court, may submit any controversy arising in the settlement of demands against the estate, or of debts due to it, to the determination of arbitrators to be chosen by him and the other party to the controversy, and, under such direction, may compound and settle any such controversy, by agreement with the other party, as he thinks proper and most for the interest of the creditors.

2 Mar., 1867, c. 176, s. 17, v. 14, p. 524.

22 *June*, 1874, c. 390, *v.* 18, *p.* 178.

In re Graves, 2 Ben., 100; *In re* Dibblee, 3 Ben., 354.

Assignee to sell property.

SEC. 5062. The assignee shall sell all such unincumbered estate, real and personal, which comes to his hands, on such terms as he thinks most for the interest of the creditors; but upon petition of any person interested, and for cause shown, the court may make such order concerning the time, place, and manner of sale as will, in his opinion, prove to the interest of the creditors.

2 Mar., 1867, c. 176, s. 15, v. 14, p. 524.

22 *June*, 1874, c. 390, *ss.* 1, 4, *v.* 18, *p.* 178.—*In re* Troy Woolen Co., 8 Blatch., 465; *In re* Mott, 1 Bank. Reg., 9; *In re* Hitchings, 4 Bank. Reg., 125; *In re* Ryon and Griffin, 6 Bank. Reg., 235; March *v.* Heaton, 1 Low., 278.

Sale of disputed property.

SEC. 5063. Whenever it appears to the satisfaction of the court that the title to any portion of an estate, real or personal, which has come into possession of the assignee, or which is claimed by him, is in dispute, the court may, upon the petition of the assignee, and after such notice to the claimant, his agent or attorney, as the court shall deem reasonable, order it to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate disposed of; and the proceeds of the sale shall be considered the measure of the value of the property in any suit or controversy between the parties in any court. But this provision shall not prevent the recovery of the property from the possession of the assignee by any proper action commenced at any time before the court orders the sale.

2 Mar., 1867, c. 176, s. 25, v. 14, p. 528.

In re Bogle, 7 Blatch., 18; Marksom *v.* Heaney, 1 Dill., 497; Pennington *v.* Sale et al., 1 Bank. Reg., 157; Dwight et al. *v.* Ames, 2 Bank. Reg., 147; Knight *v.* Cheney, 5 B'k Reg., 305.

Sale of uncollectible assets.

2 Mar., 1867, c. 176, s. 28, v. 14, p. 530.

SEC. 5064. The assignee may sell and assign, under the direction of the court and in such manner as the court shall order, any outstanding claims or other property in his hands, due or belonging to the estate, which cannot be collected and received by him without unreasonable or inconvenient delay or expense.

Sale of perishable property.

Ibid., s. 25, p. 528. 22 *June*, 1874, c. 390, *s.* 4, *r.* 18, *p.* 178. *In re* Metzger et al., 1 Ben., 356.

SEC. 5065. When it appears to the satisfaction of the court that the estate of the debtor, or any part thereof, is of a perishable nature, or liable to deteriorate in value, the court may order the same to be sold, in such manner as may be deemed most expedient, under the direction of the messenger or assignee, as the case may be, who shall hold the funds received in place of the estate disposed of.

Discharge of liens.

2 Mar., 1867, c. 176, s. 14, v. 14, p. 522.

SEC. 5066. The assignee shall have authority, under the order and direction of the court, to redeem or discharge any mortgage or conditional contract, or pledge or deposit, or lien upon any property, real or personal, whenever payable, and to tender due performance of the condition thereof, or to sell the same subject to such mortgage, lien, or other incumbrance.

In re Dey, 3 Ben., 450; *In re* Stuart, 1 Bank. Reg., 42; Dwight et al. *v.* Ames, 2 Bank. Reg., 47; *In re* Wynne, 4 Bank. Reg., 5; *In re* Trin, 5 Bank. Reg., 23.

Provable debts.

2 Mar., 1867, c. 176, s. 19, v. 14, p. 525.

SEC. 5067. All debts due and payable from the bankrupt at the time of the commencement of proceedings in bankruptcy, and all debts then existing but not payable until a future day, a rebate of interest being made when no interest is payable by the terms of the contract, may be proved against the estate of the bankrupt. All demands against the bankrupt for or on account of any goods or chattels wrongfully taken, converted, or withheld by him may be proved and allowed as debts to the amount of the value of the property so taken or withheld, with interest. When the bankrupt is liable for unliquidated damages arising out of any contract or promise, or on account of any goods or chattels wrongfully taken, converted, or withheld, the court may cause such damages to be assessed in such mode as it may deem best, and the sum so assessed may be proved against the estate.

In re Orne, 1 Ben., 361; *In re* Patterson, 1 Ben., 508; *In re* Lathrop et al., 3 Ben., 490; *In re* Williams, 2 Bank. Reg., 79; *In re* Bloss, 4 Bank. Reg., 37; *In re* Whittaker, 4 Bank. Reg., 41; *In re* Stevens, 4 Bank. Reg., 122; *In re* Blandin, 5 Bank. Reg., 39; *In re* Gallison, 5 Bank. Reg., 353; *In re* Knoepfel, 1 Ben., 398; *In re* Paddock, 6 Bank. Reg., 132; *Ex parte* O'Neil, 1 Low., 163; *In re* Edward Hubbard, jr., 1 Low., 190; *In re* Kingsley, 1 Low., 216; Independent Ins. Co., 2 Low., 187; *In re* Souther, 2 Low., 320; *In re* Buckhause, 2 Low., 331; *In re* Lane, Brett & Co., 2 Low., 333; *In re* George F. Foye, 2 Low., 399; *Ex parte* Trafton, 2 Low., 505; *Ex parte* Lake, 2 Low., 544; *Ex parte* Harris, Chipman & Co., 2 Low., 568; Vetterlein's Case, 13 Blatch., 44; Downing's Assignee *v.* Traders' Bank, 2 Dill., 136; Brookmire *v.* Bean, 3 Dill., 136; Marrett *v.* Atterbury, 3 Dill., 444; *In re* Prescott, 5 Biss., 523; *In re* Commercial Bulletin Co., 2 Woods, 220; *In re* Bailey *v.* Pond, 2 Woods, 222; Bailey *v.* Loeb, 2 Woods, 578; Wylie *v.* Breck, 2 Woods, 673; *In re* Ayers, 6 Biss., 48; *In re* Reed, 6 Biss., 250; *In re* Daniels, 6 Biss., 405; *In re* Noesen, 6 Biss., 443.

Contingent debts.

2 Mar., 1867, c. 176, s. 19, v. 14, p. 525.

SEC. 5068. In all cases of contingent debts and contingent liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor, and have his claim allowed, with the right to share in the dividends, if the contingency happens before the order for the final dividend; or he may, at any time, apply to the court to have the present value of the debt or liability ascertained and liquidated, which shall then be done in such manner as the court shall order, and he shall be allowed to prove for the amount so ascertained.

Sigsby *v.* Willis, 3 Ben., 371; *Ex parte* Columbian Ins. Co., 2 Low., 5; *In re* E. W. Clap, 2 Low., 226.

Liability of bankrupt as surety.

2 Mar., 1867, c. 176, s. 19, v. 14, p. 525.

SEC. 5069. When the bankrupt is bound as drawer, indorser, surety, bail, or guarantor upon any bill, bond, note, or any other specialty or contract, or for any debt of another person, but his liability does not become absolute until after the adjudication of bankruptcy, the creditor may prove the same after such liability becomes fixed, and before the final dividend is declared.

In re Ellershorst & Co., 5 Bank. Reg., 144; *In re* Crawford, 5 Bank. Reg., 301.

Sureties for bankrupt.

SEC. 5070. Any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt or to stand

in the place of the creditor if the creditor has proved the same, although such payments shall have been made after the proceedings in bankruptcy were commenced. And any person so liable for the bankrupt, and who has not paid the whole of such debt, but is still liable for the same or any part thereof, may, if the creditor fails or omits to prove such debt, prove the same either in the name of the creditor or otherwise, as may be provided by the general orders, and subject to such regulations and limitations as may be established by such general orders.

2 Mar., 1867, c. 176, s. 19, v. 14, p. 525.

In re Wynne, 4 Bank. Reg., 5; *In re* Trin, 5 Bank. Reg., 23.

SEC. 5071. Where the bankrupt is liable to pay rent or other debt falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the bankruptcy, as if the same grew due from day to day, and not at such fixed and stated periods.

Debts falling due at stated periods.

2 Mar., 1867, c. 176, s. 19, v. 14, p. 525.—Wylie *v.* Breck, 2 Woods, 673.

SEC. 5072. No debts other than those specified in the five preceding sections shall be proved or allowed against the estate.

No other debts provable.

2 Mar., 1867, c. 176, s. 19, v. 14, p. 525.

SEC. 5073. In all cases of mutual debts or mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed or paid; but no set-off shall be allowed in favor of any debtor to the bankrupt of a claim in its nature not provable against the estate, or of a claim purchased by or transferred to him after the filing of the petition.

Set-offs.

Ibid., s. 20, p. 526.

22 *June*, 1874, *c.* 390, *s.* 6, *v.* 18, *p.* 179.

Sawyer *v.* Hoag, 17 Wall., 610; Gray *v.* Rollo, 18 Wall., 629; *In re* City Bank of Savings, &c., 6 Bank. Reg., 71; *Ex parte* Caylors, 1 Low., 550; *In re* Lane, Brett & Co., 2 Low., 305; *Ex parte* Howard National Bank, 2 Low., 487; *Ex parte* Hobbs, 2 Low., 491.

SEC. 5074. When the bankrupt, at the time of adjudication, is liable upon any bill of exchange, promissory note, or other obligation in respect of distinct contracts as a member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader and also as a member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

Distinct liabilities.

2 Mar., 1867, c. 176, s. 21, v. 14, p. 526.

Mead *v.* National Bank, &c., 6 Blatch., 180; *In re* Bigelow et al., 3 Ben., 146; *In re* Buckhause, 2 Low., 331; *In re* Lane, Brett & Co., 2 Low., 333.

SEC. 5075. When a creditor has a mortgage or pledge of real or personal property of the bankrupt, or a lien thereon for securing the payment of a debt owing to him from the bankrupt, he shall be admitted as a creditor only for the balance of the debt after deducting the value of such property, to be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the court shall direct; or the creditor may release or convey his claim to the assignee upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the bankrupt's right of redemption therein on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold or released and delivered up, the creditor shall not be allowed to prove any part of his debt.

Secured debts.

2 Mar., 1867, c. 176, s. 20, v. 14, p. 526.

22 *June*, 1874, *c.* 390, *s.* 6, *v.* 18, *p.* 179.

In re Bigelow, 2 Ben., 480; *In re* Wynn, 1 Bank. Reg., 131; *In re* Cram, 1 Bank. Reg., 132; Davis *v.* Carpenter et al., 2 Bank. Reg., 125; *In re* Frizelle, 5 Bank. Reg., 122; *In re* Stansell, 6 Bank. Reg., 183; Ray *v.* Norseworthy, 23 Wall., 128; *Ex parte* Kelty et al., 1 Low., 394; *Ex parte* Farnsworth, 1 Low., 497; *In re* The Eureka Manufacturing Co., 1 Low., 500; *Ex parte* Houghton et al., 1 Low., 554; *In re* Holbrook & Co., 2 Low., 259; *In re* Pierce, 2 Low., 343; *Ex parte* Morris, 2 Low., 424; *In re* W. A. Saunders, 2 Low., 444; *Ex parte* Whiting, 2 Low., 472; McLean *v.* Klein, 3 Dill., 113; Meader *v.* Everett, 3 Dill., 214; Hamilton *v.* National Loan Bank, Saint Louis, 3 Dill., 230; *In re* Farnsworth, Brown & Co., 5 Biss., 223; Wicks & Co. *v.* Perkins, 1 Woods, 383; *In re* J. M. Coulter, 2 Saw., 42; *In re* Ellerhorst, 2 Saw., 219; *In re* Haake, 2 Saw., 231; *In re* Clifford, 2 Saw., 428; Austin *v.* Reilly, 2 Woods, 670; Burr *v.* Hopkins, 6 Biss., 345; *In re* Daniels, 6 Biss., 405; Long *v.* Rogers, 6 Biss., 416; Witt *v.* Hereth, 6 Biss., 474.

Proof of debt.

2 Mar., 1867, c. 176, s. 22, v. 14, p. 527.
27 July, 1868, c. 258, s. 3, v. 15, p. 228.
22 *June*, 1874, c. 390, *s.* 20, *v.* 18, *p.* 186.

In re Sheppard, 1 Bank. Reg., 115; *In re* Haley, 2 Bank. Reg., 13; *In re* Strouse, 2 Bank. Reg., 18.

SEC. 5076. Creditors residing within the judicial district where the proceedings in bankruptcy are pending shall prove their debts before one of the registers of the court, or before a commissioner of the circuit court, within the said district. Creditors residing without the district, but within the United States, may prove their debts before a register in bankruptcy, or a commissioner of a circuit court, in the judicial district where such creditor, or either one of joint creditors, reside; but proof taken before a commissioner, shall be subject to revision by the register of the court.

Creditor's oath.

2 Mar., 1867, c. 176, s. 22, v. 14, p. 527.

Ex parte Davenport, 1 Low., 384; *Ex parte* Jewett, 2 Low., 393; Miltenberger's Case, 2 Woods, 115.

SEC. 5077. To entitle a claimant against the estate of a bankrupt to have his demand allowed, it must be verified by a deposition in writing, under oath, and signed by the deponent, setting forth the demand, the consideration thereof, whether any and what securities are held therefor, and whether any and what payments have been made thereon; that the sum claimed is justly due from the bankrupt to the claimant; that the claimant has not, nor has any other person, for his use, received any security or satisfaction whatever other than that by him set forth; that the claim was not procured for the purpose of influencing the proceedings in bankruptcy; and that no bargain or agreement, express or implied, has been made or entered into, by or on behalf of such creditor, to sell, transfer, or dispose of the claim, or any part thereof, or to take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such creditor for assignee, or any action on the part of such creditor, or any other person in the proceedings, is or shall be in any way affected, influenced, or controlled. No claim shall be allowed unless all the statements set forth in such deposition shall appear to be true.

Oath by whom made.

2 Mar., 1867, c. 176, s. 22, v. 14, p. 527.

In re Barnes, 1 Low., 560; *In re* Christley, 6 Biss., 154.

SEC. 5078. Such oath shall be made by the claimant, testifying of his own knowledge, unless he is absent from the United States or prevented by some other good cause from testifying, in which case the demand may be verified by the attorney or authorized agent of the claimant, testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge. Corporations may verify their claims by the oath of their president, cashier, or treasurer. The court may require or receive further pertinent evidence either for or against the admission of any claim.

Oath, before whom taken; proof sent to register.

2 Mar., 1867, c. 176, s. 22, v. 14, p. 527.
27 July, 1868, c. 258, s. 3, v. 15, p. 228.

SEC. 5079. Such oath may be taken in any district before any register or any commissioner of the circuit court authorized to administer oaths; or, if the creditor is in a foreign country, before any minister, consul, or vice-consul of the United States. When the proof is so made it shall be delivered or sent by mail to the register having charge of the same.

Proof to be sent to assignee.

2 Mar., 1867, c. 176, s. 22, v. 14, p. 527.

SEC. 5080. If the proof is satisfactory to the register it shall be delivered or sent by mail to the assignee, who shall examine the same and compare it with the books and accounts of the bankrupt, and shall register, in a book to be kept by him for that purpose, the names of creditors who have proved their claims, in the order in which such proof is received, stating the time of receipt of such proof, and the amount and nature of the debts. Such books shall be open to the inspection of all the creditors. The court may require or receive further pertinent evidence either for or against the admission of any claim.

Examination by court into proof of claims.

2 Mar., 1867, c. 176, s. 22, v. 14, p. 527.

In re Orne, 1 Ben., 361; *In re* Ray, 2 Ben., 53; *In re* Kyler, 2 Ben., 414; Comstock *v.* Wheeler, 2 Bank. Reg., 171; McKinsey et al. *v.* Harding, 4 Bank. Reg., 10; *In re* Paddock, 6 Bank. Reg., 132.

SEC. 5081. The court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of a claim, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and shall reject all claims not duly proved, or where the proof shows the claim to be founded in fraud, illegality, or mistake.

Withdrawal of papers.

SEC. 5082. A bill of exchange, promissory note, or other instrument, used in evidence upon the proof of a claim, and left in court or deposited in the clerk's office, may be delivered, by the register or clerk having the custody thereof, to the person who used it, upon his filing a copy thereof, attested by the clerk of the court, who shall indorse upon it the name of the party against whose estate it has been proved, and the date and amount of any dividend declared thereon.

2 Mar., 1867, c. 176, s. 24, v. 14, p. 528.

Postponement of proof.

SEC. 5083. When a claim is presented for proof before the election of the assignee, and the judge or register entertains doubts of its validity or of the right of the creditor to prove it, and is of opinion that such validity or right ought to be investigated by the assignee, he may postpone the proof of the claim until the assignee is chosen.

Ibid., s. 23.

In re Orne, 1 Ben., 361; *In re* Noble, 3 Ben., 332; *In re* Herrman, 4 Ben., 126; *In re* Stevens, 4 Bank. Reg., 122.

Surrender of preferences.

SEC. 5084. Any person who, since the second day of March, eighteen hundred and sixty-seven, has accepted any preference, having reasonable cause to believe that the same was made or given by the debtor, contrary to any provisions of the act of March two, eighteen hundred and sixty-seven, chapter one hundred and seventy-six, to establish a uniform system of bankruptcy, or to any provisions of this Title, shall not prove the debt or claim on account of which the preference is made or given, nor shall he receive any dividend therefrom until he shall first surrender to the assignee all property, money, benefit, or advantage received by him under such preference.

2 Mar., 1867, c. 176, s. 23, v. 14, p. 528.

In re Richter, 1 Dill., 544; *In re* Davidson, 4 Ben., 10; *In re* Tonkin, 4 Bank. Reg., 13; *In re* Scott and McCarthy, 4 Bank. Reg., 139; *In re* Kipp, 4 Bank. Reg., 190; Hall *v.* Wager & Fales, 5 Bank. Reg., 181; Hood *v.* Karver, 5 Bank. Reg., 358; *In re* Connor and Hart, 1 Low., 532.

Allowance and list of debts.

SEC. 5085. The court shall allow all debts duly proved, and shall cause a list thereof to be made and certified by one of the registers.

2 Mar., 1867, c. 176, s. 23, v. 14, p. 528.

Examination of bankrupt.

SEC. 5086. The court may, on the application of the assignee, or of any creditor, or without any application, at all times require the bankrupt, upon reasonable notice, to attend and submit to an examination, on oath, upon all matters relating to the disposal or condition of his property, to his trade and dealings with others, to his accounts concerning the same, to all debts due to or claimed from him, and to all other matters concerning his property and estate and the due settlement thereof according to law. Such examination shall be in writing, and shall be signed by the bankrupt and filed with the other proceedings.

Ibid., s. 26, p. 529.

In re Baum, 1 Ben., 274; *In re* Ray, 2 Ben., 53; *In re* Solis, 4 Ben., 143; *In re* E. P. Tanner, 1 Low., 215; *In re* Gilbert, 1 Low., 340; *In re* Kreuger, Loud & Co., 2 Low., 182; *In re* Noyes, 2 Low., 353; U. S. *v.* Prescott, 2 Dill., 405; *In re* Salkey, 5 Biss., 486; *In re* Sukey & Gerson, 5 Biss., 269.

Examination of witness.

SEC. 5087. The court may, in like manner, require the attendance of any other person as a witness, and if such person fails to attend, on being summoned thereto, the court may compel his attendance by warrant directed to the marshal, commanding him to arrest such person and bring him forthwith before the court, or before a register in bankruptcy, for examination as a witness.

2 Mar., 1867, c. 176, s. 26, v. 14, p. 529.

22 *June*, 1874, *c.* 390, *s.* 8, *v.* 18, *p.* 180.

In re Levy, 1 Ben., 454; *In re* Fredenberg, 2 Ben., 133; *In re* Bellis and Milligan, 3 Ben., 386; *In re* Lewis, 4 Ben., 67; *In re* Lathrop, Cady, and Burtis, 4 Bank. Reg., 93; *In re* William A. Walker, 1 Low., 222.

Examination of bankrupt's wife.

SEC. 5088. For good cause shown, the wife of any bankrupt may be required to attend before the court to the end that she may be examined as a witness; and if she does not attend at the time and place specified in the order, the bankrupt shall not be entitled to a discharge unless he proves to the satisfaction of the court that he was unable to procure her attendance.

2 Mar., 1867, c. 176, s. 26, v. 14, p. 529.

22 *June*, 1874, *c.* 390, *s.* 8, *v.* 18, *p.* 180.—*In re* Griffin, 2 Ben., 209; *In re* Van Tuyl, 3 Ben., 237; *In re* Woolford, 4 Ben., 9; *In re* Craig, 4 Bank. Reg., 50.

Examination of imprisoned or disabled bankrupt.

SEC. 5089. If the bankrupt is imprisoned, absent, or disabled from attendance, the court may order him to be produced by the jailer, or any officer in whose custody he may be, or may direct the examination

2 Mar., 1867, c. 176, s. 26, v. 14, p. 529.

to be had, taken, and certified at such time and place and in such manner as the court may deem proper, and with like effect as if such examination had been had in court.

In re James B. De Voe, 1 Low., 251.

No abatement upon death of debtor.

Ibid., s. 12, p. 522.

SEC. 5090. If the debtor dies after the issuing of the warrant, the proceedings may be continued and concluded in like manner as if he had lived.

Distribution of bankrupt's estate.

Ibid., s. 27, p. 529.

In re Downing, 1 Dill., 33; *In re* Webb and Johnson, 2 Bank. Reg., 183; *In re* Lathrop, 5 Bank. Reg., 43; *In re* The Bucyrus Machine Co., 5 Bank. Reg., 303.

SEC. 5091. All creditors whose debts are duly proved and allowed shall be entitled to share in the bankrupt's property and estate, pro rata, without any priority or preference whatever, except as allowed by section fifty-one hundred and one. No debt proved by any person liable, as bail, surety, guarantor, or otherwise, for the bankrupt, shall be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable, and the share to which such debt would be entitled may be paid into court, or otherwise held for the benefit of the party entitled thereto, as the court may direct.

Second meeting of creditors.

2 Mar., 1867, c. 176, s. 27, v. 14, p. 529.

In re Son, 1 Bank. Reg., 58.

SEC. 5092. At the expiration of three months from the date of the adjudication of bankruptcy in any case, or as much earlier as the court may direct, the court, upon request of the assignee, shall call a general meeting of the creditors, of which due notice shall be given, and the assignee shall then report, and exhibit to the court and to the creditors just and true accounts of all his receipts and payments, verified by his oath, and he shall also produce and file vouchers for all payments for which vouchers are required by any rule of the court; he shall also submit the schedule of the bankrupt's creditors and property as amended, duly verified by the bankrupt, and a statement of the whole estate of the bankrupt as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being outstanding, and showing what debts or claims are yet undetermined, and what sum remains in his hands. The majority in value of the creditors present shall determine whether any and what part of the net proceeds of the estate, after deducting and retaining a sum sufficient to provide for all undetermined claims which, by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved, and for other expenses and contingencies, shall be divided among the creditors; but unless at least one-half in value of the creditors attend the meeting, either in person or by attorney, it shall be the duty of the assignee so to determine.

Third meeting of creditors.

2 Mar., 1867, c. 176, s. 28, v. 14, p. 550.

SEC. 5093. Like proceedings shall be had at the expiration of the next three months, or earlier, if practicable, and a third meeting of creditors shall then be called by the court, and a final dividend then declared, unless any suit at law or in equity is pending, or unless some other estate or effects of the debtor afterward come to the hands of the assignee, in which case the assignee shall, as soon as may be, convert such estate and effects into money, and within two months after the same are so converted they shall be divided in manner aforesaid. Further dividends shall be made in like manner as often as occasion requires, and after the third meeting of creditors no further meeting shall be called, unless ordered by the court.

Notice of meetings.

2 Mar., 1867, c. 176, s. 17, v. 14, p. 524.

SEC. 5094. The assignee shall give such notice to all known creditors, by mail or otherwise, of all meetings, after the first, as may be ordered by the court.

Creditor may act by attorney.

SEC. 5095. Any creditor may act at all meetings by his duly constituted attorney the same as though personally present.

Ibid., s. 23, p. 528.—*In re* Hill, 1 Ben., 321; *In re* Knoepfel, 1 Ben., 330; *In re* Knoepfel, 1 Ben., 398; *In re* Powell, 2 Bank. Reg., 17.

Settlement of assignee's account.

2 Mar., 1867, c.

SEC. 5096. Preparatory to the final dividend, the assignee shall submit his account to the court, and file the same, and give notice to the creditors of such filing, and shall also give notice that he will apply for a

settlement of his account, and for a discharge from all liability as assignee, at a time to be specified in such notice, and at such time the court shall audit and pass the accounts of the assignee, and the assignee shall, if required by the court, be examined as to the truth of his account, and it is found correct he shall thereby be discharged from all liability as assignee to any creditor of the bankrupt. The court shall thereupon order a dividend of the estate and effects, or of such part thereof as it sees fit, among such of the creditors as have proved their claims, in proportion to the respective amount of their debts.

176, s. 28, v. 14, p. 530.

In re Merchants' Ins. Co., 6 Biss., 252.

SEC. 5097. No dividend already declared shall be disturbed by reason of debts being subsequently proved, but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors before any further payment is made to the latter.

Dividend not to be disturbed.

Ibid.

In re Robinson, 2 Low., 326.

SEC. 5098. If by accident, mistake, or other cause, without fault of the assignee, either or both of the second and third meetings should not be held within the times limited, the court may, upon motion of an interested party, order such meetings, with like effect as to the validity of the proceedings as if the meeting had been duly held.

Omission of assignee to call meetings.

Ibid.

SEC. 5099. The assignee shall be allowed, and may retain out of money in his hands, all the necessary disbursements made by him in the discharge of his duty, and a reasonable compensation for his services, in the discretion of the court.

Compensation of assignee.

Ibid.

In re Dean, 1 Bank. Reg., 26; *Ex parte* Whitcomb, 2 Low., 523.

SEC. 5100. In addition to all expenses necessarily incurred by him in the execution of his trust, in any case, the assignee shall be entitled to an allowance for his services in such case on all moneys received and paid out by him therein, for any sum not exceeding one thousand dollars, five per centum thereon; for any larger sum, not exceeding five thousand dollars, two and a half per centum on the excess over one thousand dollars; and for any larger sum, one per centum on the excess over five thousand dollars. If, at any time, there is not in his hands a sufficient amount of money to defray the necessary expenses required for the further execution of his trust, he shall not be obliged to proceed therein until the necessary funds are advanced or satisfactorily secured to him.

Commissioners.

2 Mar., 1867, c. 176, s. 28, v. 14, p. 530.

In re Dean, 1 Bank. Reg., 26; *In re* Sawyer, 2 Low., 551.

SEC. 5101. In the order for a dividend, the following claims shall be entitled to priority, and to be first paid in full in the following order:

Debts entitled to priority.

2 Mar., 1867, c. 176, s. 28, v. 14, p. 530.

First. The fees, costs, and expenses of suits, and of the several proceedings in bankruptcy under this Title, and for the custody of property, as herein provided.

Second. All debts due to the United States, and all taxes and assessments under the laws thereof.

Third. All debts due to the State in which the proceedings in bankruptcy are pending, and all taxes and assessments made under the laws thereof.

Fourth. Wages due to any operative, clerk, or house-servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the first publication of the notice of proceedings in bankruptcy.

Fifth. All debts due to any persons who, by the laws of the United States, are, or may be, entitled to priority, in like manner as if the provisions of this Title had not been adopted. But nothing contained in this Title shall interfere with the assessment and collection of taxes by the authority of the United States or any State. [See §§ 3466-3468.]

Triplett *v.* Hanley, 1 Dill., 217; *In re* Smith, 2 Ben., 122; *In re* Griffin, 2 Ben., 209; *In re* Hirschberg, 2 Ben., 466; *In re* Hausberger, 2 Ben., 504; *In re* Loder, 3 Ben., 211; *In re* Montgomery, 3 Ben., 364; *In re* New York Mail Steamship Co., 2 Bank. Reg., 170; *In re* Whitehead, 2 Bank. Reg., 180; Lewis, trustee, *v.* U. S., 92 U. S., 618; *In re* O'Neil, 2 Low., 470; *Ex parte* Rockett, 2 Low., 522; *Ex parte* Hamlin, 2 Low., 571; *In re* Stuyvesant Bank, 12 Blatch., 179.

SEC. 5102. Whenever a dividend is ordered, the register shall, within ten days after the meeting, prepare a list of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved his claim the dividend to which he is entitled out of the net proceeds of the estate set apart for dividend, and shall forward, by mail, to every creditor a statement of the dividend to which he is entitled,

Notice of dividend to each creditor.

2 Mar., 1867, c. 176, s. 27, v. 14, p. 529.

and such creditors shall be paid by the assignee in such manner as the court may direct.

Settlement of bankrupt estates by trustees.

Ibid., s. 43, p. 538. 22 *June*, 1874, *c.* 390, *s.* 17, *r.* 18, *p.* 182.

In re American Cloth Co., 1 Ben., 526; *In re* Jones, 2 Bank. Reg., 20; *In re* Stillwell, 2 Bank. Reg., 164; *In re* Darby, 4 Bank. Reg., 98; *In re* Zinn, 4 Bank. Reg. 145; *In re* Bakewell, 4 Bank. Reg., 198.

SEC. 5103. If at the first meeting of creditors, or at any meeting of creditors specially called for that purpose, and of which previous notice shall have been given for such length of time and in such manner as the court may direct, three-fourths in value of the creditors whose claims have been proved shall resolve that it is for the interest of the general body of the creditors that the estate of the bankrupt shall be settled by trustees, under the inspection and direction of a committee of the creditors, the creditors may certify and report such resolution to the court, and may nominate one or more trustees to take and hold and distribute the estate, under the direction of such committee. If it appears, after hearing the bankrupt and such creditors as desire to be heard, that the resolution was duly passed, and that the interests of the creditors will be promoted thereby, the court shall confirm it; and upon the execution and filing, by or on behalf of three-fourths in value of all the creditors whose claims have been proved, of a consent that the estate of the bankrupt shall be wound up and settled by trustees, according to the terms of such resolution, the bankrupt, or, if an assignee has been appointed, the assignee, shall, under the direction of the court, and under oath, convey, transfer, and deliver all the property and estate of the bankrupt to the trustees, who shall, upon such conveyance and transfer, have and hold the same in the same manner, and with the same powers and rights, in all respects, as the bankrupt would have had or held the same if no proceedings in bankruptcy had been taken, or as the assignee in bankruptcy would have done, had such resolution not been passed. Such consent and the proceedings under it shall be as binding in all respects on any creditor whose debt is provable, who has not signed the same, as if he had signed it, and on any creditor whose debt, if provable, is not proved, as if he had proved it. The court, by order, shall direct all acts and things needful to be done to carry into effect such resolution of the creditors, and the trustees shall proceed to wind up and settle the estate under the direction and inspection of such committee of the creditors, for the equal benefit of all such creditors; and the winding up and settlement of any estate under the provisions of this section shall be deemed to be proceedings in bankruptcy; and the trustees shall have all the rights and powers of assignees in bankruptcy. The court, on the application of such trustees, shall have power to summon and examine, on oath or otherwise, the bankrupt, or any creditor, or any person indebted to the estate, or known or suspected of having any of the estate in his possession, or any other person whose examination may be material or necessary to aid the trustees in the execution of their trust, and to compel the attendance of such persons and the production of books and papers in the same manner as in other proceedings in bankruptcy; and the bankrupt shall have the like right to apply for and obtain a discharge after the passage of such resolution and the appointment of such trustees as if such resolution had not been passed, and as if all the proceedings had continued in the manner provided in the preceding sections of this Title. If the resolution is not duly reported, or the consent of the creditors is not duly filed, or if, upon its filing, the court does not think fit to approve thereof, the bankruptcy shall proceed as if no resolution had been passed, and the court may make all necessary orders for resuming the proceedings. And the period of time which shall have elapsed between the date of the resolution and the date of the order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this Title.

CHAPTER FIVE.

PROTECTION AND DISCHARGE OF BANKRUPTS.

Sec.
5104. Bankrupt subject to orders of court.
5105. Waiver of suit by proof of debt.
5106. Stay of suits.
5107. Exemption from arrest.
5108. Application for discharge.
5109. Notice to creditors.
5110. Grounds for opposing discharge.
5111. Specification of grounds of opposition.
5112. Assets equal to fifty per cent. required.
5113. Final oath of bankrupt.
5114. Discharge of bankrupt.
5115. Form of certificate of discharge.
5116. Second bankruptcy.
5117. Certain debts not released.
5118. Liability of other persons not released.
5119. Effect of discharge.
5120. Application to annul discharge.

Bankrupt subject to orders of court.

SEC. 5104. The bankrupt shall at all times, until his discharge, be subject to the order of the court, and shall, at the expense of the estate, execute all proper writings and instruments, and do all acts required by the court touching the assigned property or estate, and to enable the assignee to demand, recover, and receive all the property and estate assigned, wherever situated. For neglect or refusal to obey any order of the court, the bankrupt may be committed and punished as for a contempt of court. If the bankrupt is without the district, and unable to return and personally attend at any of the times or do any of the acts which may be required pursuant to this section, and if it appears that such absence was not caused by willful default, and if, as soon as may be after the removal of such impediment, he offers to attend and submit to the order of the court in all respects, he shall be permitted so to do, with like effect as if he had not been in default.

2 Mar., 1867, c. 176, s. 26, v. 14, p. 529.

Hester *v.* Baldwin, 2 Woods, 433; *In re* Sulkey & Gerson, 6 Biss., 259.

Waiver of suit by proof of debt.

SEC. 5105. No creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the bankrupt, but shall be deemed to have waived all right of action against him; and all proceedings already commenced or unsatisfied judgments already obtained thereon against the bankrupt shall be deemed to be discharged and surrendered thereby.

2 Mar., 1867, c. 176, s. 21, v. 14, p. 526.

22 *June*, 1874, *c.* 390, *s.* 7, *v.* 18, *p.* 179.—*In re* Robinson, 6 Blatch., 253; *In re* Wright, 2 Ben., 509; *In re* Rosenberg, 3 Ben., 14; *In re* Migel, 2 Bank. Reg., 153; *In re* Meyers, 2 Ben., 424.

Stay of suits.

SEC. 5106. No creditor whose debt is provable shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt, until the question of the debtor's discharge shall have been determined; and any such suit or proceedings shall, upon the application of the bankrupt, be stayed to await the determination of the court in bankruptcy on the question of the discharge, provided there is no unreasonable delay on the part of the bankrupt in endeavoring to obtain his discharge, and provided, also, that if the amount due the creditor is in dispute, the suit, by leave of the court in bankruptcy, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be stayed. [See § 720.]

2 Mar., 1867, c. 176, s. 21, v. 14, p. 526.

Markson *v.* Heaney, 1 Dill., 497; *In re* Wilbur, 1 Ben., 527; *Ex parte* Seymour, 1 Ben., 348; *In re* Bernstein, 2 Ben., 44; *In re* Schnepf, 2 Ben., 72; *In re* Duncan, 2 Ben., 78; *In re* Meyers, 2 Ben., 424; *In re* Olcott, 2 Ben., 443; *In re* Richardson, 2 Ben., 517; *In re* Schwab., 3 Ben., 231; *In re* People's Steamship Company, 3 Ben., 226; *In re* Leszynsky, 3 Ben., 487; Sampson *v.* Burton, 4 Bank. Reg., 1; *In re* Ghiradelli, 4 Bank. Reg., 42; Maxwell *v.* Faxton, 4 Bank. Reg., 60; Norton, assignee, *v.* Switzer, 93 U. S., 355; *In re* Gallison et al., 2 Low., 72; *In re* J. L. Fowler, 2 Low., 122; Hinman *v.* Cutler, 2 Low., 364; *In re* Clapp & Co., 2 Low., 468; Webster *v.* Woolbridge, 3 Dill., 75.

Exemption from arrest.

SEC. 5107. No bankrupt shall be liable during the pendency of the proceedings in bankruptcy to arrest in any civil action, unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

2 Mar., 1867, c. 176, s. 26, v. 14, p. 529.

22 *June*, 1874, *c.* 390, *s.* 8, *v.* 18, *p.* 180.—*In re* Robinson, 6 Blatch., 253; *In re* Kimball, 6 Blatch., 292; *In re* Patterson, 2 Ben., 155; *In re* Glaser, 2 Ben., 180; *Ex parte* Seymour, 1 Ben., 348; *In re* Valk, 3 Ben., 431; *In re* Devoe, 2 Bank. Reg., 11; *In re* Migel, 2 Bank. Reg., 153; Minon *v.* Van Nostrand, 4 Bank. Reg., 28; *In re* William A. Walker, 1 Low., 222; Hazelton *v.* Valentine, 1 Low., 270; *In re* Whitehouse, 1 Low., 429.

Application for discharge.

2 Mar., 1867, c. 176, s. 29, v. 14, p. 531.

26 *July*, 1876, c. 234, *v.* 19, *p.* 102.

In re Greenfield, 6 Blatch., 287; *In re* Dodge, 2 Ben., 347; *In re* Solis, 4 Ben., 143; *In re* Woolums, 1 Bank. Reg., 131; *In re* Bodenheim, 2 Bank. Reg., 133; *In re* Martin, 2 Bank. Reg., 169; *In re* Bunster, 5 Bank. Reg., 82; *In re* Schenck, 5 Bank. Reg., 93; *In re* Farrell, 5 Bank. Reg., 125; *In re* Gallison, 5 Bank. Reg., 353; Sloan's Case, 13 Blatch., 67; *In re* Donaldson, 2 Dill., 547; *In re* Lowenstein, 3 Dill., 145.

SEC. 5108. [*At any time after the expiration of six months from the adjudication of bankruptcy, or if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and within one year from the adjudication of bankruptcy, the bankrupt may apply to the court for a discharge from his debts.*] [At any time after the expiration of six months from the adjudication of bankruptcy, or if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and before the final disposition of the cause, the bankrupt may apply to the court for a discharge from his debts. This section shall apply in all cases heretofore or hereafter commenced.]

Notice to creditors.

2 Mar., 1867, c. 176, s. 29, v. 14, p. 531.

In re Bellamy, 1 Ben., 390; *In re* McIntire, 1 Ben., 543; *In re* Townsend, 2 Ben., 62; *In re* Blaisdell, 6 Bank. Reg., 78; *In re* Murdock, 1 Low., 362; *In re* Butterfield, 5 Biss., 120.

SEC. 5109. Upon application for a discharge being made the court shall order notice to be given by mail to all creditors who have proved their debts, and by publication at least once a week in such newspapers as the court shall designate, due regard being had to the general circulation of the same in the district, or in that portion of the district in which the bankrupt and his creditors shall reside to appear on a day appointed for that purpose, and show cause why a discharge should not be granted to the bankrupt.

Grounds for opposing discharge.

2 Mar., 1867, c. 176, s. 29, v. 14, p. 531.

In re Beardsley, 1 Bank. Reg., 52; *In re* Solomon, 2 Bank. Reg., 94; *In re* Needham, 2 Bank. Reg., 124; *In re* Keefer, 4 Bank. Reg., 126; *In re* Smith & Bickford, 5 Bank. Reg., 20; *In re* Rainsford, 5 Bank. Reg., 381; *In re* King, 3 Dill., 3.

In re Hill, 1 Bank. Reg., 114; *In re* Rathbone, 1 Bank. Reg., 145; *In re* O'Bannon, 2 Bank. Reg., 6; *In re* Solomon, 2 Bank. Reg., 94; *In re* Goodridge, 2 Bank. Reg., 105; *In re* Hussman, 2 Bank. Reg., 140; *In re* White, 2 Bank. Reg., 179; *In re* Beal, 2 Bank. Reg., 178; *In re* Rainsford, 5 Bank. Reg., 381; *In re* Worthington S. Locke, 1 Low., 293; *In re* Needham, 1 Low., 309; *In re* Jones, 2 Low., 451.

SEC. 5110. No discharge shall be granted, or, if granted, shall be valid, in any of the following cases:

First. If the bankrupt has willfully sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in bankruptcy, in relation to any material fact.

Second. If the bankrupt has concealed any part of his estate or effects, or any books or writings relating thereto, or has been guilty of any fraud or negligence in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this Title, or if he has caused, permitted, or suffered any loss, waste, or destruction thereof.

In re Belden, 2 Bank. Reg., 14; *In re* Johnson & Stowers, 2 Low., 129; Bean *v.* Brookmire, 2 Dill., 108.

Third. If, within four months before the commencement of such proceedings, the bankrupt has procured his lands, goods, money, or chattels to be attached, sequestered, or seized on execution.

Fourth. If, at any time after the second day of March, eighteen hundred and sixty-seven, the bankrupt has destroyed, mutilated, altered, or falsified any of his books, documents, papers, writings, or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors; or has removed or caused to be removed any part of his property from the district, with intent to defraud his creditors.

In re Rosenfeld, 1 Bank. Reg., 161; *In re* Rosenfeld, 2 Bank. Reg., 49; *In re* Metzger, 2 Bank. Reg., 114; *In re* Locke, 2 Bank. Reg., 123; *In re* Freeman, 4 Bank. Reg., 17; *In re* Warner, 5 Bank. Reg., 414; Forsaith *v.* Merritt et al., 1 Low., 336; *In re* Batchelder, 1 Low., 373; *In re* George and Proctor, 1 Low., 409; *Ex parte* Mendill, 1 Low., 506; *Ex parte* Ames, 1 Low., 561; Whiston *v.* Smith, 2 Low., 101; *In re* Hapgood, 2 Low., 200; Partridge *v.* Dearborn, 2 Low., 286.

Fifth. If the bankrupt has given any fraudulent preference contrary to the provisions of the act of March two, eighteen hundred and sixty-seven, to establish a uniform system of bankruptcy, or to the provisions of this Title, or has made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted a false or fictitious debt against his estate.

Sixth. If the bankrupt, having knowledge that any person has proved such false or fictitious debt, has not disclosed the same to his assignee within one month after such knowledge.

Seventh. If the bankrupt, being a merchant or tradesman, has not, at all times after the second day of March, eighteen hundred and sixty-seven, kept proper books of account.

In re Cocks, 3 Ben., 260; *In re* Solomon, 2 Bank. Reg., 94; *In re* Newman, 2 Bank. Reg., 99; *In re* Gay, 2 Bank. Reg., 114; *In re* Murdock et al., 4 Bank. Reg., 17; *In re* Tyler, 4 Bank. Reg., 27; *In re* Bound, 4 Bank. Reg., 164; *In re* William Keach, 1 Low., 335; *In re* Hammond and Coolidge, 1 Low., 381; *In re* Coté, 2 Low., 374; *In re* Smith, 1 Woods, 478.

Eighth. If the bankrupt, or any person in his behalf, has procured the assent of any creditor to the discharge, or influenced the action of any creditor at any stage of the proceedings, by any pecuniary consideration or obligation.

In re Mawson, 2 Ben., 332; *In re* Mawson, 2 Ben., 412.

Ninth. If the bankrupt has, in contemplation of becoming bankrupt, made any pledge, payment, transfer, assignment, or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed in satisfaction of his debts.

In re Brodhead, 3 Ben., 106; *In re* Freeman, 4 Bank. Reg., 17; *In re* Critew, 5 Bank. Reg., 423.

Tenth. If the bankrupt has been convicted of any misdemeanor under this Title.

SEC. 5111 Any creditor opposing the discharge of any bankrupt may file a specification in writing of the grounds of his opposition, and the court may in its discretion order any question of fact so presented to be tried at a stated session of the district court.

Specification of grounds of opposition.

2 Mar., 1867, c. 176, s. 31, v. 14, p. 532.—*In re* Rathbone, 1 Bank. Reg., 50; *In re* Rathbone, 1 Bank. Reg., 65; *In re* Mawson, 1 Bank. Reg., 115; *In re* Boutell, 2 Bank. Reg., 51; *In re* Smith & Bickford, 5 Bank. Reg., 20; *In re* Frizelle, 5 Bank. Reg., 119.

SEC. 5112. In all proceedings in bankruptcy commenced after the first day of January, eighteen hundred and sixty-nine, no discharge shall be granted to a debtor whose assets shall not be equal to fifty per centum of the claims proved against his estate upon which he shall be liable as the principal debtor, unless the assent in writing of a majority in number and value of his creditors to whom he shall have become liable as principal debtor, and who shall have proved their claims, is filed in the case at or before the time of the hearing of the application for discharge; but this provision shall not apply to those debts from which the bankrupt seeks a discharge which were contracted prior to the first day of January, eighteen hundred and sixty-nine.

Assets equal to fifty per cent. required.

27 July, 1868, c. 258, s. 1, v. 15, p. 227.
22 *June*, 1874, c. 390, *s.* 9, *v.* 18 *p.* 180.

In re Billing, 3 Ben., 212; *In re* Rockwell & Woodruff, 4 Bank. Reg., 74; *In re* Sey, 4 Bank. Reg., 2; *In re* Bunster, 5 Bank. Reg., 82; *In re* Borden & Geary, 5 Bank. Reg., 128; *In re* Graham, 5 Bank. Reg., 155; *In re* Kahley, 6 Bank. Reg., 189; *In re* Griffiths, 2 Low., 340; *In re* Langdon, 2 Low., 387; *In re* Whipple, 2 Low., 404; *In re* Whitney & Munson, 2 Low., 455; *In re* Sawyer, 2 Low., 475; *In re* Brent, 2 Dill., 129; *In re* Perkins, 6 Biss., 185.

SEC. 5113. Before any discharge is granted, the bankrupt must take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified as a ground for withholding such discharge, or as invalidating such discharge if granted.

Final oath of bankrupt.

2 Mar., 1867, c. 106, s. 29, v. 14, p. 531. 14 July, 1870, c. 262, s. 1, v. 16, p. 276.—*In re* Bellamy, 1 Ben., 426; *In re* Pulver, 3 Ben., 65; *In re* O'Farrell, 3 Ben., 191; *In re* Machad, 2 Bank. Reg., 113; *In re* Gunike, 4 Bank. Reg., 23; *In re* Frizelle, 5 Bank. Reg., 119; Young *v.* Ridenbaugh, 3 Dill., 239.

SEC. 5114. If it shall appear to the court that the bankrupt has in all things conformed to his duty under this Title, and that he is entitled, under the provisions thereof, to receive a discharge, the court shall grant him a discharge from all his debts except as as hereinafter provided, and shall give him a certificate thereof under the seal of the court.

Discharge of bankrupt.

2 Mar., 1867, c. 176, s. 32, v. 14, p. 532.

In re Bunster, 5 Bank. Reg., 82; *in re* Dupee, 2 Low., 18.

SEC. 5115. The certificate of a discharge in bankruptcy shall be in substance in the following form:

Form of certificate of discharge.

2 Mar., 1867, c. 176, s. 32, v. 14, p. 532.

District court of the United States, district of

Whereas has been duly adjudged a bankrupt under the

Revised Statutes of the United States, Title "BANKRUPTCY," and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the court that said be forever discharged from all debts and claims which by said Title are made provable against his estate, and which existed on the day of , on which day the petition for adjudication was filed by (or against) him: excepting such debts, if any, as are by law excepted from the operation of a discharge in bankruptcy. Given under my hand and the seal of the court at in the said district, this day of

(Seal.) Judge.

Second bankruptcy.

Ibid., s. 30, p. 532.

In re Drisko, 2 Low., 430.

SEC. 5116. No person who has been discharged, and afterward becomes bankrupt on his own application, shall be again entitled to a discharge whose estate is insufficient to pay seventy per centum of the debts proved against it, unless the assent in writing of three-fourths in value of his creditors who have proved their claims is filed at or before the time of application for discharge; but a bankrupt who proves to the satisfaction of the court that he has paid all the debts owing by him at the time of any previous bankruptcy, or who has been voluntarily released therefrom by his creditors, shall be entitled to a discharge in the same manner and with the same effect as if he had not previously been bankrupt.

Certain debts not released.

Ibid., s. 33, p. 533.

In re Kimball, 6 Blatch., 292; *In re* Seymour, 1 Ben., 348; *In re* Kimball, 2 Ben., 554; *In re* Devoe, 2 Bank. Reg., 11; *In re* Whitehouse, 4 Bank. Reg., 15; Morse *v.* Hutchins, 102 Mass., 439; Cronan *v.* Cotting, 104 Mass., 245; Grover & Baker Sewing Machine *v.* Clinton, 5 Biss., 324; U. S. *v.* Rob Roy and Cargo, 1 Woods, 42.

SEC. 5117. No debt created by the fraud or embezzlement of the bankrupt, or by his defalcation as a public officer, or while acting in any fiduciary character, shall be discharged by proceedings in bankruptcy; but the debt may be proved, and the dividend thereon shall be a payment on account of such debt.

Liability of other persons not released.

SEC. 5118. No discharge shall release, discharge, or affect any person liable for the same debt for or with the bankrupt, either as partner, joint-contractor, indorser, surety, or otherwise.

2 Mar., 1867, c. 176, s. 33, v. 14, p. 533.—*In re* Levy, 2 Ben., 169.

Effect of discharge.

2 Mar., 1867, c. 176, s. 34, v. 14, p. 533.

Humble & Co. *v.* Carson; U. S. *v.* Herron, 20 Wall., 251; Lewis *v.* Hawkins, 23 Wall., 119; *Ex parte* Pollard, 2 Low., 411; Wilkins *v.* Davis, 2 Low., 511; Wylie *v.* Breck, 2 Woods, 673.

SEC. 5119. A discharge in bankruptcy duly granted shall, subject to the limitations imposed by the two preceding sections, release the bankrupt from all debts, claims, liabilities, and demands which were or might have been proved against his estate in bankruptcy. It may be pleaded by a simple averment that on the day of its date such discharge was granted to the bankrupt, setting a full copy of the same forth in its terms as a full and complete bar to all suits brought on any such debts, claims, liabilities, or demands. The certificate shall be conclusive evidence in favor of such bankrupt of the fact and the regularity of such discharge.

Application to annul discharge.

2 Mar., 1867, c. 176, s. 34, v. 14, p. 533.

In re Houghton, 2 Low., 328; *Ex parte* Briggs, 2 Low., 389; Marionneaux's Case, 1 Woods, 37.

SEC. 5120. Any creditor of a bankrupt, whose debt was proved or provable against the estate in bankruptcy, who desires to contest the validity of the discharge on the ground that it was fraudulently obtained, may, at any time within two years after the date thereof, apply to the court which granted it to annul the same. The application shall be in writing, and shall specify which, in particular, of the several acts mentioned in section fifty-one hundred and ten it is intended to prove against the bankrupt, and set forth the grounds of avoidance; and no evidence shall be admitted as to any other of such acts; but the application shall be subject to amendment at the discretion of the court. The court shall cause reasonable notice of the application to be given to the bankrupt, and order him to appear and answer the same, within such time as to the court shall seem proper. If, upon the hearing of the parties, the court finds that the fraudulent acts, or any of them, set forth by the creditor against the bankrupt, are proved, and that the creditor had no knowledge of the same until after the granting of the discharge, judgment shall be given in favor of the creditor, and the discharge of the bankrupt shall be annulled. But if the court finds that the fraudulent acts and all of them so set forth are not proved, or that they were known to

the creditor before the granting of the discharge, judgment shall be rendered in favor of the bankrupt, and the validity of his discharge shall not be affected by the proceedings.

CHAPTER SIX.

PROCEEDINGS PECULIAR TO PARTNERSHIPS AND CORPORATIONS.

Sec.
5121. Bankruptcy of partnerships.
5122. Of corporations and joint-stock companies.
5123. Authority of State courts in proceedings against corporations.

Bankruptcy of partnerships.

2 Mar., 1867, c. 176, s. 36, v. 14, p. 534.

SEC. 5121. Where two or more persons who are partners in trade are adjudged bankrupt, either on the petition of such partners or of any one of them, or on the petition of any creditor of the partners, a warrant shall issue, in the manner provided by this Title, upon which all the joint stock and property of the copartnership, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are hereinbefore excepted. All the creditors of the company, and the separate creditors of each partner, may prove their respective debts. The assignee shall be chosen by the creditors of the company. He shall keep separate accounts of the joint stock or property of the copartnership and of the separate estate of each member thereof; and after deducting out of the whole amount received by the assignee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors. If there is any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there is any balance of the joint stock after payment of the joint debts, such balance shall be appropriated to and divided among the separate estates of the several partners according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts. The certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone. In all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone. If such copartners reside in different districts, that court in which the petition is first filed shall retain exclusive jurisdiction over the case.

Mead *v.* National Bank, &c., 6 Blatch., 180; *In re* Boylan, 1 Ben., 266; *In re* Lewis, 2 Ben., 96; *In re* Little, 2 Ben., 186; *In re* Crockett et al., 2 Ben., 514; *In re* Foster, 3 Ben., 386; *In re* Prankard, 1 Bank. Reg., 51; *In re* Abbe, 2 Bank. Reg., 26; *In re* Wilkins, 2 Bank. Reg., 113; *In re* Melick, 4 Bank. Reg., 26; *In re* Howard, Cole & Co., 4 Bank. Reg., 185; *In re* Penn, 5 Bank. Reg., 30; *In re* Stevens, 5 Bank. Reg., 112; *In re* Leland, 5 Bank. Reg., 222; *In re* Isaacs & Cohn, 6 Bank. Reg., 92; Amsinck *v.* Bean, assignee, 22 Wall., 395; *In re* E. W. Clap, 2 Low., 168; *In re* Bennett & Ames, 2 Low., 400; *In re* Sectional Dock Company, 3 Dill., 83; *In re* Handlin, 3 Dill., 290; Chandler *v.* Siddle, 3 Dill., 477; *In re* Moore, 5 Biss., 79; *In re* Hartshorn & Batchelor, 2 Woods, 73; *In re* Shanahan & West, 6 Biss., 39; *In re* McEwen, 6 Biss., 294; *In re* Roddin et als., 6 Biss., 377.

Of corporations and joint-stock companies.

2 Mar., 1867, c. 176, s. 37, v. 14, p. 535.

SEC. 5122. The provisions of this Title shall apply to all moneyed business or commercial corporations and joint-stock companies, and upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators at any legal meeting called for the purpose, or upon the petition of any creditor of such corporation or company, made and presented in the manner provided in respect to debtors, the like proceedings shall be had and taken as are provided in the case of debtors. All the provisions of this Title which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall in like manner, and with like force, effect, and penalties, apply to each and every officer of such cor-

Rankin & Pullan *v.* Florida, &c., R. R. Co., 1 Bank. Reg., 196; *In re* The Lady Bryan Mining Company, 4 Bank. Reg., 36; Adams *v.* Boston, &c., R. R. Co., 4

Bank. Reg., 99; Alabama and Chattanooga R. R. *v.* Jones, 5 Bank. Reg., 97; Sweatt *v.* Railroad, 5 Bank. Reg., 234; Freeman's Nat. Bank *v.* Smith, 13 Blatch., 220; *In re* Manufacturers' Nat. Bank, 5 Biss., 499.

porations or company in relation to the same matters concerning the corporation or company, and the money and property thereof. All payments, conveyances, and assignments declared fraudulent and void by this Title when made by a debtor, shall in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. Whenever any corporation by proceedings under this Title is declared bankrupt, all its property and assets shall be distributed to the creditors of such corporations in the manner provided in this Title in respect to natural persons. But no allowance or discharge shall be granted to any corporation or joint-stock company, or to any person or officer or member thereof.

Authority of State courts in proceedings against corporations, &c.

3 Feb., 1873, c. 135, v. 17, p. 436.

In re National Life Ins. Co., 6 Biss., 35; *In re* Whipple, 6 Biss., 516.

SEC. 5123. Whenever a corporation created by the laws of any State, whose business is carried on wholly within the State creating the same, and also any insurance company so created, whether all its business shall be carried on in such State or not, has had proceedings duly commenced against such corporation or company before the courts of such State for the purpose of winding up the affairs of such corporation or company and dividing its assets ratably among its creditors and lawfully among those entitled thereto prior to proceedings having been commenced against such corporation or company under the bankrupt laws of the United States, any order made, or that shall be made, by such court agreeably to the State law for the ratable distribution or payment of any dividend of assets to the creditors of such corporation or company while such State court shall remain actually or constructively in possession or control of the assets of such corporation or company shall be deemed valid notwithstanding proceedings in bankruptcy may have been commenced and be pending against such corporation or company.

CHAPTER SEVEN.

FEES AND COSTS.

Sec.
5124. Fees.
5125. Traveling and incidental expenses.
5126. Marshal's fees.
5127. Justices of the Supreme Court may change tariff of fees.

Fees.

2 Mar., 1867, c. 176, s. 47, v. 14, p. 540.

18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 320.

In re MacIntire, 1 Ben., 277; *In re* Clark, 2 Ben., 72; *In re* Robinson, 2 Ben., 145; *In re* Lowenstine, 3 Ben., 422; *In re* Dean, 1 Bank. Reg., 26; *In re* Sherwood, 1 Bank. Reg., 74; *In re* Talbot, 2 Bank. Reg., 93; *In re* Houghton, 2 Low., 243.

SEC. 5124. In each case there shall be allowed and paid, in addition to the fees of the clerk of the court as now established by law, or as may be established by general order for fees in bankruptcy, the following fees, which shall be applied to paying for the services of the registers:

First. For issuing every warrant, two dollars.

Second. For each day in which a meeting is held, three dollars.

Third. For each order for a dividend, three dollars.

Fourth. For every order substituting an arrangement by trust-deed for bankruptcy, two dollars.

Fifth. For every bond with sureties, two dollars.

Sixth. For every application for any meeting in any matter under this [*act*] [title,] one dollar.

Seventh. For every day's service while actually employed under a special order of the court, a sum not exceeding five dollars, to be allowed by the court.

Eighth. For taking depositions, the fees now allowed by law.

Ninth. For every discharge when there is no opposition, two dollars.

Such fees shall have priority of payment over all other claims out of the estate, and, before a warrant issues, the petitioner shall deposit with the clerk of the court fifty dollars as security for the payment thereof; and if there are not sufficient assets for the payment of the fees, the person upon whose petition the warrant is issued shall pay the same, and the court may issue an execution against him to compel payment to the register.

SEC. 5125. The traveling and incidental expenses of the register, and of any clerk or other officer attending him, shall be settled by the court in accordance with the rules prescribed by the justices of the Supreme Court, and paid out of the assets of the estate in respect of which such register has acted; or if there are no such assets, or if the assets are insufficient, such expenses shall form a part of the costs in the case in which the register acts, to be apportioned by the judge.

Traveling and incidental expenses.

2 Mar., 1867, c. 176, s. 5, v. 14, p. 519.

In re Dean, 1 Bank. Reg., 26; *In re* Sherwood, 1 Bank. Reg., 74.

SEC. 5126. Before any dividend is ordered, the assignee shall pay out of the estate to the messenger the following fees and no more:

First. For service of warrant, two dollars.

Second. For all necessary travel, at the rate of five cents a mile each way.

Third. For each written note to creditor named in the schedule, ten cents.

Fourth. For custody of property, publication of notices, and other services, his actual and necessary expenses upon returning the same in specific items, and making oath that they have been actually incurred and paid by him, and are just and reasonable, the same to be taxed or adjusted by the court, and the oath of the messenger shall not be conclusive as to the necessity of such expenses.

For cause shown, and upon hearing thereon, such further allowance may be made as the court, in its discretion, may determine.

Marshal's fees.

2 Mar., 1867, c. 176, s. 47, v. 14, p. 540.

In re Lowenstine, 3 Ben., 422; *In re* Dean, 1 Bank. Reg., 26; *In re* Talbot, 2 Bank. Reg., 93.

SEC. 5127. The enumeration of the foregoing fees shall not prevent the justices of the Supreme Court from prescribing a tariff of fees for all other services of the officers of courts of bankruptcy, or from reducing the fees prescribed in the three preceding sections, in classes of cases to be named in their general orders.

Justices of Supreme Court may change tariff of fees.

2 Mar., 1867, c. 176, s. 47, v. 14, p. 540. 22 *June*, 1874, *c.* 390, *s.* 18, *v.* 18, *p.* 184.

CHAPTER EIGHT.

PROHIBITED AND FRAUDULENT TRANSFERS.

Sec.
5128. Preferences by insolvent.
5129. Fraudulent transfers of property.
5130. Presumptive evidence of fraud.
5131. Fraudulent agreements.
5132. Penalties against fraudulent bankrupt.

SEC. 5128. If any person, being insolvent, or in contemplation of insolvency, within four months before the filing of the petition by or against him, with a view to give a preference to any creditor or person having a claim against him, or who is under any liability for him, procures or suffers any part of his property to be attached, sequestered, or seized on execution, or makes any payment, pledge, assignment, transfer, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer, or conveyance, or to be benefited thereby, or by such attachment, having reasonable cause to believe such person is insolvent, and that such attachment, payment, pledge, assignment, or conveyance is made in fraud of the provisions of this Title, the same shall be void, and the assignee may recover the property, or the value of it, from the person so receiving it, or so to be benefited.

Preferences by insolvent.

2 Mar., 1867, c. 176, ss. 35, 39, v. 14, pp. 534, 536. 22 *June*, 1874, *c.* 390, *ss.* 10, 11, *v.* 18, *p.* 180.

Toof *v.* Martin, 13 Wall., 40; Traders' Bank *v.* Campbell, 14 Wall., 87; Gibson *v.* Warden, 14 Wall., 244; Buchanan *v.* Smith, 16 Wall., 277; Walbrun *v.* Babbitt, 16 Wall., 577; Wager *v.* Hall, 16 Wall., 584; Wilson *v.* City Bank, 17 Wall., 473; *In re* Binninger et al., 7 Blatch., 262; Cookingham *v.* Morgan, 7 Blatch., 480; Collins *v.* Gray, 8 Blatch., 483; Bean *v.* Brookmeyer et al., 1 Dill., 151; Wright *v.* Filley, 1 Dill., 171; Rison *v.* Knapp, 1 Dill., 186; Vanderhoof's Assignee *v.* City Bank, &c., 1 Dill., 476; *In re* Dibblee, 3 Ben., 283; Graham *v.* Stark, 3 Ben., 520; *In re* Davidson, 4 Ben., 10; *In re* Terry et al., 4 Bank. Reg., 33; *In re* Butler, 4 Bank. Reg., 91; Vogle *v.* Lathrop, 4 Bank. Reg., 146; Golson *v.* Neihoff, 5 Bank. Reg., 56; Kohlsaat *v.* Hoguet, 5 Bank. Reg., 159; Haskell *v.* Ingalls, 5 Bank. Reg., 205; Hood *v.* Karper, 5 Bank. Reg., 358; Scammon *v.* Cole, 5 Bank. Reg., 257; Mays *v.* Fritton, 20 Wall., 414; Clarion Bank *v.* Jones, 21 Wall., 325; Clark *v.* Iselin, 21 Wall., 360; Watson, assignee, *v.* Taylor, 21 Wall., 378; Michaels et al. *v.* Post, assignee, 21 Wall., 398; Fox *v.* Gardner, 21 Wall., 475; Little, assignee, *v.* Alexander, 21 Wall., 500; Sawyer et al. *v.* Turpin et al., 91 U. S., 114;

Hoover, assignee, *v.* Wise et al., 91 U. S., 308; Nudd et al. *v.* Burrows, assignee, 91 U. S., 426; Indianapolis and Saint Louis R. R. Co. *v.* Horst, 93 U. S., 291; *In re* Worthington S. Locke, 1 Low., 293; *Ex parte* Packard, 1 Low., 523; Sawyer *v.* Turpin, 2 Low., 29; Pratt *v.* Curtis, 2 Low., 87; Humes *v.* Scruggs, 94 U. S., 22; Dutcher *v.* Wright, 94 U. S., 553; Sedgwick *v.* Fridenberg, 11 Blatch., 77; Platt *v.* Stewart, 13 Blatch., 481; Cox *v.* Wilder, 2 Dill., 45; Schulenburg *v.* Kabureck, 2 Dill., 132; Singer *v.* Sloan, 3 Dill., 110; Catlen *v.* Hoffman, 2 Saw., 486; Strain *v.* Gourdin, 2 Woods, 381; *In re* Williams & McPheters, 6 Biss., 233; Warner *v.* Cronkhite, 6 Biss., 453.

Fraudulent transfers of property.

2 Mar., 1867, *c.* 176, *ss.* 35, 39, *v.* 14, pp. 534, 536.
22 *June*, 1874, *c.* 390, *ss.* 10, 11, *v.* 18, *p.* 180.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

SEC. 5129. If any person, being insolvent, or in contemplation of insolvency or bankruptcy, within six months before the filing of the petition by or against him, makes any payment, sale, assignment, transfer, conveyance, or other disposition of any part of his property to any person who then has reasonable cause to believe him to be insolvent, or to be acting in contemplation of insolvency, and that such payment, sale, assignment, transfer, or other conveyance is made with a view to prevent his property from coming to his assignee in bankruptcy, or to prevent the same from being distributed under this [*act*] [title,] or to defeat the object of, or in any way impair, hinder, impede, or delay the operation and effect of, or to evade any of the provisions of this Title, the sale, assignment, transfer, or conveyance shall be void, and the assignee may recover the property, or the value thereof, as assets of the bankrupt.

Toof *v.* Martin, 13 Wall., 40; Gibson *v.* Warden, 14 Wall., 244; Tiffany *v.* Lucas, 15 Wall., 410; Cook *v.* Tullis, 18 Wall., 332; Tiffany *v.* Boatman's Institution, 18 Wall., 375; Bartholow *v.* Bean, 18 Wall., 635; Hubbard *v.* Allaire Works, 7 Blatch., 284; Andrews *v.* Graves, 1 Dill., 108; Bean *v.* Brookmeyer et al., 4 Bank. Reg., 57; *In re* Butler, 4 Bank. Reg., 91; Burkholder *v.* Stump, 4 Bank. Reg., 191; *In re* Hunt, 2 Bank. Reg., 166; Judson *v.* Kelty, 6 Bank. Reg., 165; Clarion Bank *v.* Jones, 21 Wall., 325; Jarrell's Assignee *v.* Harrell et al., 1 Woods, 476; Edmondson *v.* Hyde, 2 Saw., 205.

Presumptive evidence of fraud.

2 Mar., 1867, *c.* 176, *s.* 35, *v.* 14, *p.* 534.

SEC. 5130. The fact that such a payment, pledge, sale, assignment, transfer, conveyance, or other disposition of a debtor's property as is described in the two preceding sections, is not made in the usual and ordinary course of business of the debtor, shall be prima-facie evidence of fraud.

Walbrun *v.* Babbitt, 16 Wall., 577; *In re* Hunt, 2 Bank. Reg., 166; Rison *v.* Heddens, 4 Bank. Reg., 114.

Fraudulent agreements.

2 Mar., 1867, *c.* 176, *s.* 35, *v.* 14, *p.* 534.

Ex parte Briggs, 2 Low., 389.

SEC. 5131. Any contract, covenant, or security made or given by a bankrupt or other person with, or in trust for, any creditor, for securing the payment of any money as a consideration for or with intent to induce the creditor to forbear opposing the application for discharge of the bankrupt, shall be void; and any creditor who obtains any sum of money or other goods, chattels, or security from any person as an inducement for forbearing to oppose, or consenting to such application for discharge, shall forfeit all right to any share or dividend in the estate of the bankrupt, and shall also forfeit double the value or amount of such money, goods, chattels, or security so obtained, to be recovered by the assignee for the benefit of the estate.

Penalties against fraudulent bankrupt.

2 Mar., 1867, *c.* 176, *s.* 44, *v.* 14, *p.* 539.

U. S. *v.* Lattore, 8 Blatch., 134; U. S. *v.* Clark, 4 Bank. Reg., 14; U. S. *v.* Prescott, 4 Bank. Reg., 29; U. S. *v.* Pusey, 6 Bank. Reg., 284; U. S. *v.* Clark, 1 Low., 402;

In re Marshall, 1 Low., 462.

SEC. 5132. Every person respecting whom proceedings in bankruptcy are commenced, either upon his own petition or upon that of a creditor:

First. Who secretes or conceals any property belonging to his estate; or,

Second. Who parts with, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto; or,

Third. Who removes or causes to be removed any such property or book, deed, document, or writing out of the district, or otherwise disposes of any part thereof, with intent to prevent it from coming into the possession of the assignee in bankruptcy, or to hinder, impede, or delay him in recovering or receiving the same; or,

Fourth. Who makes any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate with the like intent; or,

Fifth. Who spends any property belonging to his estate in gaming; or,

Sixth. Who, with intent to defraud, willfully and fraudulently conceals from his assignee or omits from his inventory any property or effects required by this Title to be described therein; or,

Seventh. Who, having reason to suspect that any other person has proved a false or fictitious debt against his estate, fails to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or,

Eighth. Who attempts to account for any of his property by fictitious losses or expenses; or,

Ninth. Who, within three months before the commencement of proceedings in bankruptcy, under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtains on credit from any person any goods or chattels with intent to defraud; or,

Tenth. Who, within three months next before the commencement of proceedings in bankruptcy, with intent to defraud his creditors, pawns, pledges, or disposes of, otherwise than by transactions made in good faith in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for,

Shall be punishable by imprisonment, with or without hard labor, for not more than three years.

TITLE LXII.

NATIONAL BANKS.

CHAPTER ONE.

ORGANIZATION AND POWERS.

Sec.
5133. Formation of national banking associations.
5134. Requisites of organization certificate.
5135. How certificate shall be acknowledged and filed.
5136. Corporate powers of associations.
5137. Power to hold real property.
5138. Requisite amount of capital.
5139. Shares of stock and transfers.
5140. How payment of the capital stock must be made and proved.
5141. Proceedings if shareholder fails to pay installments.
5142. Increase of capital stock.
5143. Reduction of capital stock.
5144. Right of shareholders to vote.
5145. Election of directors.
5146. Requisite qualifications of directors.
5147. Oath required from directors.
5148. Filling vacancies.
5149. Proceedings where no election is held on the proper day.
5150. Election of president of the board.
5151. Individual liability of shareholders.
5152. Executors, trustees, &c., not personally liable.
5153. Duties and liabilities when designated as depositaries of public moneys.
5154. Organization of State banks as national banking associations.
5155. State banks having branches.
5156. Reservation of rights of associations organized under act of 1863.

Formation of national banking associations.

3 June, 1864, c. 106, s. 5, v. 13, p. 100.

20 *June*, 1874, *c.* 343, *v.* 18, *p.* 123.

SEC. 5133. Associations for carrying on the business of banking under this Title may be formed by any number of natural persons, not less in any case than five. They shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the Comptroller of the Currency, to be filed and preserved in his office. [See § 324.]

The act of June 20, 1874, c. 343, v. 18, p. 123, declares "that the act entitled 'An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof,' approved June third, eighteen hundred and sixty-four, shall hereafter be known as 'the national-bank act.'"

Requisites of organization certificate.

3 June, 1864, c. 106, s. 6, v. 13, p. 101.

SEC. 5134. The persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specifically state:

First. The name assumed by such association; which name shall be subject to the approval of the Comptroller of the Currency.

Second. The place where its operations of discount and deposit are to be carried on, designating the State, Territory, or district, and the particular county and city, town, or village.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the shareholders and the number of shares held by each of them.

Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this Title.

How certificate shall be acknowledged and filed.

Ibid.

SEC. 5135. The organization certificate shall be acknowledged before a judge of some court of record, or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall record and carefully preserve the same in his office. [See § 885.]

Corporate powers of associations.

SEC. 5136. Upon duly making and filing articles of association and an organization certificate, the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

Ibid., s. 8.

2 Abb. U.S., 416; Casey *v.* Galli, 94 U. S., 673; Main *v.* Second National Bank, Chicago, 6 Biss., 26.

First. To adopt and use a corporate seal.

Second. To have succession for the period of twenty years from its organization, unless it is sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this Title.

But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking.

Power to hold real property.

SEC. 5137. A national banking association may purchase, hold, and convey real estate for the following purposes, and for no others:

3 June, 1864, c. 106, s. 28, v. 13, p. 107.

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Kansas Valley Bank *v.* Rowell, 2 Dill., 371.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

But no such association shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

Requisite amount of capital.

SEC. 5138. No association shall be organized under this Title with a less capital than one hundred thousand dollars; except that banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a less capital than two hundred thousand dollars.

Ibid., s. 7, p. 101.

Shares of stock and transfers.

SEC. 5139. The capital stock of each association shall be divided into shares of one hundred dollars each, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares; and no change shall be made in the articles of association

Ibid., s. 12, p. 102

Van Allen *v.* The Assessors, 3 Wall., 573.

by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

How payment of the capital stock must be made and proved.

Ibid., s. 14, p. 103.

SEC. 5140. At least fifty per centum of the capital stock of every association shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in installments of at least ten per centum each, on the whole amount of the capital, as frequently as one installment at the end of each succeeding month from the time it shall be authorized by the Comptroller of the Currency to commence business; and the payment of each installment shall be certified to the Comptroller, under oath, by the president or cashier of the association.

Proceedings if shareholder fails to pay installments.

Ibid., s. 15.

SEC. 5141. Whenever any shareholder, or his assignee, fails to pay any installment on the stock when the same is required by the preceding section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, or if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, to be not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be canceled and deducted from the capital stock of the association. If any such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by law, the capital stock shall, within thirty days from the date of such cancellation, be increased to the required amount; in default of which a receiver may be appointed, according to the provisions of section fifty-two hundred and thirty-four, to close up the business of the association.

Increase of capital stock.

Ibid., s. 13.

SEC. 5142. Any association formed under this Title may, by its articles of association, provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this Title. But the maximum of such increase to be provided in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase is paid in, and notice thereof has been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association.

Reduction of capital stock.

Ibid.

SEC. 5143. Any association formed under this Title may, by the vote of shareholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this Title to authorize the formation of associations; but no such reduction shall be allowable which will reduce the capital of the association below the amount required for its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and his approval thereof obtained.

Right of shareholders to vote.

Ibid., s. 11, p. 102.

SEC. 5144. In all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or book-keeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

Election of directors.

3 June, 1864, c. 106, ss. 9, 10, v. 13, p. 102.

SEC. 5145. The affairs of each association shall be managed by not less than five directors, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Currency to commence the business of banking; and afterward at meetings to be held on such day in January of each year as is specified therefor in the articles of association. The directors shall

hold office for one year, and until their successors are elected and have qualified.

Requisite qualifications of directors.

SEC. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located, for at least one year immediately preceding their election, and must be residents therein during their continuance in office. Every director must own, in his own right, at least ten shares of the capital stock of the association of which he is a director. Any director who ceases to be the owner of ten shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.

Ibid.

Oath required from directors.

SEC. 5147. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this Title, and that he is the owner in good faith, and in his own right, of the number of shares of stock required by this Title, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and shall be filed and preserved in his Office.

Ibid., s. 9.

Filling vacancies.

SEC. 5148. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

Ibid., s. 10.

Proceedings where no election is held on the proper day.

SEC. 5149. If, from any cause, an election of directors is not made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders representing two-thirds of the shares may do so.

Ibid., s. 9.

Election of president of the board.

SEC. 5150. One of the directors, to be chosen by the board, shall be the president of the board.

Ibid., s. 9.

30 *June*, 1876, *c.* 156, *s.* 2, *v.* 19, *p.* 63.

Individual liability of shareholders.

SEC. 5151. The shareholders of every national banking association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under State laws, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the Comptroller of the Currency, shall be liable only to the amount invested in their shares; and such surplus of twenty per centum shall be kept undiminished, and be in addition to the surplus provided for in this Title; and if at any time there is a deficiency in such surplus of twenty per centum, such association shall not pay any dividends to its shareholders until the deficiency is made good; and in case of such deficiency, the Comptroller of the Currency may compel the association to close its business and wind up its affairs under the provisions of Chapter four of this Title.

3 June, 1864, c. 106, s. 12, v. 13, p. 102.

Executors, trustees, &c., not personally liable.

SEC. 5152. Persons holding stock as executors, administrators, guardians, or trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or per-

Ibid., s. 63, p. 118.

son interested in such trust-funds would be, if living and competent to act and hold the stock in his own name.

Duties and liabilities when designated as depositaries of public moneys.

Ibid., s. 45, p. 113.

Branch's Case, 13 C. Cls., 281.

SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national curreney bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks.

[See §§ 3639-3649, 5489.]

Organization of State banks as national banking associations.

Ibid., s. 44, p. 112.

SEC. 5154. Any bank incorporated by special law, or any banking institution organized under a general law of any State, may become a national association under this Title by the name prescribed in its organization certificate; and in such case the articles of association and the organization certificate may be executed by a majority of the directors of the bank or banking institution; and the certificate shall declare that the owners of two-thirds of the capital stock have authorized the directors to make such certificate, and to change and convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and organization certificate, shall have power to execute all other papers, and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be the directors of the association until others are elected or appointed in accordance with the provisions of this chapter; and any State bank which is a stockholder in any other bank, by authority of State laws, may continue to hold its stock, although either bank, or both, may be organized under and have accepted the provisions of this Title. When the Comptroller of the Currency has given to such association a certificate, under his hand and official seal, that the provisions of this Title have been complied with, and that it is authorized to commence the business of banking, the association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are prescribed for other associations originally organized as national banking associations, and shall be held and regarded as such an association. But no such association shall have a less capital than the amount prescribed for associations organized under this Title.

State banks having branches.

3 Mar., 1865, c. 78, s. 7, v. 13, p. 484.

SEC. 5155. It shall be lawful for any bank or banking association organized under State laws, and having branches, the capital being joint and assigned to and used by the mother-bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother-bank, and each branch, to be regulated by the amount of capital assigned to and used by each.

Reservation of rights of associations organized under act of 1863.

3 June, 1864, c. 106, s. 62, v. 13, p. 118.

SEC. 5156. Nothing in this Title shall affect any appointments made, acts done, or proceedings had or commenced prior to the third day of June, eighteen hundred and sixty-four, in or toward the organization of any national banking association under the act of February twenty-five, eighteen hundred and sixty-three; but all associations which, on the third day of June, eighteen hundred and sixty-four, were organized or commenced to be organized under that act, shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and re-

strictions imposed by this Title, notwithstanding all the steps prescribed by this Title for the organization of associations were not pursued, if such associations were duly organized under that act.

CHAPTER TWO.

OBTAINING AND ISSUING CIRCULATING NOTES.

Sec.
5157. What associations are governed by chapters 2, 3, and 4.
5158. Registered bonds intended by the term "United States bonds."
5159. Deposit of bonds required before issue of circulating notes.
5160. Increase or reduction of deposits to correspond with capital.
5161. Exchange of coupon for registered bonds.
5162. Manner of making transfers of bonds.
5163. Registry of transfers.
5164. Notice of transfer to be given to associations interested.
5165. Examination of registry and bonds.
5166. Annual examination of bonds by associations.
5167. Custody of bonds, collection of interest, &c.
5168. Comptroller to determine if association can commence business.
5169. Certificate of authority to commence banking to be issued.
5170. Publication of certificate.
5171. Delivery of circulating notes.
5172. Printing, denominations, and form of the circulating notes.
5173. Plates and dies to be under control of the Comptroller.
5174. Annual examination of plates, dies, &c.
5175. Limit to issue of notes under five dollars.
5176. Limit to amount of circulation of certain banks.
5177. Limit to aggregate amount of circulating notes.
5178. Apportionment of aggregate amount of circulating notes.
5179. Equalizing the apportionment of circulating notes.
5180. How the necessary amount of notes shall be withdrawn.
5181. Removal of association to another State.
5182. For what demands national-bank notes may be received.
5183. Issue of other notes prohibited.
5184. Destroying and replacing worn-out and mutilated notes.
5185. Organization of associations to issue gold-notes authorized.
5186. Their lawful-money reserve, and duty of receiving notes of other associations.
5187. Penalty for issuing circulating notes to unauthorized associations.
5188. Penalty for imitating national-bank notes, &c.
5189. Penalty for defacing, &c., national-bank notes.

What associations are governed by chapters 2, 3, and 4.

SEC. 5157. The provisions of chapters two, three, and four of this Title, which are expressed without restrictive words, as applying to "national banking associations," or to "associations," apply to all associations organized to carry on the business of banking under any act of Congress.

Registered bonds intended by the term "United States bonds."

SEC. 5158. The term "United States bonds," as used throughout this chapter, shall be construed to mean registered bonds of the United States.

3 June, 1864, *c.* 106, s. 4, v. 13, p. 100.

Deposit of bonds required before issue of circulating notes.

SEC. 5159. Every association, after having complied with the provisions of this Title, preliminary to the commencement of the banking business, and before it shall be authorized to commence banking business under this Title, shall transfer and deliver to the Treasurer of the United States any United States registered bonds, bearing interest, to an amount not less than thirty thousand dollars and not less than one-third of the capital stock paid in. Such bonds shall be received by the Treasurer upon deposit, and shall be by him safely kept in his office, until they shall be otherwise disposed of, in pursuance of the provisions of this Title.

Ibid., s. 16, p. 104. 20 *June*, 1874, *c.* 343, *v.* 18, *p.* 124.

Increase or reduction of deposit to correspond with capital.

SEC. 5160. The deposit of bonds made by each association shall be increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the Treasurer registered United States bonds to the amount of at least one-third of its capital stock actually paid in. And any association that may desire to reduce its capital or to close up its business and dissolve its organization, may

3 June, 1864, c. 106, s. 16, v. 13, p. 104.

take up its bonds upon returning to the Comptroller its circulating notes in the proportion hereinafter required, or may take up any excess of bonds beyond one-third of its capital stock, and upon which no circulating notes have been delivered.

Exchange of coupon for registered bonds.

3 June, 1864, c. 106 s. 16, v. 13, p. 104.

SEC. 5161. To facilitate a compliance with the two preceding sections, the Secretary of the Treasury is authorized to receive from any association, and cancel, any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run.

Manner of making transfers of bonds.

Ibid., s. 19, p. 105.

SEC. 5162. All transfers of United States bonds, made by any association under the provisions of this Title, shall be made to the Treasurer of the United States in trust for the association, with a memorandum written or printed on each bond, and signed by the cashier, or some other officer of the association making the deposit. A receipt shall be given to the association, by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that the bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency.

Registry of transfers.

Ibid., ss. 19, 20.

SEC. 5163. The Comptroller of the Currency shall keep in his Office a book in which he shall cause to be entered, immediately upon countersigning it, every transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, presented for his signature. He shall state in such entry the name of the association from whose accounts the transfer is made, the name of the party to whom it is made, and the par value of the bonds transferred.

Notice of transfer to be given to association interested.

Ibid., s. 19.

SEC. 5164. The Comptroller of the Currency shall, immediately upon countersigning and entering any transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, advise by mail the association from whose accounts the transfer is made, of the kind and numerical designation of the bonds, and the amount thereof so transferred.

Examination of registry and bonds.

Ibid., s. 20.

SEC. 5165. The Comptroller of the Currency shall have at all times, during office-hours, access to the books of the Treasurer of the United States for the purpose of ascertaining the correctness of any transfer or assignment of the bonds deposited by an association, presented to the Comptroller to countersign; and the Treasurer shall have the like access to the book mentioned in section fifty-one hundred and sixty-three, during office-hours, to ascertain the correctness of the entries in the same; and the Comptroller shall also at all times have access to the bonds on deposit with the Treasurer, to ascertain their amount and condition.

Annual examination of bonds by associations.

Ibid., s. 25, p. 106.

SEC. 5166. Every association having bonds deposited in the office of the Treasurer of the United States shall, once or oftener in each fiscal year, examine and compare the bonds pledged by the association with the books of the Comptroller of the Currency and with the accounts of the association, and, if they are found correct, to execute to the Treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the Treasurer at the date of the certificate. Such examination shall be made at such time or times, during the ordinary business hours, as the Treasurer and the Comptroller, respectively, may select, and may be made by an officer or agent of such association, duly appointed in writing for that purpose; and his certificate before mentioned shall be of like force and validity as if executed by the president or cashier. A duplicate of such certificate, signed by the Treasurer, shall be retained by the association.

Custody of bonds, collection of interest, &c.

3 June 1864, c. 106, s. 26, v. 13, p. 107.

SEC. 5167. The bonds transferred to and deposited with the Treasurer of the United States, by any association, for the security of its circulating notes, shall be held exclusively for that purpose, until such notes are redeemed, except as provided in this Title. The Comptroller of the Currency shall give to any such association powers of attorney to receive and appropriate to its own use the interest on the bonds which it has so

transferred to the Treasurer; but such powers shall become inoperative whenever such association fails to redeem its circulating notes. Whenever the market or cash value of any bonds thus deposited with the Treasurer is reduced below the amount of the circulation issued for the same, the Comptroller may demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association, to be deposited with the Treasurer as long as such depreciation continues. And the Comptroller, upon the terms prescribed by the Secretary of the Treasury, may permit an exchange to be made of any of the bonds deposited with the Treasurer by any association, for other bonds of the United States authorized to be received as security for circulating notes, if he is of opinion that such an exchange can be made without prejudice to the United States; and he may direct the return of any bonds to the association which transferred the same, in sums of not less than one thousand dollars, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That the remaining bonds which shall have been transferred by the association offering to surrender circulating notes are equal to the amount required for the circulating notes not surrendered by such association, and that the amount of bonds in the hands of the Treasurer is not diminished below the amount required to be kept on deposit with him, and that there has been no failure by the association to redeem its circulating notes, nor any other violation by it of the provisions of this Title, and that the market or cash value of the remaining bonds is not below the amount required for the circulation issued for the same.

Comptroller to determine if associations can commence business.

Ibid., s. 17, p. 104.

SEC. 5168. Whenever a certificate is transmitted to the Comptroller of the Currency, as provided in this Title, and the association transmitting the same notifies the Comptroller that at least fifty per centum of its capital stock has been duly paid in, and that such association has complied with all the provisions of this Title required to be complied with before an association shall be authorized to commence the business of banking, the Comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of the capital stock of which each is the owner in good faith, and generally whether such association has complied with all the provisions of this Title required to entitle it to engage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors, and by the president or cashier of the association, a statement of all the facts necessary to enable the Comptroller to determine whether the association is lawfully entitled to commence the business of banking.

Certificate of authority to commence banking to be issued.

3 June, 1864, c. 106, ss. 12, 18, v. 13, pp. 102, 104.

SEC. 5169. If, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it appears that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions required to be complied with before commencing the business of banking, and that such association is authorized to commence such business. But the Comptroller may withhold from an association his certificate authorizing the commencement of business, whenever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this Title.

Publication of certificate.

3 June, 1864, c. 106, s. 18, v. 13, p. 104.

SEC. 5171. The association shall cause the certificate issued under the preceding section to be published in some newspaper printed in the city or county where the association is located, for at least sixty days next after the issuing thereof; or, if no newspaper is published in such city or county, then in the newspaper published nearest thereto.

Delivery of circulating notes.

SEC. 5171. Upon a deposit of bonds as prescribed by sections fifty-one hundred and fifty-nine and fifty-one hundred and sixty, the association

3 Mar., 1865, c. 82, v. 13, p. 498. 3 *Mar.*, 1875, c. 130, v. 18, p. 372.

making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market-value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of the bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum: *Provided*, That the amount of circulating notes to be furnished to each association shall be in proportion to its paid-up capital, as follows, and no more:

First. To each association whose capital does not exceed five hundred thousand dollars, ninety per centum of such capital.

Second. To each association whose capital exceeds five hundred thousand dollars, but does not exceed one million of dollars, eighty per centum of such capital.

Third. To each association whose capital exceeds one million of dollars, but does not exceed three million of dollars, seventy-five per centum of such capital.

Fourth. To each association whose capital exceeds three millions of dollars, sixty per centum of such capital.

Printing, denominations, and form of the circulating notes.

SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply the associations entitled to receive the same. Such notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice-president and cashier; and shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct. [See §§ 5415, 5484.]

3 June, 1864, c. 104, s. 22, v. 13, p. 105. 20 *June*, 1874, c. 343, v. 18, p. 124. 3 *Mar.*, 1875, c. 130, v. 18, p. 372.

Plates and dies to be under control of Comptroller.

SEC. 5173. The plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws respecting the procuring of such notes, and all other expenses of the Bureau of the Currency, shall be paid out of the proceeds of the taxes or duties assessed and collected on the circulation of national banking associations under this Title.

3 June, 1864, c. 106, s. 41, v. 13, p. 111.

Annual examination of plates, dies, &c.

SEC. 5174. The Comptroller of the Currency shall cause to be examined, each year, the plates, dies, [*but pieces*] [bed-pieces], and other material from which the national-bank circulation is printed, in whole or in part, and file in his Office annually a correct list of the same. Such material as shall have been used in the printing of the notes of associations which are in liquidation, or have closed business, shall be destroyed under such regulations as shall be prescribed by the Comptroller of the Currency and approved by the Secretary of the Treasury. The expenses of any such examination or destruction shall be paid out of any appropriation made by Congress for the special examination of national banks and bank-note plates.

3 Mar., 1873, c. 269, s. 4, v. 17, p. 603. 27 *Feb.*, 1877, c. 69, v. 19, p. 252.

Limit to issue of notes under five dollars.

SEC. 5175. Not more than one-sixth part of the notes furnished to any association shall be of a less denomination than five dollars. After specie payments are resumed no association shall be furnished with notes of a less denomination than five dollars.

3 June, 1864, c. 106, s. 22, v. 13, p. 105.

Limit to amount of circulation of certain banks.

SEC. 5176. No banking association organized subsequent to the twelfth day of July, eighteen hundred and seventy, shall have a circulation in excess of five hundred thousand dollars.

12 July, 1870, c. 252, s. 1, v. 16, p. 251.

SEC. 5177. [*The aggregate amount of circulating notes issued under the act of February twenty-five, eighteen hundred and sixty-three, and under the act of June three, eighteen hundred and sixty-four, and under section one of the act of July twelve, eighteen hundred and seventy, and under this Title, shall not exceed three hundred and fifty-four millions of dollars.*]

Limit to aggregate amount of circulating notes.

3 June, 1864, c. 106, s. 22, v. 13, p. 105.

Ibid., s. 62, p. 118.

12 July, 1870, c. 252, s. 1, v. 16, p. 251.

The limitation upon the circulation of national bank notes was removed by the statute of January 14, 1875, c. 15, s. 3, v. 18, p. 296.

20 *June*, 1874, *c.* 343, *v.* 18, *p.* 123. *Repealed by* 14 *Jan.*, 1875, *c.* 15, *s.* 3, *v.* 18, *p.* 296.

SEC. 5178. One hundred and fifty millions of dollars of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the Territories, and in the District of Columbia, according to representative population. One hundred and fifty millions shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the Territories, and in the District of Columbia, having due regard to the existing banking capital, resources, and business of such States, Territories, and District. The remaining fifty-four millions shall be apportioned among associations in States and Territories having, under the apportionments above prescribed, less than their full proportion of the aggregate amount of notes authorized, which made due application for circulating notes prior to the twelfth day of July, eighteen hundred and seventy-one. Any remainder of such fifty-four millions shall be issued to banking associations applying for circulating notes in other States or Territories having less than their proportion.

Apportionment of aggregate amount of circulating notes.

3 Mar., 1865, c. 82, v. 13, p. 498.

12 July, 1870, c. 252, s. 1, v. 16, p. 251.

20 *June*, 1874, *c.* 343, *v.* 18, *pp.* 124, 125.

SEC. 5179. In order to secure a more equitable distribution of the national banking currency, there may be issued circulating notes to banking associations organized in States and Territories having less than their proportion, and the amount of circulation herein authorized shall, under the direction of the Secretary of the Treasury, as it may be required for this purpose, be withdrawn, as herein provided, from banking associations organized in States having more than their proportion, but the amount so withdrawn shall not exceed twenty-five million dollars: *Provided*, That no circulation shall be withdrawn under the provisions of this section until after the fifty-four millions granted in the first section of the act of July twelfth, eighteen hundred and seventy, shall have been taken up.

Equalizing the apportionment of circulating notes.

12 July, 1870, c. 252, s. 6, v. 16, p. 253.

20 *June*, 1874, *c.* 343, *v.* 18, *p.* 124.

SEC. 5180. The Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, make a statement showing the amount of circulation in each State and Territory, and the amount necessary to be withdrawn from each association, and shall forthwith make a requisition for such amount upon such associations, commencing with those having a circulation exceeding one million of dollars, in States having an excess of circulation, and withdrawing their circulation in excess of one million of dollars, and then proceeding proportionately with other associations having a circulation exceeding three hundred thousand dollars, in States having the largest excess of circulation, and reducing the circulation of such associations in States having the greatest proportion in excess, leaving undisturbed the associations in States having a smaller proportion, until those in greater excess have been reduced to the same grade, and continuing thus to make such reductions until the full amount of twenty-five millions has been withdrawn; and the circulation so withdrawn shall be distributed among the States and Territories having less than their proportion, so as to equalize the same. Upon failure of any association to return the amount of circulating notes so required, within one year, the Comptroller shall sell at public auction, having given twenty days' notice thereof in one daily newspaper printed in Washington and one in New York City, an amount of the bonds deposited by that association as security for its circulation, equal to the circulation required to be withdrawn from the association and not returned in compliance with such requisition; and he shall, with the proceeds, redeem so many of the notes of such associa-

How the necessary amount of notes shall be withdrawn.

12 July, 1870, c. 252, s. 6, v. 16, p. 253.

tion, as they come into the Treasury, as will equal the amount required and not returned; and shall pay the balance, if any, to the association.

Removal of association to another State.

Ibid., s. 7, p. 254.

SEC. 5181. Any association located in any State having more than its proportion of circulation may be removed to any State having less than its proportion of circulation, under such rules and regulations as the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall prescribe: *Provided*, That the amount of the issue of said banks shall not be deducted from the issue of fifty-four millions mentioned in section five thousand one hundred and seventy-eight.

For what demands national-bank notes may be received.

3 June, 1864, c. 106, s. 23, v. 13, p. 106.

SEC. 5182. After any association receiving circulating notes under this Title has caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association may issue and circulate the same as money. And the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency.

Issue of other notes prohibited.

Ibid.

SEC. 5183. No national banking association shall issue [post notes or] any other notes to circulate as money than such as are authorized by the provisions of this Title.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.—Merchants' Bank *v.* State Bank, 10 Wall., 604.

Destroying and replacing worn-out and mutilated notes.

3 June, 1864, c. 106, s. 23, v. 13, p. 106.

SEC. 5184. It shall be the duty of the Comptroller of the Currency to receive worn-out or mutilated circulating notes issued by any banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to the association other blank circulating notes to an equal amount. Such worn-out or mutilated notes, after a memorandum has been entered in the proper books, in accordance with such regulations as may be established by the Comptroller, as well as all circulating notes which shall have been paid or surrendered to be canceled, shall be burned to ashes in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, one by the Treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. A certificate of such burning, signed by the parties so appointed, shall be made in the books of the Comptroller, and a duplicate thereof forwarded to the association whose notes are thus canceled.

Organization of associations to issue gold-notes authorized.

12 July, 1870, c. 282, s. 3, v. 16, p. 252.

Repealed in part by 19 *Jan.*, 1875, *c.* 19, *v.* 18, *p.* 302.

SEC. 5185. Associations may be organized in the manner prescribed by this Title for the purpose of issuing notes payable in gold; and upon the deposit of any United States bonds bearing interest payable in gold with the Treasurer of the United States, in the manner prescribed for other associations, it shall be lawful for the Comptroller of the Currency to issue to the association making the deposit circulating notes of different denominations, but none of them of less than five dollars, and not exceeding in amount eighty per centum of the par value of the bonds deposited, which shall express the promise of the association to pay them, upon presentation at the office at which they are issued, in gold coin of the United States, and shall be so redeemable. But no such association shall have a circulation of more than one million of dollars.

Statute of January 19, 1875, c. 19, v. 18, p. 302, removed the limitation imposed by the last sentence of this section upon associations authorized to issue circulating notes payable in gold coin.

Their lawful money reserve, and duty of receiving notes of other associations.

12 July, 1870, c. 282, ss. 3, 4, 5, v. 16, pp. 252, 253.

SEC. 5186. Every association organized under the preceding section shall at all times keep on hand not less than twenty-five per centum of its outstanding circulation, in gold or silver coin of the United States; and shall receive at par in the payment of debts the gold-notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this Title: *Provided*, That, in applying the same to associations organized for issuing gold-notes, the terms "law-

ful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States; and the circulation of such associations shall not be within the limitation of circulation mentioned in this Title.

Penalty for issuing circulating notes to unauthorized associations.

3 June, 1864, c. 106, s. 27, v. 13, p. 107.

SEC. 5187. No officer acting under the provisions of this Title shall countersign or deliver to any association, or to any other company or person, any circulating notes contemplated by this Title, except in accordance with the true intent and meaning of its provisions. Every officer who violates this section shall be deemed guilty of a high misdemeanor, and shall be fined not more than double the amout so countersigned and delivered, and imprisoned not less than one year and not more than fifteen years.

Penalty for imitating national-bank notes, &c.

5 Feb., 1867, c. 26, s. 2, v. 14, p. 383.

SEC. 5188. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, hand-bill, or advertisement, in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting under the laws of the United States which has been or may be issued under this Title, or any act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever. Every person who violates this section shall be liable to a penalty of one hundred dollars, recoverable one-half to the use of the informer.

Penalty for defacing, &c., national-bank notes.

3 June, 1864, c. 106, s. 58, v. 13, p. 117.

SEC. 5189. Every person who mutilates, cuts, defaces, disfigures, or perforates with holes, or unites or cements together, or does any other thing to any bank-bill, draft, note, or other evidence of debt, issued by any national banking association, or who causes or procures the same to be done, with intent to render such bank-bill, draft, note, or other evidence of debt unfit to be re-issued by said association, shall be liable to a penalty of fifty dollars, recoverable by the association.

CHAPTER THREE.

REGULATION OF THE BANKING BUSINESS.

Sec.
5190. Place of business of banking associations.
5191. "Lawful-money reserve" prescribed.
5192. What may be counted toward the "lawful-money reserve."
5193. Certain certificates of deposit may be counted.
5194. Limitation on the power to issue such certificates.
5195. Place for redemption of circulating notes to be designated.
5196. National banks to receive notes of other national banks.
5197. Limitation upon rate of interest which may be taken.
5198. Consequences of taking usurious interest.
5199. Dividends.
5200. Limit to liabilities which may be incurred by any one person, &c.
5201. Associations not to loan or purchase their own stock.
5202. Limit upon indebtedness to be incurred.
5203. Restriction upon use of circulating notes.
5204. Prohibition upon withdrawal of capital.
5205. Enforcing payment of deficiency in capital stock.
5206. Restriction upon use of notes of other banks.
5207. United States notes not to be held as collateral, &c.; penalty.
5208. Penalty for falsely certifying checks.
5209. Embezzlement; penalty.
5210. List of shareholders, &c., to be kept.
5211. Reports to Comptroller of the Currency.
5212. Report as to dividends.
5213. Penalty for failure to make reports.
5214. Duties payable to the United States.
5215. Half-yearly return of circulation, deposit, and capital stock.
5216. Penalty for failure to make return.
5217. Penalty for failure to pay duties.
5218. Refunding excessive duties.
5219. State taxation.

Place of business.

3 June, 1864, c. 106, s. 8, v. 13, p. 101.

SEC. 5190. The usual business of each national banking association shall be transacted at an office or banking-house located in the place specified in its organization certificate.

Merchants' Bank *v.* State Bank, 10 Wall., 604.

"Lawful-money reserve" prescribed.

3 June, 1864, c. 106, s. 31, v. 13, p. 108.
1 Mar., 1872, c. 22, v. 17, p. 32.
20 *June*, 1874, c. 343, *v.* 18, *p.* 123.

SEC. 5191. Every national banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Saint Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its notes in circulation, and of its deposits. Whenever the lawful money of any association in any of the cities named shall be below the amount of twenty-five per centum of its circulation and deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its circulation and deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion, between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States, has been restored. And the Comptroller of the Currency may notify any association, whose lawful-money reserve shall be below the amount above required to be kept on hand, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association, as provided in section fifty-two hundred and thirty-four.

What may be counted toward the "lawful-money reserve."

3 June, 1864, c. 106, s. 31, v. 13, p. 108.
20 *June*, 1874, *c.* 343, *v.* 18, *p.* 123.

SEC. 5192. Three-fifths of the reserve of fifteen per centum required by the preceding section to be kept, may consist of balances due to an association, available for the redemption of its circulating notes, from associations approved by the Comptroller of the Currency, organized under the act of June three, eighteen hundred and sixty-four, or under this Title, and doing business in the cities of Albany, Baltimore, Boston, Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Richmond, Saint Louis, San Francisco, and Washington. Clearing-house certificates, representing specie or lawful money specially deposited for the purpose, of any clearing-house association, shall also be deemed to be lawful money in the possession of any association belonging to such clearing-house, holding and owning such certificate, within the preceding section.

Certain certificates of deposit may be counted.

8 June, 1872, c. 346, ss. 1, 2, v. 17, p. 336.

SEC. 5193. The Secretary of the Treasury may receive United States notes on deposit, without interest, from any national banking associations, in sums of not less than ten thousand dollars, and issue certificates therefor in such form as he may prescribe, in denominations of not less than five thousand dollars, and payable on demand in United States notes at the place where the deposits were made. The notes so deposited shall not be counted as part of the lawful-money reserve of the association; but the certificates issued therefor may be counted as part of its lawful-money reserve, and may be accepted in the settlement of clearing-house balances at the places where the deposits therefor were made.

Limitation on the power to issue such certificates.

Ibid., s. 3.

SEC. 5194. The power conferred on the Secretary of the Treasury, by the preceding section, shall not be exercised so as to create any expansion or contraction of the currency. And United States notes for which certificates are issued under that section, or other United States notes of like amount, shall be held as special deposits in the Treasury, and used only for the redemption of such certificates.

Place for redemption of circulating notes to be designated.

3 June, 1864, c. 106, s. 32, v. 13, p. 109.
20 *June*, 1874, *c.* 343, *v.* 18, *p.* 124.

SEC. 5195. Each association organized in any of the cities named in section fifty-one hundred and ninety-one shall select, subject to the approval of the Comptroller of the Currency, an association in the city of New York, at which it will redeem its circulating notes at par; and may keep one-half of its lawful-money reserve in cash deposits in the city of New York. But the foregoing provision shall not apply to associations organized and located in the city of San Francisco for the purpose of issuing notes payable in gold. Each association not organized

within the cities named, shall select, subject to the approval of the Comptroller, an association in either of the cities named, at which it will redeem its circulating notes at par. The Comptroller shall give public notice of the names of the associations selected, at which redemptions are to be made by the respective associations, and of any change that may be made of the association at which the notes of any association are redeemed. Whenever any association fails either to make the selection or to redeem its notes as aforesaid, the Comptroller of the Currency may, upon receiving satisfactory evidence thereof, appoint a receiver, in the manner provided for in section fifty-two hundred and thirty-four, to wind up its affairs. But this section shall not relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money on demand.

National banks to receive notes of other national banks.

3 June, 1864, c. 106, s. 32, v. 13, p. 109.
12 July, 1870, c. 282, s. 5, v. 16, p. 253.

SEC. 5196. Every national banking association formed or existing under this Title, shall take and receive at par, for any debt or liability to it, any and all notes or bills issued by any lawfully organized national banking association. But this provision shall not apply to any association organized for the purpose of issuing notes payable in gold.

Limitation upon rate of interest which may be taken.

3 June, 1864, c. 106, s. 30, v. 13, p. 108.

Tiffany *v.* National Bank of Missouri, 18 Wall., 409; *In re* Alfred Wild, 11 Blatch., 243.

SEC. 5197. Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or district where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this Title. When no rate is fixed by the laws of the State, or Territory, or district, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the purchase, discount, or sale of a bona-fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight-drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Consequences of taking usurious interest.

3 June, 1864, c. 106, s. 30, v. 13, p. 108.
18 *Feb.*, 1875, c. 80, *v.* 18, *p.* 320.

Farmers', &c., Bank *v.* Dearing, 91 U. S., 29.

SEC. 5198. The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the association taking or receiving the same; provided such action is commenced within two years from the time the usurious transaction occurred. [That suits, actions, and proceedings against any association under this title may be had in any circuit, district, or territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases.]

Dividends.

3 June, 1864, c. 166, s. 33, v. 13, p. 109.

SEC. 5199. The directors of any association may, semi-annually, declare a dividend of so much of the net profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one-tenth part of its net profits of the preceding half-year to its surplus fund until the same shall amount to twenty per centum of its capital stock.

Limit to liabilities which may be incurred by any one person, &c.

Ibid., s. 29, p. 108.

SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including, in the liabilities of a company or firm, the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

Associations not to loan or purchase their own stock.

Ibid., s. 35, p. 110.

Bank *v.* Lanier, 11 Wall., 369; Ballard *v.* Bank, 18 Wall., 589.

SEC. 5201. No association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; or, in default thereof, a receiver may be appointed to close up the business of the association, according to section fifty-two hundred and thirty-four.

Limit upon indebtedness to be incurred.

3 June, 1864, c. 106, s. 36, v. 13, p. 110.

SEC. 5202. No association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association.

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

Fourth. Liabilities to the stockholders of the association for dividends and reserved profits.

Restriction upon use of circulating notes.

Ibid., s. 37.

SEC. 5203. No association shall, either directly or indirectly, pledge or hypothecate any of its notes or circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock.

Prohibition upon withdrawal of capital.

Ibid., s. 38.

SEC. 5204. No association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association, equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it continues its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any associations, on which interest is past due and unpaid for a period of six months, unless the same are well secured, and in process of collection, shall be considered bad debts within the meaning of this section. But nothing in this section shall prevent the reduction of the capital stock of the association under section fifty-one hundred and forty-three.

Enforcing payment of deficiency in capital stock.

3 Mar., 1873, c. 269, s. 1, v. 17, p. 603.

30 *June*, 1876, *c.* 156, *s.* 4, *v.* 19, *p.* 64.

SEC. 5205. Every association which shall have failed to pay up its capital stock, as required by law, and every association whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, pay the deficiency in the capital stock, by assessment upon the shareholders pro rata for the amount of capital stock held by each; and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for any such association, upon notification from the Comptroller of the Currency, until otherwise notified by him. If any such association shall fail to pay up its capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the Comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of section fifty-two hundred and thirty-four. [*And provided*, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto,) to make good the deficiency, and the balance, if any, shall be returned to such delinquent shareholder or shareholders.]

Restriction upon use of notes of other banks.

3 June, 1864, c. 106, s. 39, v. 13, p. 111.

SEC. 5206. No association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode pay or put in circulation, the notes of any bank or banking association which are not, at any such time, receivable, at par, on deposit, and in payment of debts by the association so paying out or circulating such notes; nor shall any association knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

United States notes not to be held as collateral, &c.; penalty.

19 Feb., 1869, c. 32, v. 15, p. 270.

SEC. 5207. No association shall hereafter offer or receive United States notes or national-bank notes as security or as collateral security for any loan of money, or for a consideration agree to withhold the same from use, or offer or receive the custody or promise of custody of such notes as security, or as collateral security, or consideration for any loan of money. Any association offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars and a further sum equal to one-third of the money so loaned. The officer or officers of any association who shall make any such loan shall be liable for a further sum equal to one-quarter of the money loaned; and any fine or penalty incurred by a violation of this section shall be recoverable for the benefit of the party bringing such suit.

Penalty for falsely certifying checks.

3 Mar., 1869, c. 135, v. 15, p. 335.

SEC. 5208. It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section fifty-two hundred and thirty-four.

Embezzlement; penalty.

3 June, 1864, c. 106, s. 55, v. 13, p. 116.
6 April, 1869, c. 11, v. 16, p. 7.
8 July, 1870, c. 226, v. 16, p. 195.

U. S. *v.* Taintor, 11 Blatch., 374.

SEC. 5209. Every president, director, cashier, teller, clerk, or agent of any association, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association; or who, without authority from the directors, issues or puts in circulation any of the notes of the association; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

List of shareholders, &c., to be kept.

3 June, 1864, c. 106, s. 40, v. 13, p. 111.

SEC. 5210. The President and cashier of every national banking association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under State authority, during business-hours of each day in which business may be legally transacted. A copy of such list, on the first Monday of July of each year, verified by the oath of such president or cashier, shall be transmitted to the Comptroller of the Currency.

Reports to Comptroller of the Currency.

Ibid., s. 34, p. 109.
3 Mar., 1869, c. 130, s. 1, v. 15, p. 326.

SEC. 5211. Every association shall make to the Comptroller of the Currency not less than five reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors. Each such report shall exhibit, in

30 *June*, 1876, *c.* 156, *s.* 6, *v.* 19, *p.* 64. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

detail and under appropriate heads, the resources and liabilities of the [*associations*] [association] at the close of business on any past day by him specified; and shall be transmitted to the Comptroller within five days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the Comptroller shall be published in a newspaper published in the place where such association is established, or if there is no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the Comptroller. The Comptroller shall also have power to call for special reports from any particular association whenever in his judgment the same are necessary in order to a full and complete knowledge of its condition.

Report as to dividends.

3 Mar., 1869, c. 130, s. 2, v. 15, p. 327. 30 *June*, 1876, *c.* 156, *s.* 3, *v.* 19, *p.* 64.

SEC. 5212. In addition to the reports required by the preceding section, each association shall report to the Comptroller of the Currency, within ten days after declaring any dividend, the amount of such dividend, and the amount of net earnings in excess of such dividend. Such reports shall be attested by the oath of the president or cashier of the association.

Penalty for failure to make reports.

3 Mar., 1869, c. 130, ss. 1, 2, v. 15, p. 326. 30 *June*, 1876, *c.* 156, *s.* 3, *v.* 19, *p.* 63.

SEC. 5213. Every association which fails to make and transmit any report required under either of the two preceding sections shall be subject to a penalty of one hundred dollars for each day after the periods, respectively, therein mentioned, that it delays to make and transmit its report. Whenever any association delays or refuses to pay the penalty herein imposed, after it has been assessed by the Comptroller of the Currency, the amount thereof may be retained by the Treasurer of the United States, upon the order of the Comptroller of the Currency, out of the interest, as it may become due to the association, on the bonds deposited with him to secure circulation. All sums of money collected for penalties under this section shall be paid into the Treasury of the United States.

30 *June*, 1876, *c.* 156, *s.* 6, *v.* 19, *p.* 64.

SEC. 6. That all savings-banks or savings and trust companies organized under authority of any act of Congress shall be, and are hereby, required to make, to the Comptroller of the Currency, and publish, all the reports which national banking associations are required to make and publish under the provisions of sections fifty-two hundred and eleven, fifty-two hundred and twelve and fifty-two hundred and thirteen, of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalties may be collected by suit before any court of the United States in the district in which said savings-banks or savings and trust companies may be located. And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia, under any act of Congress, which shall have capital stock paid up in whole or in part, shall be subject to all the provisions of the Revised Statutes, and of all acts of Congress applicable to national banking associations, so far as the same may be applicable to such savings or other banks: *Provided*, That such savings-banks now established shall not be required to have a paid-in capital exceeding one hundred thousand dollars.

Duties payable to the United States.

3 June, 1864, c. 106, s. 41, v. 13, p. 111.

SEC. 5214. In lieu of all existing taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one-half of one per centum each half-year upon the average amount of its notes in circulation, and a duty of one-quarter of one per centum each half-year upon the average amount of its deposits, and a duty of one-quarter of one per centum each half-year on the average amount of its capital stock, beyond the amount invested in United States bonds.

Tappan *v.* Merchants' Nat. Bank, 19 Wall., 490.

Half-yearly return of circulation, deposits, and capital stock.

Ibid.

SEC. 5215. In order to enable the Treasurer to assess the duties imposed by the preceding section, each association shall, within ten days from the first days of January and July of each year, make a return, under the oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds, for the six months next preced-

ing the most recent first day of January or July. Every association which fails so to make such return shall be liable to a penalty of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States.

Penalty for failure to make return.

SEC. 5216. Whenever any association fails to make the half-yearly return required by the preceding section, the duties to be paid by such association shall be assessed upon the amount of notes delivered to such association by the Comptroller of the Currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such manner as the Treasurer may deem best.

Ibid.

Penalty for failure to pay duties.

SEC. 5217. Whenever an association fails to pay the duties imposed by the three preceding sections, the sums due may be collected in the manner provided for the collection of United States taxes from other corporations; or the Treasurer may reserve the amount out of the interest, as it may become due, on the bonds deposited with him by such defaulting association.

Ibid.

Refunding excessive duties.

SEC. 5218. In all cases where an association has paid or may pay in excess of what may be or has been found due from it, on account of the duty required to be paid to the Treasurer of the United States, the association may state an account therefor, which, on being certified by the Treasurer of the United States, and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury.

2 Mar., 1867, Res. 49, v. 14, p. 572.

State taxation.

SEC. 5219. Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by non-residents of any State shall be taxed in the city or town where the bank is located, and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed.

3 June, 1864, c. 106, s. 41, v. 13, p. 111.

10 Feb., 1868, c. 7, v. 15, p. 34.

Bank of Commerce *v.* New York City, 2 Bl., 620; Van Allen *v.* The Assessors, 3 Wall., 573; People *v.* The Commissioners, 4 Wall., 244; Bradley *v.* The People, 4 Wall., 459; National Bank *v.* The Commonwealth, 9 Wall., 353; Lionberger *v.* Rouse, 9 Wall., 468; Hepburn *v.* The School Directors, 23 Wall., 480; People *v.* Commissioners of Taxes, &c., 94 U. S., 415; Bank of Omaha *v.* Douglas Co., 3 Dill., 299; First National Bank *v.* Douglas Co., 3 Dill., 330.

CHAPTER FOUR.

DISSOLUTION AND RECEIVERSHIP.

Sec.
5220. Voluntary dissolution of associations.
5221. Notice of intent to dissolve.
5222. Deposit of lawful money to redeem outstanding circulation.
5223. Exemption as to an association consolidating with another.
5224. Re-assignment of bonds; redemption of notes, &c.
5225. Destruction of redeemed notes.
5226. Mode of protesting notes.
5227. Examination by special agent.
5228. Continuing business after default.
5229. Notice to holders; redemption at Treasury; cancellation of bonds.
5230. Sale of bonds at auction.
5231. Sale of bonds at private sale.
5232. Disposal of protested notes.
5233. Cancellation of national-bank notes.
5234. Appointment of receivers.
5235. Notice to present claims.
5236. Dividends.
5237. Injunction upon receivership.
5238. Fees and expenses.
5239. Penalty for violation of this Title.
5240. Appointment of occasional examiners.
5241. Limit of visitorial powers.
5242. Transfers, when void.
5243. Use of the title "national."

Voluntary dissolution of associations.

SEC. 5220. Any association may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock.

3 June, 1864, c. 106, s. 42, v. 13, p. 112. 30 *June*, 1876, *c.* 156, *s.* 2, *v.* 19, *p.* 63.—*In re* Manufacturers' National Bank, 5 Biss., 499.

Notice of intent to dissolve.

3 June, 1864, c. 106, s. 42, v. 13, p. 112.

SEC. 5221. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the Comptroller of the Currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in the city or town in which the association is located, or if no newspaper is there published, then in the newspaper published nearest thereto, that the association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment.

Deposit of lawful money to redeem outstanding circulation.

Ibid., ss. 42, 43. 14 July, 1870, c. 257, v. 16, p. 274. 20 *June*, 1874, *c.* 343, *v.* 18, *p.* 124.

SEC. 5222. Within six months from the date of the vote to go into liquidation, the association shall deposit with the Treasurer of the United States, lawful money of the United States sufficient to redeem all its outstanding circulation. The Treasurer shall execute duplicate receipts for money thus deposited, and deliver one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received; and the money shall be paid into the Treasury of the United States, and placed to the credit of such association upon redemption account.

Exemption as to an association consolidating with another.

14 July, 1870, c. 257, v. 16, p. 274.

SEC. 5223. An association which is in good faith winding up its business for the purpose of consolidating with another association shall not be required to deposit lawful money for its outstanding circulation; but its assets and liabilities shall be reported by the association with which it is in process of consolidation.

Re-assignment of bonds and redemption of notes, &c.

3 June, 1864, c. 106, s. 42, v. 13, p. 112. 18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

SEC. 5224. Whenever a sufficient deposit of lawful money to redeem the outstanding circulation of an association proposing to close its business has been made, the bonds deposited by the association to secure payment of its notes shall be re-assigned to it, in the manner prescribed by section fifty-one hundred and sixty-two. And thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and those notes shall be redeemed at the Treasury of the United States. [And if any such bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction in New York City, and, after providing for the redemption and concellation of said circulation and the necessary expenses of the sale, to pay over any balance remaining to the bank or its legal representative.]

Destruction of redeemed notes.

3 June, 1864, c. 106, s. 43, v. 13, p. 112. 23 *June*, 1874, *c.* 455, *v.* 18, *p.* 206. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 5225. Whenever the Treasurer has redeemed any of the notes of an association which has commenced to close its affairs under the [*six*] [five] preceding sections, he shall cause the notes to be mutilated and charged to the redemption account of the association; and all notes so redeemed by the Treasurer shall, every three months, be certified to and burned in the manner prescribed in section fifty-one hundred and eighty-four.

Mode of protesting notes.

3 June, 1864, c. 106, s. 46, v. 13, p. 113.

SEC. 5226. Whenever any national banking association fails to redeem in the lawful money of the United States any of its circulating notes, upon demand of payment duly made during the usual hours of business, at the office of such association, or at its designated place of redemption, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association whose notes are presented for payment, or the president or cashier of the association at the place at which they are redeemable offers to waive demand and notice of the protest, and, in pursuance of such offer, makes, signs, and delivers to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof. The notary public, on making such protest,

or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of the Currency, retaining a copy thereof. If, however, satisfactory proof is produced to the notary public that the payment of the notes demanded is restrained by order of any court of competent jurisdiction, he shall not protest the same. When the holder of any notes causes more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

Examination by special agent.

Ibid., s. 47, p. 114.

SEC. 5227. On receiving notice that any national banking association has failed to redeem any of its circulating notes, as specified in the preceding section, the Comptroller of the Currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent, of whose appointment immediate notice shall be given to such association, who shall immediately proceed to ascertain whether it has refused to pay its circulating notes in the lawful money of the United States, when demanded, and shall report to the Comptroller the fact so ascertained. If, from such protest, and the report so made, the Comptroller is satisfied that such association has refused to pay its circulating notes and is in default, he shall, within thirty days after he has received notice of such failure, declare the bonds deposited by such association forfeited to the United States, and they shall thereupon be so forfeited.

Continuing business after default.

Ibid., s. 46, p. 113.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

SEC. 5228. After a default on the part of an association to pay any of its circulating notes has been ascertained by the Comptroller, and notice [*of forfeiture of the bonds*] [thereof] has been given by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposits.

Notice to holders; redemption at Treasury; cancellation of bonds.

3 June, 1864, c. 106, s. 47, v. 13, p. 114.

SEC. 5229. Immediately upon declaring the bonds of an association forfeited for non-payment of its notes, the Comptroller shall give notice, in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association, to present them for payment at the Treasury of the United States; and the same shall be paid as presented in lawful money of the United States; whereupon the Comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid.

Sale of bonds at auction.

3 June, 1864, c. 106, ss. 47, 48, v. 13, p. 114.

SEC. 5230. Whenever the Comptroller has become satisfied, by the protest or the waiver and admission specified in section fifty-two hundred and twenty-six, or by the report provided for in section fifty-two hundred and twenty-seven, that any association has refused to pay its circulating notes, he may, instead of canceling its bonds, cause so much of them as may be necessary to redeem its outstanding notes to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to the association. For any deficiency in the proceeds of all the bonds of an association, when thus sold, to re-imburse to the United States the amount expended in paying the circulating notes of the association, the United States shall have a paramount lien upon all its assets; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

Sale of bonds at private sale.

Ibid., s. 49.

SEC. 5231. The Comptroller may, if he deems it for the interest of the United States, sell at private sale any of the bonds of an association shown to have made default in paying its notes, and receive therefor either money or the circulating notes of the association. But no such bonds shall be sold by private sale for less than par, nor for less than the market-value thereof at the time of sale; and no sales of any such bonds, either public or private, shall be complete until the transfer of the bonds shall have been made with the formalities prescribed by sections fifty-one hundred and sixty-two, fifty-one hundred and sixty-three, and fifty-one hundred and sixty-four.

Disposal of protested notes.

Ibid., s. 47.

SEC. 5232. The Secretary of the Treasury may, from time to time, make such regulations respecting the disposition to be made of circulating notes after presentation at the Treasury of the United States for

payment, and respecting the perpetuation of the evidence of the payment thereof, as may seem to him proper.

Cancellation of national-bank notes.

Ibid.

SEC. 5233. All notes of national banking associations presented at the Treasury of the United States for payment shall, on being paid, be canceled.

Appointment of receivers.

Ibid., s. 50. 30 *June*, 1876, *c.* 156, *ss.* 1, 3, *v.* 19, *p.* 63.

Kennedy *v.* Gibson, 8 Wall., 498; Bank of Bethel *v.* Pahquioque Bank, 14 Wall., 383; Bank *v.* Kennedy, 16 Wall., 19; *In re* Platt, Receiver, &c., 1 Ben., 534; Chemical National Bank *v.* Bailey, 12 Blatch., 480; Cadle *v.* Baker, 20 Wall., 650.

SEC. 5234. On becoming satisfied, as specified in sections fifty-two hundred and twenty-six and fifty-two hundred and twenty-seven, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he deems proper. Such receiver, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, may sell all the real and personal property of such association, on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders. Such receiver, shall pay over all money so made to the Treasurer of the United States, subject to the order of the Comptroller, and also make report to the Comptroller of all his acts and proceedings.

Notice to present claims.

3 June, 1864, c. 106, s. 50, v. 13, p. 114.

SEC. 5235. The Comptroller shall, upon appointing a receiver, cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof.

Dividends.

Ibid. 30 *June*, 1876, *c.* 156, *s.* 3, *v.* 19, *p.* 63.

Bank of Bethel *v.* Pahquioque Bank, 14 Wall., 383.

SEC. 5236. From time to time, after full provision has been first made for refunding to the United States any deficiency in redeeming the notes of such association, the Comptroller shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and, as the proceeds of the assets of such association are paid over to him, shall make further dividends on all claims previously proved or adjudicated; and the remainder of the proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held.

Injunction upon receivership.

3 June, 1864, c. 106, s. 50, v. 13, p. 114.

SEC. 5237. Whenever an association against which proceedings have been instituted, on account of any alleged refusal to redeem its circulating notes as aforesaid, denies having failed to do so, it may, at any time within ten days after it has been notified of the appointment of an agent, as provided in section fifty-two hundred and twenty-seven, apply to the nearest circuit, or district, or territorial court of the United States to enjoin further proceedings in the premises; and such court, after citing the Comptroller of the Currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the Comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal.

Fees and expenses.

Ibid., s. 51, p. 115.

SEC. 5238. All fees for protesting the notes issued by any national banking association shall be paid by the person procuring the protest to be made, and such association shall be liable therefor; but no part of the bonds deposited by such association shall be applied to the payment of such fees. All expenses of any preliminary or other examinations into the condition of any association shall be paid by such association. All expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

Penalty for violation of this Title.

SEC. 5239. If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or

servants of the association to violate any of the provisions of this Title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

Ibid., s. 53, p. 116. 30 *June*, 1876, *c.* 156, *v.* 19, *p.* 63.

Appointment of occasional examiners.

SEC. 5240. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall, as often as shall be deemed necessary or proper, appoint a suitable person or persons to make an examination of the affairs of every banking association, who shall have power to make a thorough examination into all the affairs of the association, and, in doing so, to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the Comptroller. [*Every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined. But no person shall be appointed to examine the affairs of any banking association of which he is a director or other officer.*] [That all persons appointed to be examiners of national banks not located in the redemption-cities specified in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories, shall receive compensation for such examination as follows: For examining national banks having a capital less than one hundred thousand dollars, twenty dollars; those having a capital of one hundred thousand dollars and less than three hundred thousand dollars, twenty-five dollars; those having a capital of three hundred thousand dollars and less than four hundred thousand dollars, thirty-five dollars; those having a capital of four hundred thousand dollars and less than five hundred thousand dollars, forty dollars; those having a capital of five hundred thousand dollars and less than six hundred thousand dollars, fifty dollars; those having a capital of six hundred thousand dollars and over, seventy-five dollars; which amounts shall be assessed by the Comptroller of the Currency upon, and paid by, the respective associations so examined; and shall be in lieu of the compensation and mileage heretofore allowed for making said examinations, and persons appointed to make examination of national banks in the cities named in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories, shall receive such compensation as may be fixed by the Secretary of the Treasury upon the recommendation of the Comptroller of the Currency; and the same shall be assessed and paid in the manner hereinbefore provided.]

3 June, 1864, c. 106, s. 54, v. 13, p. 116. 19 *Feb.*, 1875, *c.* 89, *v.* 18, *p.* 329.

Limit of visitorial powers.

SEC. 5421. No association shall be subject to any visitorial powers other than such as are authorized by this Title, or are vested in the courts of justice.

3 June, 1864, c. 106, s. 54, v. 13, p. 116.

Transfers, when void.

SEC. 5242. All transfers of the notes, bonds, bills of exchange, or other evidences of debt owing to any national banking association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, made with a view to prevent the application of its assets in the manner prescribed by this chapter, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void; and no

Ibid., s. 52, p. 115.

National Bank *v.* Colby, 21 Wall., 609; Case *v.* Cit. Bank, 2 Woods, 23; Casey *v.* Credit Mobilier, 2 Woods, 77; Irons *v.* Man. Nat. Bank, 6 Biss., 301.

attachment, injunction or execution, shall be issued against such association or its property before final judgment in any suit, action, or proceeding, in any State, county, or municipal court.

Use of the title "national."

3 Mar., 1873, c. 269, s. 3, v. 17, p. 603.

SEC. 5243. All banks not organized and transacting business under the national-currency laws, or under this Title, and all persons or corporations doing the business of bankers, brokers, or savings institutions, except savings-banks authorized by Congress to use the word "national" as a part of their corporate name, are prohibited from using the word "national" as a portion of the name or title of such bank, corporation, firm, or partnership; and any violation of this prohibition committed after the third day of September, eighteen hundred and seventy-three, shall subject the party chargeable therewith to a penalty of fifty dollars for each day during which it is committed or repeated.

TITLE LXIII.

RIVERS AND HARBORS.

Sec.
5244. Certain rivers in Alabama to be free from tolls.
5245. Toll on canals on the Tennessee.
5246. The Des Moines River.
5247. Michigan City Harbor.
5248. The Iowa River.
5249. Wisconsin and Fox Rivers.
5250. Maquoketa River.
5251. Rivers in Louisiana.
5252. Water-gauges on Mississippi River and tributaries.
5253. Employment of civil engineers on Western and Northwestern rivers.
5254. Piers and cribs on the Mississippi.
5255. Louisville and Portland Canal.

Certain rivers in Alabama to be free from tolls.

SEC. 5244. The Tennessee, Coosa, Cahawba, and Black Warrior Rivers, within the State of Alabama, shall be forever free from toll for all property belonging to the United States, and for all persons in their service, and for all citizens of the United States, except as to such tolls as may be allowed by act of Congress. [See § 2476.]

23 May, 1828, c. 75, s. 7, v. 4, p. 290.

Pollard *v.* Hagan, 3 How., 212; Pennsylvania *v.* Wheeling Bridge Co., 13 How., 518.

Toll on canals on the Tennessee.

SEC. 5245. The assent of the United States is hereby given to any act which the legislature of the State of Alabama may pass for imposing a toll on the use of such parts of the canal or canals which have been, or may be, constructed at or around the Muscle and Colbert's Shoals of the river Tennessee. Such tolls shall be expended exclusively on the canals, and shall not exceed in amount the sum required to keep them in repair, and to defray the expenses of lock-tenders, collectors, superintendents, and managers. This section shall not affect the exemption of the property of the United States, and all persons in their service, from any toll whatever. An annual report shall be made to the Secretary of the Treasury of the United States, of the rate and amount of tolls charged or collected on said canals, and their application.

23 June, 1836, c. 119, s. 2, v. 5, p. 57.

The Des Moines River.

SEC. 5246. The Des Moines River shall forever remain free from any toll, or other charge whatever, for any property of the United States, or persons in their service, passing along the same. [See § 2476.]

8 Aug., 1846, c. 103, s. 3, v. 9, p. 78. 20 Jan., 1870, c. 7, v. 16, p. 61.

Michigan City Harbor.

SEC. 5247. The passage of vessels to and from the harbor of Michigan City, in Indiana, shall be free and not subject to toll or charge. [See § 2476.]

23 June, 1866, c. 138, s. 1, v. 14, p. 73. 2 Mar., 1867, c. 144, s. 2, v. 14, p. 421.

The Iowa River.

SEC. 5248. So much of the Iowa River within the State of Iowa as lies north of the town of Wapello shall not be deemed a navigable river or public highway, but dams and bridges may be constructed across it.

13 July, 1868, Res. No. 55, v. 15, p. 257. 6 May, 1870, c. 92, v. 16, p. 121.

Wisconsin and Fox Rivers.

SEC. 5249. All tolls and revenues derived from the improvements made or acquired in the Wisconsin River and the line of water communication between the Wisconsin River and the Fox River, after providing for the current expenses of operating and keeping the same in repair, shall be paid into the Treasury; and whenever the United States shall be re-imbursed for all sums advanced for the same, with interest thereon, then the tolls shall be reduced to the least sum which, together with other revenues properly applicable thereto, if any, shall be sufficient to operate and keep the improvements in repair.

7 July, 1870, c. 210, s. 4, v. 16, p. 190.

Maquoketa River.

SEC. 5250. The assent of Congress is given to the construction of bridges across the Maquoketa River, within the State of Iowa, with or without draws, as may be provided by the laws of that State.

13 July, 1868, Res. No. 55, s. 1, v. 15, p. 257.

Rivers in Louisiana.

SEC. 5251. All the navigable rivers and waters in the former Territories of Orleans and Louisiana shall be and forever remain public highways. [See § 2476.]

3 Mar., 1811, c. 46, s. 12, v. 2, p. 606.—Martin *v.* Waddel, 16 Pet., 367; Pollard *v.* Hagan, 3 How., 212; Pensylvania *v.* Wheeling Bridge Co., 13 How., 518; Den *v.* Jersey Co., 15 How., 426.

Water-gauges on the Mississippi River and tributaries.

21 Feb., 1871, Res. 40, v. 16, p. 598.

SEC. 5252. The Secretary of War is hereoy authorized and directed to have water-gauges established, and daily observations made of the rise and fall of the Lower Mississippi River and its chief tributaries, at or in the vicinity of Saint Louis, Cairo, Memphis, Helena, Napoleon, Providence, Vicksburgh, Red River Landing, Baton Rouge, and Carrollton, on the Mississippi, between the mouth of the Missouri and the Gulf of Mexico; and at or in the vicinity of Fort Leavenworth, on the Missouri; Rock Island, on the Upper Mississippi; Louisville, on the Ohio; Florence, on the Tennessee; Jacksonport, on the White River; Little Rock, on the Arkansas; and Alexandria, on the Red River; and at such other places as the Secretary of War may deem advisable. The expenditure for the same shall be made from the appropriation for the improvement of rivers and harbors; but the annual cost of the observations shall not exceed the sum of five thousand dollars.

Employment of civil engineers on western and northwestern rivers.

29 Mar., 1867, Res. 27, v. 15, p. 28.

SEC. 5253. The Chief of Engineers may, with the approval of the Secretary of War, employ such civil engineers, not exceeding five in number, for the purpose of executing the surveys and improvements of western and northwestern rivers, ordered by Congress, as may be necessary to the proper and diligent prosecution of the same; and the persons so employed may be allowed a reasonable compensation for their services, not to exceed the sum of three thousand dollars a year.

Piers and cribs on the Mississippi.

3 Mar., 1873, c. 278, v. 17, p. 606.

SEC. 5254. The owners of saw-mills on the Mississippi River are authorized and empowered, under the direction of the Secretary of War, to construct piers or cribs in front of their mill property on the banks of the river, for the protection of their mills and rafts against damage by floods and ice: *Provided, however*, That the piers or cribs so constructed shall not interfere with or obstruct the navigation of the river. And in case any pier or crib constructed under authority of this section shall at any time, and for any cause, be found to obstruct the navigation of the river, the Government expressly reserves the right to remove or direct the removal of it, at the cost and expense of the owners thereof.

Louisville and Portland Canal.

3 Mar., 1873, c. 233, s. 1, v. 17, p. 563.

11 *May*, 1874, *c.* 165, *v.* 18, *p.* 43.

SEC. 5255. The Secretary of the Treasury is directed to assume, on behalf of the United States, the control and management of the Louisville and Portland Canal in conformity with the terms of the joint resolution of the legislature of the State of Kentucky, approved March twenty-eighth, eighteen hundred and seventy-two, at such time and in such manner as in his judgment the interests of the United States, and the commerce thereof, may require: *Provided*, That after the United States shall assume control of said canal, the tolls thereon on vessels propelled by steam shall be reduced to twenty-five cents per ton, and on all other vessels in proportion.

TITLE LXIV.

RAILWAYS.

Sec.
5256. Union Pacific Railroad.
5257. Connection of other roads.
5258. Inter-state communication.
5259. Compensation of directors, &c., appointed by the United States.
5260. Secretary of Treasury to withhold payments to certain railroads.
5261. Companies may sue in Court of Claims.
5262. Circuit court to issue mandamus, &c.

Union Pacific Railroad.

SEC. 5256. The books, records, correspondence, and all other documents of the Union Pacific Railroad Company, shall at all times be open to inspection by the Secretary of the Treasury, or such persons as he may delegate for that purpose. The laws of the United States providing for proceedings in bankruptcy shall not be held to apply to said corporation. No dividend shall hereafter be made by said company but from the actual net earnings thereof; and no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing, or the renewals thereof. No director or officer of said road shall hereafter be interested, directly or indirectly, in any contract therewith except for his lawful compensation as such officer. Any director or officer who shall pay or declare, or aid in paying or declaring, any dividend, or creating any mortgage or pledge prohibited by this act, shall be punished by imprisonment not exceeding two years, and by fine not exceeding five thousand dollars.

3 Mar., 1873, c. 226, s. 4, v. 17, p. 509.

Union Pacific R. R. Co. *v.* Hall et al., 91 U. S., 343; U. S. *v.* Union Pacific R. R. Co., 11 Blatch., 385.

Connection of other roads.

SEC. 5257. Any railroad company now or hereafter incorporated under any law of the United States, or of any State, which has been or may be organized by an act of Congress, may connect its road with the Union Pacific Railroad, or any of its branches.

1 July, 1862, c. 120, s. 15, v. 12, p. 496. 20 *June*, 1874, *c.* 331, *v.* 18, *p.* 112.

Inter-state communication.

SEC. 5258. Every railroad company in the United States, whose road is operated by steam, its successors and assigns, is hereby authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination. But this section shall not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which such railroad or connection may be proposed. And Congress may at any time alter, amend, or repeal this section.

15 June, 1866, c. 124, ss. 1, 2, v. 14, p. 66.

Railroad Company *v.* Richmond, 19 Wall., 584.

Compensation of directors, &c., appointed by the United States.

SEC. 5259. Whenever, in any grant of land or other subsidies, made or hereafter to be made, to railroads or other corporations, the United States has reserved the right, or shall reserve it, to appoint directors, engineers, commissioners, or other agents to examine the roads, or act in conjunction with other officers of such company or companies, all the costs, charges, and pay of such directors, engineers, commissioners, or agents shall be paid by the respective companies. Such directors, engineers, commissioners, or agents shall be paid for such services the sum of ten dollars per day, for each and every day actually and necessarily employed, and ten cents per mile for each and every mile actually and necessarily traveled, in discharging the duties required of them, which per diem and mileage shall be in full compensation for such services. In case any company shall refuse or neglect to make such payments, no more patents for lands or other subsidies shall be issued to such company until these requirements are complied with.

27 July, 1866, c. 278, s. 21, v. 14, p. 299.

Secretary of Treasury to withhold payments to certain railroads.

3 Mar., 1873, c. 226, s. 2, v. 17, p. 508.
22 *June*, 1874, c. 414, *v.* 18, *p.* 200.

SEC. 5260. The Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns, on account of freights or transportation over their respective roads of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been re-imbursed, together with the five per centum of net earnings due and unapplied, as provided by law.

Companies may sue in Court of Claims.

3 Mar., 1873, c. 226, s. 2, v. 17, p. 508.

SEC. 5261. Any such company may bring suit in the Court of Claims to recover the price of such freight and transportation, and in such suit the right of such company to recover the same upon the law and the facts of the case shall be determined, and also the rights of the United States upon the merits of all the points presented by it in answer thereto by them; and either party to such suit may appeal to the Supreme Court; and both said courts shall give such cause or causes precedence of all other business.

Circuit court to issue mandamus, &c.

Ibid., s. 4, p. 509.

SEC. 5262. The proper circuit court of the United States shall have jurisdiction to hear and determine all cases of mandamus to compel said Union Pacific Railroad Company to operate its road as required by law.

Union Pacific R. R. Co. *v.* Hall et al., 91 U. S., 343; U. S. *v.* Union Pacific R. R. Co., 2 Dill., 527; Bauman *v.* Union Pacific R. R., 3 Dill., 367; Hall *v.* Union Pacific R. R., 3 Dill, 515; U. S. *v.* Union Pacific R. R., 3 Dill, 524.

TITLE LXV.

TELEGRAPHS.

Sec.
5263. Use of public domain, &c.
5264. Use of materials from public lands.
5265. These rights not transferable.
5266. Government to have priority in transmission of messages.
5267. Government entitled to purchase lines.
5268. Acceptance of obligation to be filed.
5269. Penalty for refusal to transmit dispatches.

Use of public domain, &c.

24 July, 1866, c. 230, s. 1, v. 14, p. 221.

20 *Feb.*, 1877, *c.* 63, *v.* 19, *p.* 232.

SEC. 5263. Any telegraph company now organized, or which may hereafter be organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads.

Use of materials from public lands.

24 July, 1866, c. 230, s. 1, v. 14, p. 221.

SEC. 5264. Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other.

These rights not transferable.

Ibid., s. 3.

SEC. 5265. The rights and privileges granted under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, shall not be transferred by any company acting thereunder to any other corporation, association, or person.

Government to have priority in transmission of messages.

24 July, 1866, c. 230, s. 2, v. 14, p. 221.

8 June, 1872, c. 335, s. 17, v. 17, p. 287.

10 June, 1872, c. 415, s. 1, v. 17, pp. 366, 367.

SEC. 5266. Telegrams between the several Departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster-General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.

Government entitled to purchase lines.

24 July, 1866, c. 230, s. 3, v. 14, p. 221.

23 *June*, 1874, *c.* 461, *v.* 18, *p.* 250.

SEC. 5267. The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of the act of July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

Acceptance of obligation to be filed.

Ibid., s. 4, p. 222.

SEC. 5268. Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by law.

Penalty for refusal to transmit dispatches.

10 June, 1872, c. 415, s. 1, v. 17, pp. 366, 367.
20 *Feb.*, 1877, *c.* 63, *v.* 19, *p.* 232.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 252.

SEC. 5269. Whenever any telegraph company, after having filed its written acceptance with the Postmaster-General of the restrictions and obligations required by the act approved July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or by this Title, shall, by its agents or employés, refuse or neglect to transmit any such telegraphic communications as are provided for by the aforesaid act, or by this Title, or by the provisions of section two hundred and twenty-one, Title "THE DEPARTMENT OF WAR," authorizing the Secretary of War to provide for taking meteorological observations at the military stations and other points of the interior of the continent, and for giving notice on the northern lakes and sea-board of the approach and force of storms, such telegraph company shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars for each such refusal or neglect. [To be recovered by an action or actions at law in any district court of the United States.]

TITLE LXVI.

EXTRADITION.

Sec.
5270. Fugitives from the justice of a foreign country.
5271. Evidence on the hearing.
5272. Surrender of the fugitive.
5273. Time allowed for extradition.
5274. Continuance of provisions limited.
5275. Protection of the accused.
5276. Powers of agent receiving offenders delivered by a foreign government.
5277. Penalty for opposing agent, &c.
5278. Fugitives from justice of a State or Territory.
5279. Penalty for resisting agent, &c.
5280. Arrest of deserting seamen from foreign vessels.

Fugitives from the justice of a foreign country.

12 Aug., 1848, c. 167, s. 1, v. 9, p. 302.
19 *June*, 1876, *c.* 133, *v.* 19, *p.* 59.

In re Kaine, 14 How., 103; *Ex parte* Van Aernam, 3 Blatch., 160; *In re* Heinrich, 5 Blatch., 414; Case of Jose FerreiradosSantos, 2 Brock., 493; U.S. *v.* Davis, 2 Sumn., 92; The British prisoners, 1 Wood. & M., 66; *In re* Joseph Stupp, 11 Blatch., 124; *In re* Thomas, 12 Blatch., 370; *In re* Giacomo, 12 Blatch., 391; *In re* Joseph Stupp, 12 Blatch., 501; U. S. *v.* Lawrence, 13 Blatch., 295.

SEC. 5270. Whenever there is a treaty or convention for extradition between the Government of the United States and any foreign government, any justice of the Supreme Court, circuit judge, district judge, commissioner, authorized so to do by any of the courts of the United States, or judge of a court of record of general jurisdiction of any State, may, upon complaint made under oath, charging any person found within the limits of any State, district, or Territory, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged, that he may be brought before such justice, judge, or commissioner, to the end that the evidence of criminality may be heard and considered. If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he shall certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of the treaty or convention; and he shall issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

Evidence on the hearing.

12 Aug., 1848, c. 167, s. 2, v. 9, p. 302.
22 June, 1860, c. 184, v. 12, p. 84.
19 *June*, 1876, *c.* 133, *v.* 19, *p.* 59.

In re Kaine, 14 How., 103; *In re* Heinrich, 5 Blatch., 414; *In re* François Farez, 7 Blatch., 345.

SEC. 5271. [*In every case of complaint, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which an original warrant in any foreign country may have been granted, certified under the hand of the person issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended, if they are authenticated in such manner as would entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party escaped. The certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any paper or other document so offered is authenticated in the manner required by this section.*] [In every case of complaint and of a hearing upon the return of the warrant of arrest, any depositions, warrants, or other papers offered in evidence, shall be admitted and received for the purpose of such hearing if they shall be properly and legally authenticated so as to entitle them to be received as evidence of the criminality of the person so apprehended, by the tribunals of the foreign country from which the accused party shall have escaped, and copies of any such depositions, warrants or other papers, shall, if authenticated according to the law of such foreign country, be in like manner received as evidence; and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any such deposition, warrant or other paper, or copy thereof, is authenticated in the manner required by this section.]

Surrender of the fugitive.

SEC. 5272. It shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed to be delivered

12 Aug., 1848, c. 167, s. 3, v. 9, p. 302.

In re Kaine, 14 How., 103.

to such person as shall be authorized, in the name and on behalf of such foreign government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person so authorized to hold such person in custody, and to take him to the territory of such foreign government, pursuant to such treaty. If the person so accused shall escape out of any custody to which he shall be committed, or to which he shall be delivered, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he shall so escape, may be retaken on an escape. [See §§ 5409, 5410.]

Time allowed for extradition.

12 Aug., 1848, c. 167, s. 4, v. 9, p. 303.

SEC. 5273. Whenever any person who is committed under this Title or any treaty, to remain until delivered up in pursuance of a requisition, is not so delivered up and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he was committed, by the readiest way, out of the United States, it shall be lawful for any judge of the United States, or of any State, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Secretary of State, to order the person so committed to be discharged out of custody, unless sufficient cause is shown to such judge why such discharge ought not to be ordered.

Continuance of provisions limited.

Ibid., s. 5.

SEC. 5274. The provisions of this Title relating to the surrender of persons who have committed crimes in foreign countries shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer.

Protection of the accused.

3 Mar., 1869, c. 141, s. 1, v. 15, p. 337.

SEC. 5275. Whenever any person is delivered by any foreign government to an agent of the United States, for the purpose of being brought within the United States and tried for any crime of which he is duly accused, the President shall have power to take all necessary measures for the transportation and safe-keeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the crimes or offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such crimes or offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused.

Powers of agent receiving offenders delivered by a foreign government.

Ibid., s. 2, p. 338.

SEC. 5276. Any person duly appointed as agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the jurisdiction of the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safe-keeping.

Penalty for opposing agent, &c.

Ibid., s. 3.

SEC. 5277. Every person who knowingly and willfully obstructs, resists, or opposes such agent in the execution of his duties, or who rescues or attempts to rescue such prisoner, whether in the custody of the agent or of any officer or person to whom his custody has lawfully been committed, shall be punishable by a fine of not more than one thousand dollars, and by imprisonment for not more than one year.

Fugitives from justice of a State or Territory.

12 Feb., 1793, c. 7, s. 1, v. 1, p. 302.

Holmes *v.* Jennison, 13 Pet., 540; Ibid., 14 Pet., 540; Prigg *v.* Pennsylvania, 16 Pet., 618; Taylor *v.* Taintor, 16 Wall., 366, (369.)

SEC. 5278. Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such author-

ity appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

Penalty for resisting agent, &c.

Ibid., s. 2.

SEC. 5279. Any agent so appointed who receives the fugitive into his custody, shall be empowered to transport him to the State or Territory from which he has fled. And every person who, by force, sets at liberty or rescues the fugitive from such agent while so transporting him, shall be fined not more than five hundred dollars or imprisoned not more than one year. [See § 5409.]

Arrest of deserting seamen from foreign vessels.

2 Mar., 1829, c. 41, v. 4, p. 359.
24 Feb., 1855, c. 123, v. 10, p. 614.

SEC. 5280. On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the consul or vice-consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending, or may be cognizable, shall have pronounced its sentence, and such sentence shall have been carried into effect. [See §§ 4079–4081.]

TITLE LXVII.

NEUTRALITY.

Sec.
5281. Accepting a foreign commission.
5282. Enlisting in foreign service.
5283. Arming vessels against people at peace with the United States.
5284. Arming vessels to cruise against citizens of the United States.
5285. Augmenting force of foreign vessel of war.
5286. Military expeditions against people at peace with United States.
5287. Enforcement of foregoing provisions.
5288. Compelling foreign vessels to depart.
5289. Armed vessels to give bond on clearance.
5290. Detention by collectors of customs.
5291. Construction of this Title.

Accepting a foreign commission.

20 April, 1818, c. 88, s. 1, v. 3, p. 447.

SEC. 5281. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and imprisoned not more than three years.

Enlisting in foreign service.

Ibid., s. 2, p. 448.

SEC. 5282. Every person who, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, shall be deemed guilty of high misdemeanor, and shall be fined not more than one thousand dollars, and imprisoned not more than three years.

Arming vessels against people at peace with the United States.

Ibid., s. 3.

The Estrella, 4 Wh., 298; The Gran Pava, 7 Wh., 471; The Santa Maria, 7 Wh., 490; The Monte Allegre, 7 Wh., 520; U. S. *v.* Reyburn, 6 Pet., 352; U. S. *v.* Quincy, 6 Pet., 445.

SEC. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States, for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

Arming vessel to cruise against citizens of the United States.

Ibid., s. 4.

SEC. 5284. Every citizen of the United States who, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming any private vessel of war, or privateer, with intent that such vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property, or who takes the command of, or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel, with a view to share in the profits thereof, shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years. And the trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

Augmenting force of foreign vessel of war.

SEC. 5285. Every person who, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the

force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be deemed guilty of a high misdemeanor, and shall be fined not more than one thousand dollars and be imprisoned not more than one year.

Ibid., s. 5.

Military expeditions against people at peace with the United States.

Ibid., s. 6, p. 449.

SEC. 5286. Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

Enforcement of foregoing provisions.

Ibid., s. 8.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

SEC. 5287. [The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.] In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this Title; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to the execution of the prohibitions and penalties of this Title, and to the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

Compelling foreign vessels to depart.

20 April, 1818, c. 88, s. 9, v. 3, p. 449.

SEC. 5288. It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

Armed vessels to give bond on clearance.

Ibid., s. 10.

SEC. 5289. The owners or consignees of every armed vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

Detention by collectors of customs.

SEC. 5290. The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United

20 April, 1818, c. 88, s. 11, p. 450.

States, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section.

Construction of this Title.

Ibid., ss. 2, 13, v. 3, pp. 448, 450.

27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 252.

SEC. 5291. The provisions of this Title shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States, and [*enlist*] [enlists] or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people, who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district, or people, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States.

TITLE LXVIII.

REMISSION OF FINES, PENALTIES, AND FORFEITURES.

Sec.
5292. Upon summary investigation before district judge.
5293. Upon investigation under regulations of Secretary of Treasury.
5294. Remission of penalties under steamboat laws.
5295. Officers and informers may be witnesses.
5296. Discharge of indigent convicts.

Upon summary investigation before district judge.

SEC. 5292. Whenever any person who shall have incurred any fine, penalty, or forfeiture, or disability, or may be interested in any vessel or merchandise which has become subject to any seizure, forfeiture, or disability by authority of any provisions of law for imposing or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, [and for regulating the same,] or providing for the suppression of insurrections or unlawful combinations against the United States, shall prefer his petition to the judge of the district in which such fine, penalty, or forfeiture, or disability has accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted, the judge shall inquire, in a summary manner, into the circumstances of the case; first causing reasonable notice to be given to the person claiming such fine, penalty, or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts appearing upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury. The Secretary shall thereupon have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same was incurred without willful negligence, or any intention of fraud in the person incurring the same; and to direct the prosecution, if any has been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions [as] he may deem reasonable and just. [See §§ 3469, 3471, 3472, 5530.]

3 Mar., 1797, c. 13, s. 1, v. 1, p. 506.
11 Feb., 1800, c. 6, v. 2, p. 7.
2 Mar., 1803, c. 18, s. 4, v. 2, p. 210.
13 July, 1861, c. 3, s. 8, v. 12, p. 257.
20 May, 1862, c. 81, s. 4, v. 12, p. 405.
22 *June*, 1874, c. 391, *s.* 17, *v.* 18, *p.* 189.
22 *June*, 1874, c. 391, *ss.* 18, 19, *v.* 18, *p.* 190.
22 *Jan.*, 1875, c. 22, *v.* 18, *p.* 303.
3 *Mar.*, 1875, c. 136, *v.* 18, *p.* 469.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 202.

U. S. *v.* Morris, 10 Wh., 246; The Gray Jacket, 5 Wall., 342; Margaretta and Cargo, 2 Gall., 515; Ship Cotton Planter, 1 Paine, 23; Jungbluth *v.* Redfield, 4 Blatch., 219; Galligo et al. *v.* U. S., 1 Brock., 439; The Palo Alto, Davies, 343; U. S. *v.* Lancaster, 4 Wash., 64; Hollan and Cargo, 1 Mas., 431.

Upon investigation under regulations of Secretary of Treasury.

SEC. 5293. The Secretary of the Treasury is authorized to prescribe such rules and modes of proceeding to ascertain the facts upon which an application for remission of a fine, penalty, or forfeiture is founded, as he deems proper, and, upon ascertaining them, to remit the fine, penalty, or forfeiture, if in his opinion it was incurred without willful negligence or fraud, in either of the following cases:

First. [*If the fine, penalty, or forfeiture was imposed under authority of any provisions of law for imposing or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, and the amount does not exceed fifty dollars.*] [If the fine, penalty, or forfeiture was imposed under authority of any revenue law, and the amount does not exceed one thousand dollars.]

Second. Where the case occurred within either of the collection-districts in the States of California or Oregon.

Third. If the fine, penalty, or forfeiture was imposed under authority of any provisions of law relating to the importation of merchandise from foreign contiguous territory, or relating to manifests for vessels enrolled or licensed to carry on the coasting-trade on the northern, northeastern, and northwestern frontiers.

[*Fourth.*]

Fifth. If the fine, penalty, or forfeiture was imposed by authority of any provisions of law for levying or collecting any duties or taxes, or

14 July, 1832, c. 233, v. 4, p. 597.
22 *June*, 1874, c. 391, *ss.* 19, 20, *v.* 18, *p.* 190.
22 *Jan.*, 1875, c. 22, *v.* 18, *p.* 303.
3 *Mar.*, 1875, c. 136, *s.* 2, *v.* 18, *p.* 469.
27 *Feb.*, 1877, c. 69, *v.* 19, *p.* 253.
28 Sept., 1850, c. 79, s. 4, v. 9, p. 509.
27 June, 1864, c. 164, s. 8, v. 13, p. 198.
1 July, 1870, c. 185, s. 9, v. 16, p. 179.
18 July, 1866, c. 201, s. 16, v. 14, p. 182
27 July, 1868, c. 273, ss. 8, 9, v. 15, p. 224.

1 July, 1870, c. 189, s. 7, v. 16, p. 182.
U. S. *v.* Morris, 10 Wh., 246; McLane *v.* U. S., 6 Pet., 404.

relating to registering, recording, enrolling, or licensing vessels, and the case arose within the collection-district of Alaska, or was imposed by virtue of any provisions of law relating to fur-seals upon the islands of Saint Paul and Saint George.

Remission of penalties under steamboat laws.

28 Feb., 1871, c. 100, s. 64, v. 16, p. 458.

SEC. 5294. The Secretary of the Treasury may, upon application therefor, remit or mitigate any fine or penalty provided for in laws relating to steam-vessels, or discontinue any prosecution to recover penalties denounced in such laws, excepting the penalty of imprisonment, or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's power of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction, prior to the application for the remission of the penalty; and the Secretary shall have authority to ascertain the facts upon all such applications, in such manner and under such regulations as he may deem proper.

Officers and informers may be witnesses.

28 Feb., 1865, c. 67, s. 2, v. 13, p. 442.
22 *June*, 1874, *c.* 391, *s.* 8, *v.* 18, *p.* 188.

SEC. 5295. Any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under any law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his share or interest in such fine, penalty, or forfeiture.

Discharge of indigent convicts.

1 June, 1872, c. 255, s. 14, v. 17, p. 198.

SEC. 5296. When a poor convict, sentenced by any court of the United States to be imprisoned and pay a fine, or fine and cost, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the non-payment of such fine, or fine and costs, such convict may make application in writing to any commissioner of the United States court in the district where he is imprisoned setting forth his inability to pay such fine, or fine and costs, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter. If on examination it shall appear to him that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil process for debt by the laws of (naming the State where oath is administered;) and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God." Upon taking such oath such convict shall be discharged; and the commissioner shall give to the keeper of the jail a certificate setting forth the facts. [See § 1042.]

TITLE LXIX.

INSURRECTION.

Sec.
5297. Insurrection against a State government.
5298. Insurrection against the Government of the United States.
5299. Power to suppress insurrection in violation of civil rights.
5300. Proclamation to insurgents to disperse.
5301. Suspension of commercial intercourse.
5302. In loyal States.
5303. To whom prohibition shall extend.
5304. Commercial intercourse; to what extent permitted.
5305. Appointment and compensation of officers.
5306. Trading without license, &c.
5307. Investigations to detect frauds.
5308. Confiscation of property employed in aid of insurrection.
5309. Proceedings, where had.
5310. Property taken on inland waters.
5311. How proceedings shall be instituted.
5312. Prohibition upon transportation of goods to aid insurrection.
5313. Prohibition upon trade in captured or abandoned property.
5314. Change of port of entry in case of insurrection.
5315. Removal of custom-house.
5316. Enforcement of preceding sections.
5317. Entire district closed to entry.
5318. Vessels, in addition to revenue-cutters, may be employed.
5319. Forfeiture of vessels belonging to citizens of insurrectionary States.
5320. Refusal of clearance to vessels laden with suspected merchandise.
5321. Bond upon clearance.
5322. Liens upon condemned vessels.

Insurrection against a State government.

28 Feb., 1795, c. 36, s. 1, v. 1, p. 424.
3 Mar., 1807, c. 39, v. 2, p. 443.

Luther *v.* Borden, 7 How., 1.

SEC. 5297. In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.

Insurrection against the Government of the United States.

29 July, 1861, c. 25, s. 1, v. 12, p. 281.

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

Power to suppress insurrection in violation of civil rights.

20 April, 1871, c. 22, s. 3, v. 17, p. 14.

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Proclamation to insurgents to disperse.

29 July, 1861, c. 25, s. 2, v. 12, p. 282.

Suspension of commercial intercourse.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.
31 July, 1861, c. 32, v. 12, p. 284.

The Reform, 2 Wall., 258; ibid., 3 Wall., 617; U. S. *v.* Weed, 5 Wall., 62; The Hampton, 5 Wall., 372; The Ouachita Cotton, 6 Wall., 521; The Venice, 2 Wall., 258; Cutner *v.* U. S., 17 Wall., 517. Hamilton *v.* Dillon, 21 Wall., 73; Walker's Case, 13 C. Cls., 408. Desmare's Case, 10 C. Cls., 385; 93 U. S., 605.

SEC. 5300. Whenever, in the judgment of the President, it becomes necessary to use the military forces under this Title, the President shall forthwith, by proclamation, command the insurgents to disperse and retire peaceably to their respective abodes, within a limited time.

SEC. 5301. Whenever the President, in pursuance of the provisions of this Title, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other parts of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

In loyal States.

2 July, 1864, c. 225, s. 5, v. 13, p. 376.

SEC. 5302. Whenever any part of a State not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the prohibitions and conditions of the preceding section for such time and to such extent as shall become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President.

To whom prohibition shall extend.

Ibid., s. 4.

SEC. 5303. The provisions of this Title in relation to commercial intercourse shall apply to all commercial intercourse by and between persons residing or being within districts within the lines of national military occupation in the States or parts of States declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of States or parts of States declared in insurrection, as citizens of States not declared to be in insurrection.

Commercial intercourse, to what extent permitted.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.
2 July, 1864, c. 225, s. 9, v. 13, p. 377.

The Sea Lion, 5 Wall., 630; The Ouachita Cotton, 6 Wall., 521; Coppell *v.* Hall, 7 Wall., 542; McKee *v.* U. S., 8 Wall., 163; U. S. *v.* Lane, 8 Wall., 185.

SEC. 5304. The President may, in his discretion, license and permit commercial intercourse with any part of such State or section, the inhabitants of which are so declared in a state of insurrection, so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary States, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal States any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a State declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon, in writing, by the commanding general of the department in which such places are situated, and an officer designated by the Secretary of the Treasury for that purpose. Such commercial intercourse shall be in such articles and for such time and by such persons as the President, in his discretion, may

think most conducive to the public interest; and, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury.

Appointment and compensation of officers.

SEC. 5305. The Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations. In all cases where officers of the customs, or other salaried officers, are appointed by him to carry into effect such licenses, rules, and regulations, such officer shall be entitled to receive one thousand dollars a year for his services, in addition to his salary or compensation under any other law. But the aggregate compensation of any such officer shall not exceed the sum of five thousand dollars in any one year.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.
30 June, 1864, c. 171, s. 28, v. 13, p. 218.

Trading without license, &c.

SEC. 5306. Every officer of the United States, civil, military, or naval, and every sutler, soldier, marine, or other person, who takes, or causes to be taken into a State declared to be in insurrection, or to any other point to be thence taken into such State, or who transports or sells, or otherwise disposes of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in this Title, or who makes any false statement or representation upon which license and authority is granted for such transportation, sale, or other disposition, or who, under any license or authority obtained, willfully and knowingly transports, sells, or otherwise disposes of any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or who willfully and knowingly transports, sells, or disposes of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury concerning the same, or who is guilty of any act of embezzlement, of willful misappropriation of public or private money or property, of keeping false accounts, or of willfully making any false returns, shall be deemed guilty of a misdemeanor, and shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

2 July, 1864, c. 225, s. 10, v. 13, p. 377.

Investigations to detect frauds.

SEC. 5307. It shall be the duty of the Secretary of the Treasury, from time to time, to institute such investigations as may be necessary to detect and prevent frauds and abuses in any trade or transactions which may be licensed between inhabitants of loyal States and of States in insurrection. And the agents making such investigations shall have power to compel the attendance of witnesses, and to make examinations on oath. [See § 183.]

Ibid.

Confiscation of property employed in aid of insurrection.

SEC. 5308. Whenever during any insurrection against the Government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person, or his agent, attorney, or employé, purchases or acquires, sells or gives, any property of whatsoever kind or description, with intent to use or employ the same, or suffers the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person engaged therein; or being the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned.

6 Aug., 1861, c. 60, s. 1, v. 12, p. 319.

Mrs. Alexander's Cotton, 2 Wall., 404; Union Ins. Co. *v.* U. S., 6 Wall., 759; Armstrong's Fonndery, 6 Wall., 766; Morris' Cotton, 8 Wall., 507; U. S. *v.* Shares of Capital Stock, 5 Blatch., 231.

Proceedings, where had.

SEC. 5309. Such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same [may] be seized, or into which they may be taken and proceedings first instituted.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 253.

Property taken on inland waters.

SEC. 5310. No property seized or taken upon any of the inland waters of the United States by the naval forces thereof shall be regarded as

2 July, 1864, c. 225, s. 7, v. 13, p. 377.

maritime prize; but all property so seized or taken shall be promptly delivered to the proper officers of the courts.

How proceedings shall be instituted.

SEC. 5311. The Attorney-General, or the attorney of the United States for any judicial district in which such property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts. [See § 629.]

6 Aug., 1861, c. 68, s. 3, v. 12, p. 319.

Francis *v.* U. S., 5 Wall., 338; Confiscation Cases, 7 Wall., 454; Miller *v.* U. S., 11 Wall., 268; Tyler *v.* Defrees, 11 Wall., 331; Titus *v.* U. S., 20 Wall., 475.

Prohibition upon transportation of goods to aid insurrection.

SEC. 5312. The Secretary of the Treasury is authorized to prohibit and prevent the transportation in any vessel, or upon any railroad, turnpike, or other road or means of transportation within the United States, of any property, whatever may be the ostensible destination of the same, in all cases where there are satisfactory reasons to believe that such property is intended for any place in the possession or under the control of insurgents against the United States, or that there is imminent danger that such property will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he deems it expedient so to do, to require reasonable security to be given that property shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this section; and if any property is transported in violation of this act, or of any regulation of the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport any, it shall be forfeited.

20 May, 1862, c. 81, s. 3, v. 12, p. 404.

Gay's Gold, 13 Wall., 358.

Prohibition upon trade in captured or abandoned property.

SEC. 5313. All persons in the military or naval service of the United States are prohibited from buying or selling, trading, or in any way dealing in captured or abandoned property, whereby they shall receive or expect any profit, benefit, or advantage to themselves, or any other person, directly or indirectly connected with them; and it shall be the duty of such person whenever such property comes into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this Title, and to turn the same over to such agent without delay. Any officer of the United States, civil, military, or naval, or any sutler, soldier, or marine, or other person who shall violate any provision of this section, shall be deemed guilty of a misdemeanor, and shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

2 July, 1864, c. 225, s. 10, v. 13, p. 377.

Change of port of entry in case of insurrection.

SEC. 5314. Whenever the President shall deem it impracticable, by reason of unlawful combinations of persons in opposition to the laws of the United States, to collect the duties on imports in the ordinary way, at any port of entry in any collection-district, he may cause such duties to be collected at any port of delivery in the district until such obstruction ceases; in such case the surveyor at such port of delivery shall have the powers and be subject to all the obligations of a collector at a port of entry. The Secretary of the Treasury, with the approval of the President, shall also appoint such weighers, gaugers, measurers, inspectors, appraisers, and clerks, as he may deem necessary, for the faithful execution of the revenue laws at such port of delivery, and shall establish the limits within which such port of delivery is constituted a port of entry. And all the provisions of law regulating the issue of marine papers, the coasting-trade, the warehousing of imports, and the collection of duties, shall apply to the ports of entry thus constituted, in the same manner as they do to ports of entry established by law.

13 July, 1861, c. 3, s. 1, v. 12, p. 255.

Removal of custom-house.

SEC. 5315. Whenever, at any port of entry, the duties on imports cannot, in the judgment of the President, be collected in the ordinary way, or by the course provided in the preceding section, by reason of the cause mentioned therein, he may direct that the custom-house for the district be established in any secure place within the district, either on

Ibid., s. 2, p. 256. 3 *Mar.*, 1875, *c.* 136, *s.* 2, *v.* 18, *p.* 469.

land or on board any vessel in the district, or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching the district, until the duties imposed by law on such vessels and their cargoes are paid in cash. But if the owner or consignee of the cargo on board any vessel thus detained, or the master of the vessel, desires to enter a port of entry in any other district where no such obstructions to the execution of the laws exist, the master may be permitted so to change the destination of the vessel and cargo in his manifest; whereupon the collector shall deliver him a written permit to proceed to the port so designated. And the Secretary of the Treasury, with the approval of the President, shall make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

Enforcement of preceding sections.

12 July, 1861, c. 3, s. 3, v. 12, p. 256.

SEC. 5316. It shall be unlawful to take any vessel or cargo detained under the preceding section from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, the President, or such person as he shall have empowered for that purpose, may employ such part of the Army or Navy or militia of the United States, or such force of citizen volunteers as may be necessary, to prevent the removal of such vessel or cargo, and to protect the officers of the customs in retaining the custody thereof.

Entire district closed to entry.

Ibid., s. 4.

SEC. 5317. Whenever, in any collection-district, the duties on imports cannot, in the judgment of the President, be collected in the ordinary way, nor in the manner provided by the three preceding sections, by reason of the cause mentioned in section fifty-three hundred and fourteen, the President may close the port of entry in that district; and shall in such case give notice thereof by proclamation. And thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed until it is opened by the order of the President on the cessation of such obstructions. Every vessel from beyond the United States, or having on board any merchandise liable to duty, which attempts to enter any port which has been closed under this section, shall, with her tackle, apparel, furniture, and cargo, be forfeited.

Vessels in addition to revenue-cutters may be employed.

Ibid., s. 7, p. 257.

SEC. 5318. In the execution of laws providing for the collection of duties on imports and tonnage, the President, in addition to the revenue-cutters in service, may employ in aid thereof such other suitable vessels as may, in his judgment, be required.

Forfeiture of vessels belonging to citizens of insurrectionary States.

Ibid.

The Schooner Keeling, Blatch. Pr. Cas., 92.

SEC. 5319. From and after fifteen days after the issuing of the proclamation, as provided in section fifty-three hundred and one, any vessel belonging in whole or in part to any citizen or inhabitant of such State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited.

Refusal of clearance to vessels laden with suspected merchandise.

20 May, 1862, c. 81, s. 1, v. 12, p. 404.

SEC. 5320. The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such merchandise, or any part thereof, whatever may be its ostensible destination, is intended for ports in possession or under control of insurgents against the United States; and if any vessel for which a clearance or permit has been refused by the Secretary of the Treasury, or by his order, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel, with her tackle, apparel, furniture, and cargo, shall be forfeited.

Bond upon clearance.

Ibid., s. 2.

SEC. 5321. Whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he deems it necessary, under the circumstances of

the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States.

Liens upon condemned vessels.

3 Mar., 1863, c. 90, v. 12, p. 762.

The Hampton, 5 Wall., 372.

SEC. 5322. In all cases wherein any vessel, or other property, is condemned in any proceeding by virtue of any laws relating to insurrection or rebellion, the court rendering judgment of condemnation shall, notwithstanding such condemnation, and before awarding such vessel, or other property, or the proceeds thereof, to the United States, or to any informer, first provide for the payment, out of the proceeds of such vessel, or other property, of any bona-fide claims which shall be filed by any loyal citizen of the United States, or of any foreign state or power at peace and amity with the United States, intervening in such proceeding, and which shall be duly established by evidence as a valid claim against such vessel, or other property, under the laws of the United States or of any State thereof not declared to be in insurrection. No such claim shall be allowed in any case where the claimant has knowingly participated in the illegal use of such ship, vessel, or other property. This section shall extend to such claims only as might have been enforced specifically against such vessel, or other property, in any State not declared to be in insurrection, wherein such claim arose.

TITLE LXX.

CRIMES.

CHAPTER ONE.

GENERAL PROVISIONS.

Sec.
5323. Accessory before the fact to piracy, &c.
5324. Accessory after the fact to robbery or piracy.
5325. Punishment of death by hanging.
5326. No conviction to work corruption of blood or forfeiture of estate.
5327. Whipping and the pillory abolished.
5328. Jurisdiction of State courts.
5329. Benefit of clergy.
5330. Pardoning power.

Accessory before the fact to piracy, &c.

SEC. 5323. Every person who knowingly aids, abets, causes, procures, commands, or counsels another to commit any murder, robbery, or other piracy upon the seas, is an accessory before the fact to such piracies, and every such person being thereof convicted shall suffer death.

30 April, 1790, c. 9, s. 10, v. 1, p. 114.

3 *Mar.*, 1875, *c.* 145, *v.* 18, *pp.* 479, 480.

Accessory after the fact to robbery or piracy.

SEC. 5324. Every person who receives or takes into custody any vessel, goods, or other property feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and every person who, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy. [See § 5533.]

30 April, 1790, c. 9, s. 11, v. 1, p. 114.

Punishment of death by hanging.

SEC. 5325. The manner of inflicting the punishment of death shall be by hanging. [See §§ 5340, 5400.]

Ibid., s. 33, p. 119.

No conviction to work corruption of blood or forfeiture of estate.

SEC. 5326. No conviction or judgment shall work corruption of blood or any forfeiture of estate.

Ibid., s. 24, p. 117.

Whipping and the pillory abolished.

SEC. 5327. The punishment of whipping and of standing in the pillory shall not be inflicted.

28 Feb., 1839, c. 36, s. 5, v. 5, p. 322.

Jurisdiction of State courts.

SEC. 5328. Nothing in this Title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

3 Mar., 1795, c. 65, s. 26, v. 4, p. 122.

Benefit of clergy.

SEC. 5329. The benefit of clergy shall not be used or allowed, upon conviction of any crime for which the punishment is death.

30 April, 1790, c. 9, s. 31, v. 1, p. 119.

Pardoning power.

SEC. 5330. Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon or remit, in whole or in part, either one of the two kinds, without, in any manner, impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted.

20 Feb., 1863, c. 46, s. 1, v. 12, p. 656.

CHAPTER TWO.

CRIMES AGAINST THE EXISTENCE OF THE GOVERNMENT.

Sec.
5331. Treason.
5332. Punishment of treason.
5333. Misprision of treason.
5334. Inciting or engaging in rebellion or insurrection.
5335. Criminal correspondence with foreign governments.
5336. Seditious conspiracy.
5337. Recruiting soldiers or sailors to serve against the United States.
5338. Enlistment to serve against the United States.

Treason.

30 April, 1790, c. 9, s. 1, v. 1, p. 112.

SEC. 5331. Every person owing allegiance to the United States who levies war against them, or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

3 *Mar.*, 1875, *c.* 145, *v.* 18, *pp.* 479, 480.—Gearing *v.* U. S., 3 N. & H., 165.

Punishment of treason.

17 July, 1862, c. 195, ss. 1, 3, v. 12, p. 589.

SEC. 5332. Every person guilty of treason shall suffer death; or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years, and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

U. S. *v.* The Insurgents, 2 Dall., 385; U. S. *v.* Mitchell, 2 Dall., 348; U. S. *v.* Villato, 2 Dall., 370; *Ex parte* Bolman and Swartwout, 4 Cr., 75; U. S. *v.* Pryor, 3 Wash., 234; U. S. *v.* Hanway, 2 Wall. Jr. C. C., 139; 1 Burr's Trial, 14–16; 2 Burr's Trial, 402, 405, 417; U. S. *v.* Hoxie, 1 Paine, 265; U. S. *v.* Greathouse, 2 Abb. C. C., 364; Confiscation Cases, 20 Wall., 92; Wallack et al. *v.* Van Riswick, 92 U. S., 202; Windsor *v.* McVeigh, 93 U. S., 274.

Misprision of treason.

30 April, 1790, c. 9, s. 2, v. 1, p. 112.

SEC. 5333. Every person, owing allegiance to the United States and having knowledge of the commission of any treason against them, who conceals, and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor, or to some judge or justice of a particular State, is guilty of misprision of treason, and shall be imprisoned not more than seven years, and fined not more than one thousand dollars.

U. S. *v.* Wiltberger, 5 Wh., 97; Confiscation Cases, 1 Woods, 221; U. S. *v.* Tract of Land, 1 Woods, 475.

Inciting or engaging in rebellion or insurrection.

17 July, 1862, c. 195, s. 2, v. 12, p. 590.

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than ten years, or by a fine of not more than ten thousand dollars, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States. [See §§ 5297–5322.]

Criminal correspondence with foreign governments.

30 Jan., 1799, c. 1, v. 1, p. 613.

SEC. 5335. Every citizen of the United States, whether actually resident or abiding within the same, or in any foreign country, who, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of, or resident within, the United States, and not duly authorized, who counsels, advises, or assists in any such correspondence, with such intent, shall be punished by a fine of not more than five thousand dollars, and by imprisonment during a term not less than six months, nor more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government, or any of its agents or subjects. [See §§ 1738, 2113.]

Seditious conspiracy.

SEC. 5336. If two or more persons in any State or Territory conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States contrary to the authority thereof; each of them shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, for a period not less than six months, nor more than six years, or by both such fine and imprisonment. [See §§ 5518–5520.]

31 July, 1861, c. 33, v. 12, p. 284.
20 April, 1871, c. 22, s. 2, v. 17, p. 13.
Ex parte Lange, 18 Wall., 163.

Recruiting soldiers or sailors to serve against the United States.

SEC. 5337. Every person who recruits soldiers or sailors within the United States to engage in armed hostility against the same, or who opens within the United States a recruiting station for the enlistment of such soldiers or sailors, to serve in any manner in armed hostility against the United States, shall be fined not less than two hundred dollars, nor more than one thousand dollars, and imprisoned not less than one year, nor more than five years.

6 Aug., 1861, c. 56, s. 1, v. 12, p. 317.

Enlistment to serve against the United States.

SEC. 5338. Every soldier or sailor enlisted or engaged within the United States, with intent to serve in armed hostility against the same, shall be punished by a fine of one hundred dollars, and by imprisonment not less than one year, nor more than three years.

Ibid., s. 2.

CHAPTER THREE.

CRIMES ARISING WITHIN THE MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.

Sec.
5339. Murder.
5340. Delivery of offender's body for dissection, when.
5341. Manslaughter.
5342. Attempt to commit murder or manslaughter.
5343. Punishment of manslaughter.
5344. Officers and owners of steamboats through whose misconduct, &c., life is lost.
5345. Rape.
5346. Assault with a dangerous weapon.
5347. Maltreatment of crew by officers of vessels.
5348. Maiming, &c.
5349. Seduction of female passengers on vessels.
5350. Payment of fine to female seduced.
5351. Evidence required; limitation of indictment.
5352. Bigamy.
5353. Transportation of nitro-glycerine, &c., in passenger conveyances.
5354. Death caused by such transportation deemed manslaughter.
5355. Transportation of nitro-glycerine, &c., how allowed.
5356. Larceny.
5357. Receiving stolen goods.
5358. Plundering vessel in distress, &c.
5359. Inciting revolt or mutiny on shipboard.
5360. Revolt and mutiny on shipboard.
5361. Attacking vessel with intent to plunder.
5362. Breaking and entering vessel, &c.
5363. Forcible abandonment of officer or mariner in foreign port.
5364. Conspiracy to cast away vessel.
5365. Owner destroying vessel at sea.
5366. Other persons destroying vessel at sea.

Sec.
5367. Attempt to destroy vessel at sea.
5368. Piracy under the law of nations.
5369. Seaman laying violent hands on his commander.
5370. Robbery upon the high seas.
5371. Robbery on shore by crew of piratical vessel.
5372. Murder, &c., upon the high seas.
5373. Piracy under color of a commission from a foreign power.
5374. Piracy by subjects or citizens of a foreign state.
5375. Piracy in confining or detaining negroes on board vessels, &c.
5376. Piracy in landing, seizing, &c., negroes on any foreign shore.
5377. Bringing into United States, or holding or selling persons as slaves.
5378. Equipping vessels for slave-trade.
5379. Transporting persons to be held as slaves.
5380. Hovering on coast with slaves on board.
5381. Serving in vessels engaged in transporting slaves.
5382. Serving in foreign vessels employed in the slave-trade.
5383. Running away with or yielding up vessel or cargo.
5384. Confederating, &c., with pirates.
5385. Arson of dwelling-house within a fort, &c.
5386. Arson of armory, arsenal, &c.
5387. Arson of vessel of war.
5388. Depredations on timber lands.
5389. Circulation of obscene literature.
5390. Misprision of felony.
5391. Certain offenses committed in places ceded to United States, how punished.

Murder.

30 April, 1790, c. 9, s. 3, v. 1, p. 113. 3 Mar., 1825, c. 65, s. 4, v. 4, p. 115. 3 *Mar.*, 1875, *c.* 145, *r.* 18, *pp.* 479, 480.

SEC. 5339. Every person who commits murder—

First. Within any fort, arsenal, dock-yard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States;

Second. Or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State;

Third. Or who upon any such waters maliciously strikes, stabs, wounds, poisons, or shoots at any other person, of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death.

U. S. *v.* McGill, 4 Dall., 426; U. S. *v.* Bevans, 3 Wh., 336; U. S. *v.* Furlong, 5 Wh., 184; U. S. *v.* Holmes, 5 Wh., 412; U. S. *v.* Marchant and Colson, 12 Wh., 480; U. S. *v.* Magill, 1 Wash., 463; U. S. *v.* Ross, 1 Gallis, 624; U. S. *v.* Cornell, 2 Mas., 91; U. S. *v.* Freeman, 4 Mas., 505; U. S. *v.* Drew, 5 Mas., 28; U. S. *v.* Douglass, 2 Blatch., 207. [See §§ 5323–5326.]

Delivery of offender's body for dissection, when.

30 April, 1790, c. 9, s. 4, v. 1, p. 113.

SEC. 5340. The court before which any person is convicted of murder, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person by him appointed, shall receive and take away the body at the time of execution. [See § 5402.]

Manslaughter.

Ibid., s. 7. 3 Mar., 1857, c. 116, s. 1, v. 11, p. 250.

SEC. 5341. Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, unlawfully and willfully, but without malice, strikes, stabs, wounds, or shoots at, or otherwise injures another, of which striking, stabbing, wounding, shooting, or other injury such other person dies, either on land or sea, within or without the United States, is guilty of the crime of manslaughter.

U. S. *v.* Imbert, 4 Wash., 702.

Attempt to commit murder or manslaughter.

3 Mar., 1857, c. 116, s. 2, v. 11, p. 250.

SEC. 5342. Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, attempts to commit the crime of murder or manslaughter, by any means not constituting the offense of assault with a dangerous weapon, shall be punished by imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars.

Punishment of manslaughter.

30 April, 1790, c. 9, s. 7, v. 1, p. 113. 3 Mar., 1857, c. 116, s. 3, v. 11, p. 250.

SEC. 5343. The punishment of manslaughter shall be imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars, except as otherwise specially provided by law. *Amended* 3 *Mar.*, 1875, *c.* 138, *ss.* 1, 2, *r.* 18, *p.* 473.

Officers and owners of steamboats through whose misconduct, &c., life is lost, guilty of manslaughter.

28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.

SEC. 5344. Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel, the life of any person is destroyed, and every owner, inspector, or other public officer, through whose fraud, connivance, misconduct, or violation of law, the life of any person is destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period of not more than ten years. [See §§ 4252-4289, 4390-4500.]

U. S. *v.* Farnham, 2 Blatch., 528; U. S. *v.* Warren, 4 McLean, 463; U. S. *v.* Taylor, 5 McLean, 42.

Rape.

3 Mar., 1825, c. 65, s. 4, v. 4, p. 115.

SEC. 5345. Every person who, within any of the places or upon any of the waters specified in section fifty-three hundred and thirty-nine, commits the crime of rape shall suffer death.

Assault with a dangerous weapon.

Ibid., s. 22, p. 121. U. S. *v.* Grush, 5 Mas., 290. U. S. *v.* Arwo, 19 Wall., 486.

SEC. 5346. Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, on board any vessel belonging in whole or part to the United States, or any citizen thereof, with a dangerous weapon, or with intent to perpetrate any felony, commits an assault on another shall be punished by a fine of not more than three thousand dollars, and by imprisonment at hard labor not more than three years.

Maltreatment of crew by officers of vessels.

3 Mar., 1835, c. 40, s. 3, v. 4, p. 776.

U.S. *v.* Freeman, 4 Mas., 511; U. S. *v.* Taylor, 2 Sumn., 584; U. S. *v.* Winn., 2 Curt. C. C., 194.

SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or revenge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both. [See §§ 4300–4305.]

3 Sumn., 209; U. S. *v.* Collins,

Maiming, &c.

30 April, 1790, c. 9, s. 13, v. 1, p. 115.

SEC. 5348. Every person who, within any of the places upon the land under the exclusive jurisdiction of the United States, or who, upon the high seas, in any vessel belonging to the United States, or to any citizen thereof, maliciously cuts off the ear, cuts out or disables the tongue, puts out an eye, slits the nose, cuts off the nose or lip, or cuts off or disables any limb or member of any person, with intent to maim or disfigure such person, shall be imprisoned at hard labor not more than seven years, and fined not more than one thousand dollars.

Seduction of female passengers on vessels.

24 Mar., 1860, c. 8, s. 1, v. 12, p. 3.

SEC. 5349. Every master, officer, seaman, or other person employed on board of any American vessel who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be punished by imprisonment not more than twelve months, or by a fine of not more than one thousand dollars; but subsequent intermarriage of the parties may be pleaded in bar of conviction. [See §§ 4275, 4276.]

Payment of fine to female seduced.

Ibid., s. 4, p. 4.

SEC. 5350. When any person is convicted under the provisions of the preceding section, the court may, in its discretion, by an order entered on its minutes, direct the amount of the fine, when imposed and collected, to be paid for the use of the female seduced or her child, if she have any.

Evidence required; limitation of indictment.

Ibid., s. 5.

SEC. 5351. No conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port for which it was destined.

Bigamy.

1 July, 1862, c. 126, s. 1, v. 12, p. 501.

SEC. 5352. Every person having a husband or wife living, who marries another, whether married or single, in a Territory, or other place over which the United States have exclusive jurisdiction, is guilty of bigamy, and shall be punished by a fine of not more than five hundred dollars, and by imprisonment for a term not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage is absent for five successive years, and is not known to such person to be living; nor to any person by reason of any former marriage which has been dissolved by decree of a competent court; nor to any person by reason of any former marriage which has been pronounced void by decree of a competent court on the gound of nullity of the marriage contract.

Transportation of nitro-glycerine, &c., in passenger-conveyances.

3 July, 1866, c. 162, s. 1, v. 14, p. 81.

SEC. 5353. Every person who knowingly transports, or delivers or causes to be delivered, nitro-glycerine, nitroleum or blasting-oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such substance or article, on board any vessel or vehicle whatever, employed in conveying passengers by land or water between any place in a foreign country and any place within the United States, or between a place in one State, Territory, or district of the United States and a place in any other State, Territory, or district thereof, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars; one-half to the use of the informer. [See §§ 4278–4280.]

Death caused by such transportation deemed manslaughter.

Ibid., s. 2.

SEC. 5354. When the death of any person is caused by the explosion of any quantity of such articles, or either of them, while the same is being placed upon any vessel or vehicle, to be transported in violation of the preceding section, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, every person who knowingly placed or aided, or permitted the placing of such articles upon such vessel or vehicle, to be so transported, is guilty of

manslaughter, and shall suffer imprisonment for a period not less than two years. [See §§ 4278–4280.]

Transportation of nitro-glycerine, &c., how allowed.

Ibid., s. 3.

SEC. 5355. Every person who knowingly ships, sends, or forwards any quantity of the articles mentioned in section fifty-three hundred and fifty-three, or who transports the same by any mode of conveyance upon land or water, between any of the places specified in that section, unless such articles be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other non-explosive material when saturated with such oil, and separated from all other substances, and the outside of the package be marked, printed, or labeled in a conspicuous manner with the words "NITRO-GLYCERINE; DANGEROUS," shall be punished by a fine of not less than one thousand nor more than five thousand dollars; one-half to the use of the informer. [See §§ 4277–4280.]

Larceny.

30 April, 1790, c. 9, s. 16, v. 1, p. 116. 23 Aug., 1842, c. 188, s. 4, v. 5, p. 517.

U. S. v. Davis, 5 Mas., 356.

SEC. 5356. Every person who, upon the high seas, or in any place under the exclusive jurisdiction of the United States, takes and carries away, with intent to steal or purloin, the personal goods of another, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

Receiving stolen goods.

3 Mar., 1825, c. 65, s. 8, v. 4, p. 116. 30 April, 1790, c. 9, s. 17, v. 1, p. 116.

SEC. 5357. Every person who, upon the high seas, or in any place under the exclusive jurisdiction of the United States, buys, receives, or conceals any money, goods, bank-notes, or other thing which may be the subject of larceny, and which has been feloniously taken or stolen from any other person, knowing the same to have been taken or stolen, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than three years.

Plundering vessels in distress, &c.

3 Mar., 1825, c. 65, s. 9, v. 4, p. 116.

U. S. v. Coombs, 12 Pet., 72; U. S. v. Kessler, Baldw., 15.

SEC. 5358. Every person who plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States; and every person who willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; and every person who holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel, sailing upon the sea, into danger, or distress, or shipwreck, shall be punished by a fine of not more than five thousand dollars, and imprisoned at hard labor not more than ten years. [See §§ 4674, 4676.]

Inciting revolt or mutiny on shipboard.

3 Mar., 1835, c. 40, s. 2, v. 4, p. 776. 30 April, 1790, c. 9, s. 12, v. 1, p. 115.

U. S. v. Kelly, 11 Wh., 417; U. S. v. Smith, 1 Mas., 147; U. S. v. Hamilton, 1 Mas., 443; U. S. v. Keefe, 3 Mas., 475; U. S. v. Henner et al., 4 Mas., 105; U. S. v. Savage, 5 Mas., 460; U. S. v. Mathews, 2 Sumn., 470; U. S. v. Cassedy, 2 Sumn., 582; U. S. v. Rogers, 3 Sumn., 342; U. S. v. Kelly, 4 Wash., 528; U. S. v. Staly, 1 Wood. & M., 338; U. S. v. Smith, 3 Wash., 78; U. S. v. Sharp, Peters C. C., 118; U. S. v. Bladen, Peters C. C., 213; U. S. v. Haines, 5 Mas., 272; U. S. v. Nye, 2 Curt. C. C., 225; U. S. v. Gardner, 5 Mas., 402; U. S. v. Barker, 5 Mas., 404; U. S. v. Borden, 1 Sprague, 374; U. S. v. Morrison, 1 Sumn., 448; U. S. v. Ashton, 2 Sumn., 13; U. S. v. Givings, 1 Sprague, 75; U. S. v. Henry, 4 Wash., 428; U. S. v. Thompson, 1 Sumn., 168; U. S. v. Lawrence, 1 Cr. C. C., 94; U. S. v. Seagrist, 4 Blatch., 420.

SEC. 5359. If any one of the crew of any American vessel on the high seas, or other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master, or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master, or other commanding officer thereof, he shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both such fine and imprisonment.

Revolt and mutiny on ship-board.

3 Mar., 1835, c. 40, s. 1, v. 4, p. 775. 30 April, 1790, c. 9, s. 8, v. 1, p. 113.

SEC. 5360. If any one of the crew of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority

and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, he is guilty of a revolt and mutiny, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than ten years.

U. S. *v.* Kelly, 11 Wh., 417; U. S. *v.* Smith, 3 Wash., 78; U. S. *v.* Stevens, 4 Wash., 547; U. S. *v.* Haskell, 4 Wash., 402; U. S. *v.* Forbes, Crabbe, 558; U. S. *v.* Borden, 1 Sprague, 374; U. S. *v.* Peterson, 1 Wood. & M., 305.

SEC. 5361. Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Attacking vessel with intent to plunder.

3 Mar., 1825, c. 65, s. 6, v. 4, p. 116.

SEC. 5362. Every person who, upon the high seas, or in any other of the places mentioned in the preceding section, with intent to commit any felony, breaks or enters any vessel, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast fixed to the anchor or moorings belonging to any vessel, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than five years.

Breaking and entering vessel, &c.

Ibid., s. 7.

SEC. 5363. Every master or commander of any vessel belonging, in whole or part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months. [See §§ 4300–4305.]

Forcible abandonment of officer or mariner in foreign port.

Ibid., s. 10, p. 117.

U. S. *v.* Ruggles, 5 Mas., 192; U. S. *v.* Coffin, 1 Sumn., 394; U. S. *v.* Netcher, 1 Story, 307; U. S. *v.* Riddle, 4 Wash., 644.

SEC. 5364. Every person who, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafterward underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; and every person who, within the United States, builds, or fits out, or aids in building and fitting out, any vessel with intent that the same be cast away or destroyed with the intent hereinbefore mentioned, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment at hard labor not more than ten years.

Conspiracy to cast away vessel.

3 Mar., 1825, c. 65, s. 23, v. 4, p. 122.

U. S. *v.* Cole, 5 McLean, 513; U. S. *v.* Hand et al., 6 McLean, 274.

SEC. 5365. Every person who, on the high seas, willfully aud corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall suffer death. [See § 5323.]

Owner destroying vessel at sea.

26 Mar., 1804, c. 40, s. 2, v. 2, p. 290.

U. S. *v.* Johns, 4 Dall., 512; U. S. *v.* Amedy, 11 Wh., 392; Beaston *v.* Farmers' Bank, 12 Pet., 135; U. S. *v.* Johns, 1 Wash., 363.

SEC. 5366. Every person, not being an owner, who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel to which he belongs, being the property of any citizen, shall suffer death. [See § 5323.]

Other persons destroying vessel at sea.

2 Mar., 1804, c. 40, s. 1, v. 2, p. 290. 3 *Mar.*, 1875, *c.* 144, *v.* 18, *p.* 479.—U. S. *v.* Johns, 1 Wash., 363; U. S. *v.* Van Rantz, 3 Wash., 146.

SEC. 5367. Every person, not being an owner, who, on the high seas, willfully, with intent to destroy the same, sets fire to any vessel, or other-

Attempt to destroy vessel at sea.

29 July, 1850, c. 27, s. 7, v. 9, p. 441.

wise attempts the destruction thereof, being the property of any citizen, shall suffer imprisonment at hard labor for a term not more than ten years nor less than three years.

Piracy under the law of nations.

SEC. 5368. Every person who, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterward brought into or found in the United States, shall suffer death. [See §§ 5323-5326, 5533.]

3 Mar., 1819, c. 77, s. 5, v. 3, p. 513. 15 May, 1820, c. 113, s. 2, v. 3, p. 600. 30 Jan., 1823, c. 7, v. 3, p. 721.—U. S. v. Smith, 5 Wh., 153; U. S. v. Furlong, 5 Wh., 184; U. S. v. Baker, 5 Blatch., 6; U. S. v. Henry, 4 Wash., 428; Davison v. Sealskins, 2 Paine, 324.

Seaman laying violent hands on his commander.

SEC. 5369. Every seaman who lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall suffer death.

30 April, 1790, c. 9, s. 8, v. 1, p. 113.

Robbery upon the high seas.

SEC. 5370. Every person who, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commits the crime of robbery, in or upon any vessel, or upon any ship's company of any vessel, or the lading thereof, is a pirate, and shall suffer death.

15 May, 1820, c. 113, s. 3, v. 3, p. 600.

U. S. v. Palmer, 3 Wh., 610; U. S. v. Jackalow, 1 Bl., 484; U. S. v. Baker, 5 Blatch., 6.

Robbery on shore by crew of piratical vessel.

SEC. 5371. Every person engaged in any piratical cruise or enterprise, or being of the crew of any piratical vessel, who lands from such vessel and on shore commits robbery, is a pirate, and shall suffer death.

Ibid.

Murder, &c., upon the high seas.

SEC. 5372. Every person who commits upon the high seas, or in any river, harbor, basin, or bay, out of the jurisdiction of any particular State, murder or robbery, or any other offense which, if committed within the body of a county, would be punishable with death by the laws of the United States, is a pirate, and shall suffer death.

30 April, 1790, c. 9, s. 8, v. 1, p. 113.

U. S. v. Palmer, 3 Wh., 610; U. S. v. Klintock, 5 Wh., 144; U. S. v. Furlong, 5 Wh., 184; U. S. v. Holmes, 5 Wh., 412; U.S. v. Ross, 1 Gallis., 624; U. S. v. Kessler, 1 Bald., 15; U. S. v. Gilbert, 2 Sumn., 19; U. S. v. Jones, 3 Wash., 209; U. S. v. Howard, 3 Wash., 344; U. S. v. Henry, 4 Wash., 428.

Piracy under color of a commission from a foreign power.

SEC. 5373. Every citizen who commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall suffer death.

30 April, 1790, c. 9, s. 9, v. 1, p. 114.

U. S. v. Baker, 5 Blatch., 6.

Piracy by subjects or citizens of a foreign state.

SEC. 5374. Every subject or citizen of any foreign state, who is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall suffer death.

3 Mar., 1847, c. 51, v. 9, p. 175.

Piracy in confining or detaining negroes on board vessels.

SEC. 5375. Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen, forcibly confines or detains on board such vessel any negro or mulatto, with intent to make such negro or mulatto a slave, or, on board such vessel, offers or attempts to sell, as a slave, any negro or mulatto, or on the high seas, or anywhere on tide-water, transfers or delivers to any other vessel any negro or mulatto with intent to make such negro or mulatto a slave, or lands or delivers on shore from on board such vessel any negro or mulatto with intent to make sale of, or having previously sold such negro or mulatto as a slave, is a pirate, and shall suffer death. [See §§ 5525, 5551-5560.]

15 May, 1820, c. 113, s. 5, v. 3, p. 601.

Piracy in landing, seizing, &c., negroes, on any foreign shore.

SEC. 5376. Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel, owned in whole or part, or navigated for, or in behalf of, any citizen, lands from such vessel, and, on any foreign shore, seizes any negro or mulatto with intent to make such negro

Ibid., s. 4, p. 600.

or mulatto a slave, or decoys, or forcibly brings, or carries, or receives such negro or mulatto on board such vessel, with like intent, is a pirate, and shall suffer death.

Bringing into United States or holding or selling persons as slaves.

20 April, 1818, c. 91, s. 6, v. 3, p. 452.

SEC. 5377. Every person who brings within the jurisdiction of the United States, in any manner whatsoever, any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any negro, mulatto, or person of color so brought in, as a slave, or to be held to service or labor, shall be fined not more than ten thousand dollars nor less than one thousand, one-half to the use of the United States, and the other half to the use of the party who prosecutes the indictment to effect, and, moreover, shall suffer imprisonment at hard labor not more than seven years, nor less than three years.

Equipping vessels for slave-trade.

Ibid., s. 3, p. 451.

SEC. 5378. Every person who builds, fits out, equips, loads, or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any negro, mulatto, or person of color from any foreign kingdom or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be punished by a fine of not less than one thousand dollars, nor more than five thousand dollars, one-half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect, and shall, moreover, be imprisoned at hard labor for a term not more than seven years, nor less than three years. [See §§ 5551, 5552.]

Transporting persons to be held as slaves.

Ibid., s. 4.

SEC. 5379. Every citizen or other person resident within the jurisdiction of the United States, who takes on board, receives, or transports from any foreign kingdom or country, or from sea, any negro, mulatto, or person of color, in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the preceding section. [See §§ 5524, 5553, 5554, 5556.]

Hoveringoncoast of United States with slaves on board.

2 Mar., 1807, c. 22, s. 7, v. 2, p. 428.

SEC. 5380. Every captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast hereof, having on board any negro, mulatto, or person of color for the purpose of selling them as slaves, or with intent to land the same for any such purpose, shall be fined not more than ten thousand dollars, and be imprisoned at hard labor not less than two years, nor more than four years. [See § 5555.]

Serving in vessels engaged in transporting slaves.

10 May, 1800, c. 51, s. 2, v. 2, p. 70.

SEC. 5381. Every citizen of the United States, or other person residing therein, who voluntarily serves on board of any American vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be punished by a fine of not more than two thousand dollars, and by imprisonment not more than two years. [See § 5556.]

Serving in foreign vessels employed in the slave-trade.

Ibid., s. 3, p. 71.

SEC. 5382. Every citizen of the United States who voluntarily serves on board of any foreign vessel employed in the slave-trade, shall be punished as prescribed in the preceding section. [See § 1046.]

Running away with or yielding up vessel or cargo.

8 Aug., 1846, c. 98, s. 5, v. 9, p. 73.
30 April, 1790, c. 9, s. 8, v. 1, p. 113.

SEC. 5383. Every captain, other officer, or mariner, of a vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned at hard labor not more than ten years, or both.

U. S. *v.* Tully, 1 Gallis., 247; U. S. *v.* Ross, 1 Gallis., 624; U. S. *v.* Kessler, 1 Baldw.; U. S. *v.* Haskell, 4 Wash., 402.

Confederating, &c., with pirates.

SEC. 5384. If any person attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any

30 April, 1790, c. 9, s. 12, v. 1, p. 115.

vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or if any person consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or if any seaman confines the master of any vessel, he shall be imprisoned not more than three years, and fined not more than one thousand dollars.

Arson of dwelling-house within a fort, &c.

3 Mar., 1825, c. 65, s. 1, v. 4, p. 115.

SEC. 5385. Every person who, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is under the jurisdiction of the United States, or on the site of any light-house, or other needful building belonging to the United States, the site whereof is under their jurisdiction, willfully and maliciously burns any dwelling-house, or mansion-house, or any store, barn, stable, or other building, parcel of any dwelling or mansion-house, shall suffer death.

Arson of armory, arsenal, &c.

Ibid., s. 2.

SEC. 5386. Every person who, in any of the places mentioned in the preceding section, maliciously sets fire to, or burns, any arsenal, armory, magazine, rope-walk, ship-house, warehouse, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling-house, or any other building not mentioned in such section, or any vessel built, or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Arson of vessel of war.

Ibid., s. 11, p. 117.

SEC. 5387. Every person who maliciously sets on fire, or burns, or otherwise destroys, any vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, shall suffer death.

Depredations on timber lands.

3 Mar., 1859, c. 78, v. 11, p. 408.

SEC. 5388. Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon lands of the United States, which, in pursuance of law, may be reserved or purchased for military or other purposes, shall pay a fine of not more than five hundred dollars, and be imprisoned not more than twelve months. [See §§ 2460–2463.]

Circulation of obscene literature.

3 Mar., 1873, c. 258, s. 1, v. 17, p. 598.

SEC. 5389. Every person who, within the District of Columbia or any of the Territories of the United States, or other place within the exclusive jurisdiction of the United States, sells, or lends, or gives away, or in any manner exhibits, or offers to sell, or to lend, or to give away, or in any manner to exhibit, or otherwise publishes or offers to publish in any manner, or has in his possession, for any such purpose, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other articles of an immortal nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or who advertises the same for sale, or writes or prints, or causes to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles in this section hereinbefore mentioned can be purchased or obtained, or manufactures, draws, or prints, or in any wise makes any of such articles, shall be imprisoned at hard labor in the penitentiary for not less than six months nor more than five years for each offense, or fined not less than one hundred dollars nor more than two thousand dollars, with costs of court. [See §§ 1785, 2491, 2492, 3893.]

Misprisioin of felony.

30 April, 1790, c. 9, s. 6, v. 1, p. 113.

SEC. 5390. Every person who, having knowledge of the actual commission of the crime of murder or other felony upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country under the exclusive jurisdiction of the United States, con-

ceals, and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, is guilty of misprision of felony, and shall be imprisoned not more than three years, and fined not more than five hundred dollars.

Certain offenses committed in places ceded to United States, how punished.

SEC. 5391. If any offense be committed in any place which has been or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for, by any law of the United States, such offense shall be liable to, and receive, the same punishment as the laws of the State in which such place is situated, now in force, provide for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

3 Mar., 1825, c. 65, s. 3, v. 4, p. 115.
5 April, 1866, c. 24, s. 2, v. 14, p. 13.

CHAPTER FOUR.

CRIMES AGAINST JUSTICE.

Sec.
5392. Perjury.
5393. Subornation of perjury.
5394. Stealing or altering process, procuring false bail, &c.
5395. Taking false oath in naturalization.
5396. Form of indictment for perjury.
5397. Indictment for subornation of perjury.
5398. Obstructing process or assaulting officer.
5399. Intimidation or corruption of witness or officer.
5400. Rescue at execution.
5401. Rescue of prisoner.
5402. Rescue of body after execution.
5403. Destroying, &c., public records.
5404. Corruption or intimidation of jurors, &c.
5405. Attempt to influence juror.
5406. Conspiring to intimidate party, witness or juror.
5407. Conspiracy to defeat the enforcement of the laws.
5408. Destroying records by officer in charge.
5409. Allowing prisoners to escape.
5410. Application of preceding section.
5411. Altering, &c., records in surveyor-general's office in California.
5412. Deposit of fraudulent papers in archives.

Perjury.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750.]

3 April, 1790, c. 9, s. 18, v. 1, p. 116.
3 Mar., 1825, c. 65, s. 13, v. 4, p. 118.
13 *Mar.*, 1874, c. 55, *r.* 18, *p.* 22.
3 *Mar.*, 1875, *c.* 145, *r.* 18, *pp.* 479, 480.
12 *July*, 1876, *c.* 180, *s.* 10, *r.* 19, *p.* 86.

4 Dall., 372; U. S. *v.* Bailey, 9 Pet., 238; U. S. *v.* Wood, 14 Pet., 430; U. S. *v.* Passmore, 17 How., 204; U. S. *v.* Clark, 1 Gallis., 497; U. S. *v.* Kendrick, 2 Mas., 60; U. S. *v.* Nickersen,

Subornation of perjury.

SEC. 5393. Every person who procures another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed. [See § 1750.]

30 April, 1790, c. 9, s. 18, v. 1, p. 116. 3 Mar., 1825, c. 65, s. 13, v. 4, p. 118.

Stealing or altering process, procuring false bail, &c.

SEC. 5394. Every person who feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect, and every person who acknowledges, or procures to be acknowledged, in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than five thousand dollars or be imprisoned at hard labor not more than seven years; but this provision shall not extend to the acknowledgment of any judgment by an attorney, duly admitted for any person against whom any such judgment is had or given.

30 April, 1790, c. 9, s. 15, v. 1, p. 115.
22 *June*, 1874, *c.* 391, *s.* 19. *r.* 18, *p.* 190.

Taking false oath in naturalization.

14 July, 1870, c. 254, s. 1, v. 16, p. 254.

SEC. 5395. In all cases where any oath or affidavit is made or taken under or by virtue of any law relating to the naturalization of aliens, or in any proceedings under such laws, any person taking or making such oath or affidavit who knowingly swears falsely, shall be punished by imprisonment not more than five years, nor less than one year, and by a fine of not more than one thousand dollars. [See §§ 2165–2174.]

Form of indictment for perjury.

30 April, 1790, c. 9, s. 19, v. 1, p. 116.

SEC. 5396. In every presentment or indictment prosecuted against any person for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, and before whom the oath was taken, averring such court or person to have competent authority to administer the same, together with the proper averment to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, or any affidavit, deposition, or certificate, other than as hereinbefore stated, and without setting forth the commission or authority of the court or person before whom the perjury was committed.

Indictment for subornation of perjury.

Ibid., s. 20.

SEC. 5397. In every presentment or indictment for subornation of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, or any affidavit, deposition, or certificate, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed.

Obstructing process or assaulting officer.

Ibid., s. 22, p. 117.

U. S. *v.* Lowry, 2 Wash., 169; U. S. *v.* Lukins, 3 Wash., 335; U. S. *v.* Slaymaker, 4 Wash., 169; U. S. *v.* Tinklepaugh, 3 Blatch., 25; U. S. *v.* Stowell, 2 Curt. C. C., 153; U. S. *v.* Keen, 5 Mas., 453.

SEC. 5398. Every person who knowingly and willfully obstructs, resists, or opposes any officer of the United States in serving, or attempting to serve or execute, any mesne process or warrant, or any rule or order of any court of the United States, or any other legal or judicial writ or process, or assaults, beats, or wounds any officer or other person duly authorized in serving or executing any writ, rule, order, process, or warrant, shall be imprisoned not more than twelve months, and fined not more than three hundred dollars.

Intimidation or corruption of witnesses or officers.

2 Mar., 1831, c. 99, s. 2, v. 4, p. 488.

Ex parte Robinson, 19 Wall., 505.

SEC. 5399. Every person who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness, or officer in any court of the United States, in the discharge of his duty, or corruptly, or by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice therein, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three months, or both.

Rescue at executions.

30 April, 1790, c. 9, s. 23, v. 1, p. 117.

SEC. 5400. Every person who, by force, sets at liberty or rescues any person found guilty of any capital crime, while going to execution or during execution, shall suffer death.

Rescue of prisoners.

Ibid.

SEC. 5401. Every person who, by force, sets at liberty or rescues any person who, before conviction, stands committed, for any capital crime against the United States, or who by force sets at liberty or rescues any person committed for or convicted of any offense other than capital, shall be fined not more than five hundred dollars, and imprisoned not more than one year.

Rescue of body after execution.

Ibid., s. 5, p. 113.

SEC. 5402. Every person who, after execution, by force rescues or attempts to rescue the dead body of any offender out of the custody of the marshal or his officers during the conveyance of such body to any place for dissection, as provided in section fifty-three hundred and forty, or by force rescues or attempts to rescue such body from the house of any surgeon, where the same has been deposited in pursuance of that section, shall be liable to a fine of not more than one hundred dollars, and an imprisonment not more than twelve months.

Destroying, &c., public records.

26 Feb., 1853, c. 81, s. 4, v. 10, p. 170.

SEC. 5403. Every person who willfully destroys or attempts to destroy, or, with intent to steal or destroy, takes and carries away any record, paper, or proceeding of a court of justice, filed or deposited with any clerk or officer of such court, or any paper, or document, or record filed

or deposited in any public office, or with any judicial or public officer, shall, without reference to the value of the record, paper, document, or proceeding so taken, pay a fine of not more than two thousand dollars, or suffer imprisonment, at hard labor, not more than three year, or both. [See §§ 5408, 5411, 5412.]

Corruption or intimidation of jurors, &c.

10 June, 1872, c. 420, v. 17, p. 378.

SEC. 5404. Every person who, corruptly, or by threats or force, or by threatening letters, or any threatening communications, endeavors to influence, intimidate, or impede any grand or petit juror of any court of the United States in the discharge of his duty, or who corruptly, or by threats or force, or by threatening letters, or any threatening communications, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice therein, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

Attempt to influence juror.

Ibid.

SEC. 5405. Every person who attempts to influence the action or decision of any grand or petit juror upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication, in print or writing, in relation to such issue or matter, without the order previously obtained of the court before which the juror is summoned, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment.

Conspiring to intimidate party, witness, or juror.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

SEC. 5406. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See §§ 1980, 1981.]

Conspiracy to defeat enforcement of the laws.

Ibid.

SEC. 5407. If two or more persons in any State or Territory conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See §§ 1977–1991, 2004–2010, 5506–5510.]

Destroying records by officer in charge.

26 Feb., 1853, c. 81, s. 5, v. 10, p. 170.

SEC. 5408. Every officer, having the custody of any record, document, paper, or proceeding specified in section fifty-four hundred and three, who fraudulently takes away, or withdraws, or destroys any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall pay a fine of not more than two thousand dollars, or suffer imprisonment at hard labor not more than three years, or both; and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.

Allowing prisoners to escape.

21 June, 1860, c. 164, v. 12, p. 69.

SEC. 5409. Whenever any marshal, deputy marshal, ministerial officer, or other person, has in his custody any prisoner by virtue of process issued under the laws of the United States by any court judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person, voluntarily suffers such prisoner to escape, he shall be fined not more than two thousand dollars, or imprisoned for a term not more than two years, or both.

Application of preceding section.

Ibid.

SEC. 5410. The preceding section shall be construed to apply not only to cases in which the prisoner who escaped was charged or found guilty of an offense against the laws of the United States, but also to cases in which a prisoner may be in custody charged with offenses against any foreign government with which the United States have treaties of extradition.

Altering, &c., records in surveyor-general's office in California.

18 May, 1858, c. 39, s. 3, v. 11, p. 290.

SEC. 5411. Every person who, without lawful authority, willfully takes from the archives of the surveyor-general's office in California, any expediente, map, diseño, book, paper, writing, record, document, seal, stamp, or die; or willfully alters, defaces, mutilates, injures, or destroys any expediente, book, paper, map, diseño, instrument of writing, document, record, seal, stamp, or die, deposited in such archives; or conceals or unlawfully withholds from the possession of the surveyor-general, or on demand refuses to deliver to him any expediente, map, diseño, official book, paper, writing, document, archive, record, seal, stamp, or die relating to or used in the administration of government in the department of Upper California, and belonging to the government during the existence of Spanish or Mexican authority in that department; or who willfully alters, defaces, mutilates, makes away with, or destroys any such official book, expediente, map, diseño, paper, writing, document, archive, record, seal, stamp, or die, shall pay a fine of not more than ten thousand dollars, and be imprisoned for a term not more than ten years. [See §§ 2471–2473.]

Deposit of fraudulent papers in archives.

Ibid., s. 4.

SEC. 5412. Every person who secretly or fraudulently places, or causes to be placed, in or among the archives of the surveyor-general's office in California, any expediente, book, paper, diseño, map, draught, record, or any instrument of writing purporting to be a petition, decree, order, report, concession, grant, confirmation, map, diseño, expediente or part of an expediente, denouncement, title-paper, or evidence of right, title, or claim to any land, mine, or mineral, or any book, writing, paper, or document whatever, shall pay a fine of not more than five thousand dollars, or be imprisoned for a term not more than three years; or be both fined and imprisoned within such limits. [See §§ 2471–2473.]

CHAPTER FIVE.

CRIMES AGAINST THE OPERATIONS OF THE GOVERNMENT.

Sec.
5413. Obligations or other securities of the United States, defined.
5414. Forging or counterfeiting United States securities.
5415. Counterfeiting national-bank notes.
5416. Forgery of letters-patent.
5417. Forgery of certificate of entry.
5418. Forging, &c., bid, public record, &c.
5419. Forging signature of judge, &c.
5420. Forging, counterfeiting, or passing military bounty-land warrants.
5421. Forging deed, power of attorney, &c.
5422. Having forged papers in possession.
5423. Forging or altering ship's papers, or custom-house documents.
5424. False personation, &c., in procuring naturalization.
5425. Using false certificate of citizenship, &c.
5426. Using false certificate, &c., as evidence of a right to vote.
5427. Aiding or abetting violation of preceding sections.
5428. Falsely claiming citizenship.
5429. Provisions applicable to all courts of naturalization.
5430. Using plates to print notes without authority, &c.
5431. Passing, selling, concealing, &c., forged obligations.
5432. Taking impressions of tools or implements, &c.
5433. Having in possession unlawfully such impressions.
5434. Buying, selling, or dealing in forged bonds, notes, &c.
5435. False personation of holder of public stocks.
5436. False demand on fraudulent power of attorney.
5437. Circulating bills of expired corporations.
5438. Making or presenting false claim.
5439. Embezzling arms, stores, &c.
5440. All parties to a conspiracy equally guilty.
5441. Delaying or defrauding captor or claimant, &c., of prize-property.
5442. False certification by consular officers.
5443. Concealment or destruction of invoices, &c.
5444. Admitting merchandise to entry for less than legal duty.
5445. Entry by false samples, &c.
5446. Taking seized property from custody of revenue officer.

Sec.
5447. Resisting revenue officer, rescuing or destroying seized property, &c.
5448. Falsely assuming to be a revenue officer.
5449. Bribery of a judge.
5450. Bribery of member of Congress.
5451. Bribery of United States officers.
5452. Offering presents to revenue officers.
5453. Secreting or removing tools or materials used for printing bonds, notes, &c.
5454. Unlawfully taking or using papers relating to claims.
5455. Enticing desertion from military or naval service.
5456. Robbery or larceny of personal property of the United States.
5457. Counterfeiting gold or silver coin.
5458. Counterfeiting minor coins.
5459. Mutilating coinage.
5460. Debasement of coinage, &c., by officers of Mint.
5461. Making or uttering coins in resemblance of money.
5462. Making or issuing devices of minor coin.
Sec.
5463. Forging postal money-orders.
5464. Counterfeiting postage-stamps, &c.
5465. Counterfeiting, &c., foreign stamps.
5466. Injuring mail matter.
5467. Embezzlement, &c., of letters containing inclosures.
5468. Meaning of words "intended to be conveyed by mail."
5469. Stealing or fraudulently obtaining mail, opening valuable letters, &c.
5470. Receiving articles stolen from the mail.
5471. Stealing, detaining, or destroying newspapers.
5472. Robery of the mail.
5473. Attempting to rob the mail.
5474. Deserting the mail.
5475. Stealing post-office property.
5476. Injuring mail-bags, &c.
5477. Stealing or forging mail locks or keys.
5478. Breaking and entering post-office.
5479. Counterfeiting bid, bond, &c.
5480. Sending letters through the mail with intent to defraud.

FORGERIES, FRAUDS, ETC.

Obligations or other securities of the United States defined.

SEC. 5413. The words "obligation or other security of the United States" shall be held to mean all bonds, certificates of indebtedness, national [bank] currency, coupons, United States notes, Treasury notes, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, which have been or may [be] issued under any act of Congress.

30 June, 1864, c. 172, s. 13, v. 13, p. 222.

18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 320.

3 *Mar.*, 1875, *c.* 145, *r.* 18, *pp.* 479, 480. 27 *Feb.*, 1877, *c.* 69, *r.* 19, *p.* 253.

Forging or counterfeiting United States securities.

SEC. 5414. Every person who, with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or security of the United States shall be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor not more than fifteen years.

30 June, 1864, c. 172, s. 10, v. 13, p. 221.

Counterfeiting national-bank notes.

SEC. 5415. Every person who falsely makes, forges, or counterfeits, or causes or procures to be made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or who passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged, or counterfeited, or who falsely alters, or causes or procures to be falsely altered, or willingly aids or assists in falsely altering any such circulating notes, or passes, utters, or publishes, or attempts to pass, utter, or publish as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be imprisoned at hard labor not less than five years nor more than fifteen years, and fined not more than one thousand dollars.

25 Feb., 1863, c. 58, s. 57, v. 12, p. 680.

3 June, 1864, c. 106, s. 59, v. 13, p. 117.

Forgery of letters-patent.

SEC. 5416. Every person who falsely makes, forges, counterfeits, or alters any letters-patent granted, or purporting to have been granted by the President of the United States; or who passes, utters, or publishes, or attempts to pass, utter, or publish as genuine, any such forged, counterfeited, or falsely altered letters-patent, knowing the same to be forged, counterfeited, or falsely altered, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

3 Mar., 1825, c. 65, s. 17, v. 4, p. 119.

Forgery of certificate of entry.

1 Mar., 1823, c. 21, s. 24, v. 3, p. 737.

SEC. 5417. Every person who forges, counterfeits, or falsely alters any certificate of entry made or required to be made in pursuance of law by any officer of the customs, or who uses such forged, counterfeited, or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be punished by a fine of not more than ten thousand dollars and by imprisonment at hard labor not more than three years.

Forging, &c., bid, public record, &c.

5 April, 1866, c. 24, s. 1, v. 14, p. 12.

U. S. v. Lawrence, 13 Blatch., 211.

SEC. 5418. Every person who falsely makes, alters, forges, or counterfeits any bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, or utters or publishes as true any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for such purpose, knowing the same to be false, forged, altered, or counterfeited, or transmits to or presents at the office of any officer of the United States any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for such purpose, shall be imprisoned at hard labor for a period not more than ten years, or be fined not more than one thousand dollars, or be punished by both such fine and imprisonment. [See § 5479.]

Forging signature of judge, &c.

2 Mar., 1867, c. 176, s. 46, v. 14, p. 539.

SEC. 5419. Every person who forges the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or forges or counterfeits the seal of any such court, or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or tenders in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined not less than five hundred dollars and not more than five thousand dollars, and be imprisoned not more than five years.

Forging, counterfeiting, or passing military bounty-land warrants.

5 Feb., 1859, c. 23, v. 11, p. 381.

SEC. 5420. Every person who falsely makes, alters, forges, or counterfeits any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any act of Congress, or any certificate of location of any military bounty-land warrant, or any duplicate thereof, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate of the purchase of any of the lands of the United States, or any duplicate certificate of the purchase of any of the lands of the United States, or any receipt for the purchase-money of any of the lands of the United States, or any duplicate receipt for the purchase-money of any lands of the United States, issued or purporting to have been issued by the register and receiver at any land-office of the United States, or by either of them, or who passes, utters, or publishes as true any false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate of location, or duplicate certificate of location, certificate of purchase, duplicate certificate of purchase, receipt or duplicate receipt, for the purchase-money of any of the lands of the United States, knowing the same to be false or forged, shall be imprisoned at hard labor not less than three years nor more than ten years.

Forging deed, power of attorney, &c.

3 Mar., 1823, c. 38, s. 1, v. 3, p. 771.

U. S. v. Moore, 2 Low., 232.

SEC. 5421. Every person who falsely makes, alters, forges, or counterfeits; or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids or assists in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or who utters or publishes as true, or causes to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or who transmits to, or presents at, or causes

or procures to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be imprisoned at hard labor for a period of not less than one year nor more than ten years; or shall be imprisoned not more than five years, and fined not more than one thousand dollars.

Having forged papers in possession.

Ibid., s. 2, p. 772.

SEC. 5422. Every person who, knowingly and with intent to defraud the United States, has in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of enabling another to obtain from the United States, or any of their officers or agents, any sum of money, shall be fined and imprisoned at the discretion of the court.

Forging or altering ship's papers or custom-house documents.

3 Mar., 1825, c. 65, s. 19, v. 4, p. 120.

SEC. 5423. If any person falsely makes, forges, counterfeits, or alters any instrument in imitation of, or purporting to be, an abstract or official copy, or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel, for carrying on the coasting trade, or fisheries of the United States, or a certificate of ownership, pass, passport, sea-letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document, granted by any collector or other officer of the customs, by virtue of his office; or passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea-letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud, he shall be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor not more than three years. [See § 4191.]

False personation, &c., in procuring naturalization.

14 July, 1870, c. 254, s. 2, v. 16, p. 254.

U. S. v. Tynen, 11 Wall., 88.

SEC. 5424. Every person applying to be admitted a citizen, or appearing as a witness for any such person, who knowingly personates any other person than himself, or falsely appears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, ante-dated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or sells or disposes of to any person other than the person for whom it was originally issued any certificate of citizenship, or certificate showing any person to be admitted a citizen, shall be punished by imprisonment at hard labor not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Using false certificate of citizenship, &c.

Ibid.

U. S. v. Tynen, 11 Wall., 88.

SEC. 5425. Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certificate of citizenship, knowing the same to be forged, or counterfeit, or ante-dated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or who, without lawful excuse, knowingly is possessed of any false, forged, ante-dated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, ante-dated, or counterfeit, with intent unlawfully to use the same; or obtains, accepts, or receives any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or ante-dated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability

imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed.

Using false certificate, &c., as evidence of a right to vote.

Ibid.

SEC. 5426. Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses, or attempts to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Aiding or abetting violation of preceding sections.

Ibid.

SEC. 5427. Every person who knowingly and intentionally aids or abets any person in the commission of any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof, shall be punished in the same manner and to the same extent as the principal party.

Falsely claiming citizenship.

Ibid., s. 3, p. 255.

SEC. 5428. Every person who knowingly uses any certificate of naturalization heretofore granted by any court or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the clerk, or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; and every person who falsely represents himself to be a citizen of the United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

Provisions applicable to all courts of naturalization.

Ibid., s. 4.

SEC. 5429. The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced. [See §§ 2165–2174.]

Using plates to print notes without authority, &c.

30 June, 1864, c. 172, s. 11, v. 13, p. 221.

Ex parte Holcomb, 2 Dill., 392.

SEC. 5430. Every person having control, custody, or possession of any plate, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, who uses such plate, or knowingly suffers the same to be used for the purpose of printing any such or similar obligation, or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; and every person who engraves, or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of such obligation or other security, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate be used for the printing of the obligations or other securities of the United States; or who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such obligation or other security has been printed, with intent to use such plate, or suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or who has in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security, engraved and printed after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; and every person who prints, photographs, or in any other manner makes or executes, or causes to be printed, photographed, made, or executed, or aids in printing, photographing, mak-

ing, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or who sells any such engraving, photograph, print, or impression, except to the United States, or who brings into the United States from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States, or who has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not more than fifteen years, or by both.

Passing, selling, concealing, &c., forged obligations.

Ibid., s. 10.

SEC. 5431. Every person who, with intent to defraud, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States with intent to pass, publish, utter, or sell, or keeps in possession or conceals with like intent any falsely made, forged, counterfeited, or altered obligation, or other security of the United States, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than fifteen years.

Taking impressions of tools, implements, &c.

5 Feb., 1867, c. 26, s. 4, v. 14, p. 383.

SEC. 5432. Every person who, without authority from the United States, takes, procures, or makes, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bed-plate, bed-piece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used, in printing, stamping, or impressing, or in making other tools, implements, instruments, or things, to be used, or fitted or intended to be used, in printing, stamping, or impressing any kind or description of obligation or other security of the United States, now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be punished by imprisonment at hard labor not more than ten years, or by a fine of not more than five thousand dollars, or both.

Having in possession unlawfully such impressions.

Ibid., s. 5, p. 384.

SEC. 5433. Every person who, with intent to defraud, has in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used, or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or who, with intent to defraud, sells, gives, or delivers any such imprint, stamp, or impression to any other person, shall be punished by imprisonment at hard labor not more than ten years, or by a fine of not more than five thousand dollars.

Buying, selling, or dealing in forged bonds, notes, &c.

Ibid., s. 1, p. 383.

SEC. 5434. Every person who buys, sells, exchanges, transfers, receives, or delivers, any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be imprisoned at hard labor not more than ten years, or fined not more than five thousand dollars, or both.

False personation of holder of public stocks.

3 Mar., 1825, c. 65, s. 18, v. 4, p. 120.

SEC. 5435. Every person who falsely personates any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, and, under color of such false personation, transfers or endeavors to transfer such public stock or any part thereof, or receives or endeavors to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize-money, wages, or other debt, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

False demand on fraudulent power of attorney.

Ibid.

SEC. 5436. Every person who knowingly or fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, or any part thereof, received or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Circulating bills of expired corporations.

7 July, 1838, c. 185, s. 1, v. 5, p. 297.

SEC. 5437. In all cases where the charter of any corporation which has been or may be created by act of Congress has expired or may hereafter expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, knowingly issues, re-issues, or utters as money, or in any other way knowingly puts in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person knowingly aids in any such act, he shall be punished by a fine of not more than ten thousand dollars, or by imprisonment not less than one year nor more than five years, or by both such fine and imprisonment. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same.

Making or presenting false claims.

2 Mar., 1863, c. 67, ss. 1, 3, v. 12, pp. 696, 698.

SEC. 5438. Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, every person so offending in any of the matters set forth in this section shall be imprisoned at hard labor for not less than one nor more than

five years, or fined not less than one thousand nor more than five thousand dollars. [See § 3490, 3491.]

Embezzling arms, stores, &c.

Ibid.

SEC. 5439. Every person who steals or embezzles, or knowingly applies to his own use, or who unlawfully sells, conveys, or disposes of, any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in the preceding section.

All parties to a conspiracy equally guilty.

2 Mar., 1867, c. 169, s. 30, v. 14, p. 484.

U. S. *v.* Boyden et al., 1 Low., 266; U. S. *v.* Hammond, 2 Woods, 197.

SEC. 5440. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to imprisonment not more than two years.

U. S. *v.* Donan, 11 Blatch., 168; U. S. *v.* Fehrenback, 2 Woods, 175;

Delaying or defrauding captor or claimant, &c., of prize-property.

30 June, 1864, c. 174, s. 31, v. 13, p. 315.

SEC. 5441. Every person who willfully does any act or aids or advises in the doing of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment not more than five years, or both. [See §§ 4613–4652.]

False certification by consular officers.

3 Mar., 1835, c. 33, v. 4, p. 773.

SEC. 5442. Every consul, vice-consul, commercial agent, or vice-commercial agent, who knowingly and falsely certifies to any invoice, or other papers to which his certificate is by law authorized or required, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment for a term not more than three years. [See §§ 1715, 1717.]

Concealment or destruction of invoices, &c.

3 Mar., 1863, c. 76, s. 8, v. 12, p. 740.

SEC. 5443. Every person who willfully conceals or destroys any invoice, book, or paper relating to any merchandise liable to duty, which has been or may be imported into the United States from any foreign port or country, after an inspection thereof has been demanded by the collector of any collection-district, or at any time conceals or destroys any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained, shall be punished by a fine of not more than five thousand dollars, or by imprisonment not more than two years, or both.

Admitting merchandise to entry for less than legal duty.

Ibid., s. 4, p. 739.

SEC. 5444. Every officer of the revenue who, by any means whatever, knowingly admits or aids in admitting to entry any goods, wares, or merchandise, upon payment of less than the amount of duty legally due thereon, shall be removed from office, and shall be fined not more than five thousand dollars, or be imprisoned not more than two years.

U. S. *v.* One thousand two hundred and ninety-one Bales Tobacco, 2 Low., 107.

Entry by false samples, &c.

Ibid., s. 3.

U. S. *v.* Lawrence, 13 Blatch., 211; U. S. *v.* Bettilini, 1 Woods, 654.

SEC. 5445. Every person who, by any means whatever, knowingly effects, or aids in effecting any entry of any goods, wares, or merchandise at less than the true weight or measure thereof, or upon a false classification thereof as to quality or value, or by the payment of less than the amount of duty legally due thereon, shall be fined not more than five thousand dollars, or be imprisoned not more than two years, or both.

Taking seized property from custody of revenue officer.

30 April, 1790, c. 9, s. 22, p. 117.

13 July, 1866, c. 184, s. 67, p. 171.

SEC. 5446. Every person who dispossesses or rescues, or attempts to dispossess or rescue, any property taken or detained, by any officer or other person under the authority of any revenue law of the United States, or aids or assists therein, shall be imprisoned not more than twelve months, and fined not more than three hundred dollars. [See § 934.]

Resisting revenue officers rescu-

SEC. 5447. Every person who forcibly assaults, resists, opposes, prevents, impedes, or interferes with any officer of the customs, or his

ing or destroying seized property, &c.

18 July, 1866, c. 201, s. 6, v. 14, p. 179.

U. S. v. Rineskoff, 6 Biss., 259.

deputy, or any person assisting him, in the execution of his duties, or any person authorized to make searches or seizures, in the execution of his duty, or who rescues or attempts to rescue, or causes to be rescued, any property which has been seized by any person so authorized, or who, before, at, or after such seizure, in order to prevent the seizure or securing of any goods, wares, or merchandise by any person so authorized, staves, breaks, throws overboard, destroys, or removes the same, shall be fined not less than one hundred dollars nor more than two thousand dollars, or be imprisoned not less than one month nor more than one year, or both; and every person who discharges any deadly weapon at any person authorized to make searches or seizures, or uses any deadly or dangerous weapon in resisting him in the execution of his duty, with intent to commit a bodily injury upon him, or to deter or prevent him from discharging his duty, shall be imprisoned at hard labor for a term not more than ten years or less than one year.

Falsely assuming to be a revenue officer.

2 Mar., 1867, c. 169, s. 28, v. 14, p. 484.

SEC. 5448. Every person who falsely represents himself to be a revenue officer, and, in such assumed character, demands or receives any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, shall be deemed guilty of a felony, and shall be fined five hundred dollars, and imprisoned not less than six months and not more than two years.

Bribery of a judge.

30 April, 1790, c. 9, s. 21, v. 1, p. 117.

SEC. 5449. Every person who, directly or indirectly, gives any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, or security for the payment or delivery of any money, present, or reward, or any other thing of value, to obtain or procure the opinion, judgment, or decree of any judge of the United States, in any suit, controversy, matter, or cause depending before him, shall be fined and imprisoned at the discretion of the court, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States. [See § 5499.]

Bribery of member of Congress.

26 Feb., 1853, c. 81, s. 6, v. 10, p. 171.

Clark & Fulton's Case, 12 C. Cls., 597.

SEC. 5450. Every person who promises, offers, gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of any thing of value, to any member of either House of Congress, either before or after such member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House of Congress, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and shall be, moreover, imprisoned not more than three years. [See § 5500.]

Bribery of any United States officers.

Ibid.

3 Mar., 1833, c. 76, s. 6, v. 12, p. 740.

13 July, 1866, c. 184, s. 62, v. 14, p. 168.

18 July, 1866, c. 201, s. 35, v. 14, p. 186.

U. S. v. Worrall, 2 Dall., 388.

SEC. 5451. Every person who promises, offers, or gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be punished as prescribed in the preceding section. [See § 5501.]

Offering presents to revenue officers.

SEC. 5452. Every person engaged in the importation of goods, wares, or merchandise into the United States, or interested, as principal [,] clerk,

or agent, in the entry of any goods, wares, or merchandise, who at any time makes, or offers to make, to any officer of the revenue, any gratuity or present of any money, or other thing of value, shall be fined not more than five thousand dollars or be imprisoned not more than two years.

3 Mar., 1863, c. 76, s.6, v. 12, p.740.
18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

Secreting or removing tools or material used for printing bonds, notes, stamps, &c.

5 Feb., 1867, c. 26, s.6, v.14, p.384.

SEC. 5453. Every person who, without authority from the United States, secretes within, embezzles or takes and carries away from, any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bed-piece, bed-plate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage-stamp, revenue-stamp, fractional-currency note, or other paper instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States, or who, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents, or who, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not, shall be punished by imprisonment, at hard labor, not more than ten years, or by a fine of not more than five thousand dollars, or both.

Unlawfully taking or using papers relating to claims.

Ibid., s. 7.

SEC. 5454. Every person who takes and carries away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid, or who presents or uses or attempts to use any such document, record, file, or paper so taken and carried away in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be imprisoned at hard labor not more than ten years, or fined not more than five thousand dollars.

Enticing desertions from the military or naval service.

3 Mar., 1863, c. 75, s. 24, v. 12, p. 735.
1 July, 1864, c. 204, v. 13, p. 343.
27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 253.

SEC. 5455. Every person who entices or procures, or attempts or endeavors to entice or procure, any soldier in the military service of the United States, or who has been recruited for such service, to desert therefrom, or who aids any such soldier in deserting or attempting to desert from such service, or who harbors, conceals, protects, or assists any such soldier who may have deserted from such service, knowing him to have deserted therefrom, or who refuses to give up and deliver such soldier on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than two years, and by a fine not exceeding five hundred dollars; and every person who entices or procures, or attempts or endeavors to entice or procure, any seaman [or other person] in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who aids any such seaman [or other person] in deserting or in attempting to desert from such service, or who harbors, conceals, protects, or assists any such seaman [or other person] who may have deserted from such service, know-

ing him to have deserted therefrom, or who refuses to give up and deliver such sailor [or other person] on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than three years, and by a fine of not more than two thousand dollars, [to be enforced in any court of the United States having jurisdiction.]

Robbery or larceny of personal property of the United States.

2 Mar., 1867, c. 193, v. 14, p. 557.

SEC. 5456. Every person who robs another of any kind or description of personal property belonging to the United States, or feloniously takes and carries away the same, shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not less than one nor more than ten years, or by both such fine and imprisonment.

COUNTERFEITING COIN.

Counterfeiting gold or silver coin.

12 Feb., 1873, c. 131, s. 61, v. 17, p. 434.

16 Jan., 1877, c. 24, v. 19, p. 223.

U. S. v. Gardner, 10 Pet., 618; U. S. v. Marigold, 9 How., 560; U. S. v. King, 5 McLean, 208; U. S. v. Burns, 5 McLean, 23; U. S. v. Morrow, 4 Wash., 733.

SEC. 5457. [*Every person who falsely makes, forges, or counterfeits, or causes, or procures to be falsely made, forged, or counterfeited, or willingly aids, or assists in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay-offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be made, current in the United States, or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, or has in his possession, any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.*] [Every person who falsely makes, forges, or counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay-offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States, or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any other person or persons whatsoever, or has in his possession any such false, forged or counterfeited coin or bars, knowing the same to be false, forged or counterfeited, with intent to defraud any body politic or corporate, or any other person or persons whatsoever, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.]

Counterfeiting minor coins.

12 Feb., 1873, c. 131, s. 62, v. 17, p. 434.

SEC. 5458. Every person who falsely makes, forges, or counterfeits, or causes, or procures to be falsely made, forged, or counterfeited, or willingly aids, or assists in falsely making, forging, or counterfeiting, any coin in the resemblance of similitude of any of the minor coinage which has been, or hereafter may be, coined at the mints of the United States; or who passes, utters, publishes, or sells, or brings into the United States from any foreign place, or has in his possession, any such false, forged, or counterfeited coin, with intent to defraud any person whatsoever, shall be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor not more than three years.

Mutilating coinage.

Ibid., s. 63.

SEC. 5459. Every person who fraudulently, by any art, way, or means, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens the gold and silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use and circulation as money within the United States, shall be imprisoned not more than two years and fined not more than two thousand dollars.

Debasement of coinage, &c., by

SEC. 5460. If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to

the proportion of fine gold or fine silver therein contained; or shall be of less weight or value than the same ought to be, pursuant to law; or if any of the weights used at any of the mints or assay-offices of the United States shall be defaced, increased, or diminished through the fault or connivance of any of the officers or persons who are employed at the said mints or assay-offices, with a fraudulent intent; and if any of the said officers or persons shall embezzle any of the metals at any time committed to their charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay-offices at any time committed to their charge, or of which they may have assumed the charge, every such officer or person who commits any or either of the said offenses shall be imprisoned at hard labor for a term not less than one year nor more than ten years, and shall be fined in a sum not more than ten thousand dollars.

officers of the mint.

Ibid., s. 64

SEC. 5461. Every person who, except as authorized by law, makes or causes to be made, or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be punished by a fine of not more than three thousand dollars, or by imprisonment not more than five years, or both.

Making or uttering coin in resemblance of money.

8 June, 1864, c. 114, v. 13, p. 120.

U. S. *v.* Bejandio, 1 Woods, 294.

SEC. 5462. Every person not lawfully authorized, who makes, issues, or passes, or causes to be made, issued, or passed, any coin, card, token or device in metal or its compounds, which may be intended to be used as money for any one-cent, two-cent, three-cent, or five-cent piece, now or hereafter authorized by law, or for coins of equal value, shall be punished by a fine of not more than one thousand dollars, and by imprisonment not more than five years.

Making or issuing devices of minor coins.

22 April, 1864, c. 66, ss. 2, 5, v. 13, p. 55.

16 May, 1866, c. 81, s. 4, v. 14, p. 47.

POSTAL CRIMES.

SEC. 5463. Any person who shall, with intent to defraud, falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of or purporting to be a money-order issued by the Post-Office Department, or any of its postmasters or agents, or any material signature or indorsement thereon; any person who shall falsely alter, or cause or procure to be altered, or willingly aid or assist in falsely altering any such money-order; any person who shall, with intent to defraud, pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, counterfeited, or altered money-order, knowing the same, or any signature or indorsement thereon, to be false, forged, counterfeited, or altered, shall be punishable by a fine of not more than five thousand dollars, or by imprisonment at hard labor for not less than two years and not more than five years.

Forging postal money-orders.

8 June, 1872, c. 335, s. 116, v. 17, p. 298.

SEC. 5464. Any person who shall forge or counterfeit any postage-stamp, or any stamp printed upon any stamped envelope, postal card, or any die, plate, or engraving therefor; any person who shall make, or print, or knowingly use or sell, or have in possession, with intent to use or sell, any such forged or counterfeited postage-stamp, stamped envelope, postal card, die, plate, or engraving; any person who shall make, or knowingly use or sell, or have in possession, with intent to use or sell, any paper bearing the water-mark of any stamped envelope, postal card, or any fraudulent imitation thereof; any person who shall make or print, or authorize or procure to be made or printed, any postage-stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post-Office Department, without the special authority and direction of the Department; any person who shall, after such postage-stamp, stamped envelope, or postal card, have been printed, and with intent to defraud the postal revenue, deliver the same to any person not authorized by an instrument of writing, duly executed under the hand of the Postmaster-General and the seal of the Post-Office Department, to re-

Counterfeiting postage-stamps, &c.

Ibid., s. 178, p. 305.

ceive them, shall be punished by a fine of not more than five hundred dollars, or by imprisonment at hard labor not more than five years, or by both such fine and imprisonment.

Counterfeiting, &c., foreign stamps.

Ibid., s. 179, p. 306.

SEC. 5465. Any person who shall forge or counterfeit or knowingly utter or use any forged or counterfeited postage-stamp of any foreign government, shall be punished by imprisonment at hard labor of not less than two nor more than ten years.

Injuring mail-matter.

Ibid., s. 278, p. 318.

SEC. 5466. Any person who shall willfully or maliciously injure, deface, or destroy any mail-matter deposited in any letter-box, pillar-box, or other receptacle established by authority of the Postmaster-General for the safe deposit of matter for the mail or for delivery, or who shall willfully aid or assist in injuring such mail-matter, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than three years.

Embezzlement, &c., of letters containing inclosures.

Ibid., s. 279.

U. S. *v.* Hardyman, 13 Pet., 176; U. S. *v.* Nott, 1 McLean, 499; U. S. *v.* Martin, 2 McLean, 256; U. S. *v.* Whitaker, 6 McLean, 342; U. S. *v.* Emerson, 6 McLean, 406; U. S. *v.* Patterson, 6 McLean, 466; U. S. *v.* Sander, 6 McLean, 598; U. S. *v.* Belew, 2 Brock., 280; U. S. *v.* Golding, 2 Cr. C. C., 212; U. S. *v.* Clark, Crabbe, 584; U. S. *v.* Okie, 5 Blatch., 516; U. S. *v.* Randall, 1 Deady, 524; U. S. *v.* Laws, 2 Low., 115.

SEC. 5467. Any person employed in any department of the postal service who shall secrete, embezzle, or destroy any letter, packet, bag, or mail of letters intrusted to him, or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail-carrier, mail-messenger, route-agent, letter-carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General, and which shall contain any note, bond, draft, check, warrant, revenue stamp, postage-stamp, stamped envelope, postal card, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery or any execution which may have issued thereon; any copy of any other record, or any other article of value, or writing representing the same; any such person who shall steal or take any of the things aforesaid out of any letter, packet, bag, or mail of letters which shall have come into his possession, either in the regular course of his official duties or in any other manner whatever, and provided the same shall not have been delivered to the party to whom it is directed, shall be punishable by imprisonment at hard labor for not less than one year nor more than five years.

Meaning of words "intended to be conveyed by mail."

Ibid., s. 280.

SEC. 5468. The fact that any letter, packet, bag, or mail of letters has been deposited in any post-office or branch post-office established by authority of the Postmaster-General, or in any other authorized depository for mail-matter, or in charge of any postmaster, assistant clerk, carrier, agent, or messenger employed in any department of the postal service, shall be evidence that the same was "intended to be conveyed by mail" within the meaning of the two preceding sections.

Stealing or fraudulently obtaining mail, opening valuable letters, &c.

Ibid., s. 281.

U. S. *v.* Parsons, 2 Blatch., 104; U. S. *v.* Marselis, 2 Blatch., 108; U. S. *v.* Cottingham, 2 Blatch., 470; U. S *v.* Foye, 1 Curt. C. C., 164; U. S. *v.*

SEC. 5469. Any person who shall steal the mail, or steal or take from or out of any mail or post-office, branch post-office, or other authorized depository for mail-matter, any letter or packet; any person who shall take the mail, or any letter or packet therefrom, or from any post-office, branch post-office, or other authorized depository for mail-matter, with or without the consent of the person having custody thereof, and open, embezzle, or destroy any such mail, letter, or package which shall contain any note, bond, draft, check, warrant, revenue-stamp, postage-stamp, stamped envelope, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of

attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon; any copy of any other record, or any other article of value, or any writing representing the same; any person who shall, by fraud or deception, obtain, from any person having custody thereof, any such mail, letter, or packet containing any such article of value shall, although not employed in the postal service, be punishable by imprisonment at hard labor for not less than one year and not more than five years. [See § 5535.]

Pond, 2 Curt. C. C., 265; U. S. *v.* Pearce, 2 McLean 14; U. S. *v.* Fisher, 5 McLean, 23; U. S. *v.* Sander, 6 McLean, 598; U. S. *v.* John T. Driscoll, 1 Low., 303.

Receiving articles stolen from the mail.

SEC. 5470. Any person who shall buy, receive, or conceal, or aid in buying, receiving, or concealing, any note, bond, draft, check, warrant, revenue-stamp, postage-stamp, stamped envelope, postal card, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment of money or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittal, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon[;] any copy of any other record, or any other article of value or writing representing the same, knowing any such article or thing to have been stolen or embezzled from the mail, or out of any post-office, branch post-office, or other authorized depository for mail-matter, or from any person having custody thereof, shall be punishable by a fine of not more than two thousand dollars, and by imprisonment at hard labor for not more than five years.

Ibid., s. 283, p. 319.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 253.

U. S. *v.* Hardyman, 13 Pet., 176.

Stealing, detaining, or destroying newspapers.

SEC. 5471. Any person employed in any department of the postal service who shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed, shall be punishable by a fine of not more than fifty dollars. And if any other person shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same, he shall be punishable by a fine of not more than twenty dollars. And any person who shall take or steal any mail or package of newspapers from any post office, or from any person having custody thereof, shall be imprisoned at hard labor for not more than three months.

8 June, 1872, *c.* 335, *s.* 284, *v.* 17, *p.* 320.

Robbery of the mail.

SEC. 5472. Any person who shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punishable by imprisonment at hard labor for not less than five years and not more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of dangerous weapons, such offender shall be punishable by imprisonment at hard labor for the term of his natural life. [See § 5534.]

Ibid., *s.* 285.

Attempting to rob the mail.

SEC. 5473. Any person who shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with dangerous weapons, and shall not effect such robbery, shall be punishable by imprisonment at hard labor for not less than two years and not more than ten years.

Ibid., *s.* 287.

Deserting the mail.

Ibid., s. 288.

SEC. 5474. Any person who shall have taken charge of the mail and shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route, or to some known mail-carrier, messenger, agent, or other employé of the Post-Office Department authorized to receive the same, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not less than three months nor more than one year.

Stealing post-office property.

Ibid., s. 290.

SEC. 5475. Any person who shall steal, purloin, or embezzle any mail-bag or other property in use by or belonging to the Post-Office Department, or who shall, for any lucre, gain, or convenience, appropriate any such property to his own or any other than its proper use, or who shall, for any lucre or gain, convey away any such property to the hinderance or detriment of the public service; if the value of the property be twenty-five dollars or more, the offender shall be punishable by imprisonment at hard labor for not more than three years, and if the value of the property be less than twenty-five dollars, the offender shall be punishable by imprisonment for not more than one year, or by a fine of not less than ten dollars and not more than two hundred dollars.

Injuring mail-bags, &c.

Ibid., s. 291, p. 321.

SEC. 5476. Any person who shall tear, cut, or otherwise injure any mail-bag, pouch, or other thing used or designed for use in the conveyance of the mail, or who shall draw or break any staple, or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be punishable by a fine of not less than one hundred dollars and not more than five hundred, or by imprisonment at hard labor for not less than one year and not more than three years.

Stealing or forging mail locks or keys.

Ibid., s. 292.

SEC. 5477. Any person who shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embezzling, or obtaining by any false pretense, any key suited to any lock adopted by the Post-Office Department, and in use on any of the mails or bags thereof; any person who shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, or knowingly aid or assist in making, forging, or counterfeiting, any such key; any person who shall have in his possession any such mail lock or key, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or any person engaged as contractor or otherwise in the manufacture of any such mail locks or keys who shall deliver, or cause to be delivered, any finished or unfinished lock or key used or designed for use by the Department, or the interior part of any such lock, to any person not duly authorized, under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive the same, unless the person receiving is the contractor for furnishing the same, or engaged in the manufacture thereof in the manner authorized by the contract, or the agent for such manufacturer, shall be punishable by imprisonment at hard labor for not more than ten years.

Breaking and entering post-office.

Ibid., s. 293.

SEC. 5478. Any person who shall forcibly break into, or attempt to break into any post-office, or any building used in whole or in part as a post-office, with intent to commit therein larceny or other depredation, shall be punishable by a fine of not more than one thousand dollars, and by imprisonment at hard labor for not more than five years.

Counterfeiting bid, bond, &c.

Ibid., s. 294.

27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 253.

SEC. 5479. If any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause [*to*] [or] procure to be transmitted to, or presented at, the office of any officer of the United States, any such false,

forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such punishments. [See § 5418.]

Sending letters through the mail with intent to defraud.

8 June, 1872, c. 335, s. 301, v. 17, p. 323.

SEC. 5480. If any person having devised or intending to devise any scheme or artifice to defraud, or be effected by either opening or intending to open correspondence or communication with any other person, whether resident within or outside of the United States, by means of the Post-Office Establishment of the United States, or by inciting such other person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice, or attempting so to do, place any letter or packet in any post-office of the United States, or take or receive any therefrom, such person, so misusing the Post-Office Establishment, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not more than eighteen months, or by both such punishments. The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the Post-Office Establishment enters as an instrument into such fraudulent scheme and device.

CHAPTER SIX.

OFFICIAL MISCONDUCT, ETC.

Sec.
5481. Officer of the United States guilty of extortion.
5482. Inspector of steamboats receiving illegal fees.
5483. Receipting for larger sums than are paid.
5484. Extortion by internal-revenue informers.
5485. Attorney for pensions demanding more than legal fee, &c.
5486. Embezzlement of pension by guardian.
5487. Pension-agent taking fee, &c.
5488. Disbursing-officer unlawfully depositing, converting, loaning, or transferring public money.
5489. Failure of Treasurer, &c., to safely keep public money.
5490. Custodian of public money failing to safely keep, without loaning, &c.
5491. Failure of officers to render accounts, &c.
5492. Failure to deposit as required.
5493. Provisions of the five preceding sections, how applied.
5494. Record evidence of embezzlement.
5495. Prima-facie evidence.
5496. Evidence of conversion.
5497. Unlawfully receiving, &c., to be embezzlement.
5498. Officers, &c., interested in claims.
5499. Judge accepting a bribe, &c.
5500. Member of Congress accepting bribe, &c.
5501. United States officer accepting bribe, &c.
5502. Forfeiture of office.
5503. Officer of the Government contracting beyond specific appropriation.
5504. Officers of United States courts failing to deposit moneys, &c.
5505. Receiving loan or deposit from officer of court.

Officer of the United States guilty of extortion.

3 Mar., 1825, c. 65, s. 12, v. 4, p. 118. 3 *Mar.*, 1875, *c.* 144, *v.* 18, *p.* 479.

SEC. 5481. Every officer of the United States who is guilty of extortion under color of his office shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than one year, except those officers or agents of the United States otherwise differently and specially provided for in subsequent sections of this chapter.

Inspector of steamboats receiving illegal fees.

30 Aug., 1852, c. 106, s. 37, v. 10, p. 74.

SEC. 5482. Every inspector of steamboats who, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall forfeit his office, and be otherwise punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months, or by both. [See §§ 4309-4462.]

Receipting for larger sums than are paid.

SEC. 5483. Every officer charged with the payment of any of the appropriations made by any act of Congress, who pays to any clerk, or other employé of the United States, a sum less than that provided by

3 Mar., 1853, c. 104, s. 4, v. 10, p. 239.

law, and requires such employé to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employé of the Government, and shall be imprisoned at hard labor for the term of two years.

Extortion by internal-revenue informers.

13 July, 1866, c. 184, s. 8, v. 14, p. 146.

SEC. 5484. Every person who shall receive any money or other valuable thing under a threat of informing, or as a consideration for not informing against any violation of any internal-revenue law, shall, on conviction thereof, be punished by a fine not exceeding two thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

Attorney for pensions demanding more than legal fee, &c.

3 Mar., 1873, c. 234, s. 31, v. 17, p. 575.

SEC. 5485. Any agent or attorney, or any other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand, or receive or retain any greater compensation for his services, or instrumentality in prosecuting a claim for pension or bounty land than is provided in the Title pertaining to pensions, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court. [See §§ 4785, 4786.]

Embezzlement of pension by guardian.

Ibid.

SEC. 5486. If any guardian having the charge and custody of the pension of his ward shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, he shall be punished by fine not exceeding two thousand dollars, or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court. [Rs 4783.]

Pension-agent taking fee, &c.

8 July, 1870, c. 225, s. 4, v. 16, p. 194.

SEC. 5487. Every pension-agent, or other person employed or appointed by him, who takes, receives, or demands any fee or reward from any pensioner for any service in connection with the payment of his pension, shall be fined not more than five hundred dollars. [See § 4784.]

Disbursing officer unlawfully depositing, converting, loaning, or transferring public money.

14 June, 1866, c. 122, s. 2, v. 14, p. 64.

SEC. 5488. Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depository, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment. [See §§ 3620, 5497.]

Failure of Treasurer, &c., to safely keep public moneys.

3 Mar., 1857, c. 114, s. 2, v. 11, p. 249.

SEC. 5489. If the Treasurer of the United States, or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. [See § 3639.]

Custodians of public money failing to safely keep, without loaning, &c.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

SEC. 5490. Every officer or other person charged by any act of Congress with the safe-keeping of the public moneys, who fails to safely keep the same, without loaning, using, converting to his own use, depositing in banks, or exchanging for other funds than as specially allowed by law, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged; and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. [See § 3639.]

Failure of officer to render accounts, &c.

SEC. 5491. Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled, and shall be imprisoned not less than six months or more than ten years. [See §§ 3622, 3633.]

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.
17 July, 1862, c. 199, s. 1, v. 12, p. 593.
2 Mar., 1867, Res. 48, v. 14, p. 571.
15 July, 1870, c. 295, s. 15, v. 16, p. 334.

Failure to deposit as required.

SEC. 5492. Every person who, having moneys of the United States in his hands or possession, fails to make deposit of the same with the Treasurer, or some assistant treasurer, or some public depositary of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper Department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money embezzled.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.
3 Mar., 1857, c. 114, s. 3, v. 11, p. 249.

Provisions of the five preceding sections, how applied.

SEC. 5493. The provisions of the five preceding sections shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same. [See §§ 3615-3652.]

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.
8 *Feb.*, 1875, *c.* 36, *s.* 23, *v.* 18, *p.* 312.

Record evidence of embezzlement.

SEC. 5494. Upon the trial of any indictment against any person for embezzling public money under the provisions of the six preceding sections, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money. [See §§ 3625, 3633.]

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

Prima-facie evidence.

SEC. 5495. The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money, to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, as prima-facie evidence of such embezzlement. [See § 3644.]

Ibid.

Evidence of conversion.

SEC. 5496. If any officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the Treasury Department to be allowed in his favor, any receipt or voucher from a creditor of the United States, without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion, by such officer, to his own use, of the amount specified in such receipt or voucher. [See § 3652.]

Ibid.

Unlawfully receiving, &c., to be embezzlement.

SEC. 5497. Every banker, broker, or other person not an authorized depositary of public moneys, who knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or who uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law, and every president, cashier, teller, director, or other officer of any bank or banking association, who violates any of the provisions of this section, is guilty of an act of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be punished as prescribed in section fifty-four hundred and eighty-eight. [See §§ 3639, 3651.]

14 June, 1866, c. 122, s. 3, v. 14, p. 65.

Officers, &c., interested in claims.

SEC. 5498. Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the

26 Feb., 1853, c. 81, s. 2, v. 10, p. 170.

United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both.

Judge accepting a bribe, &c.

30 April, 1790, c. 9, s. 21, v. 1, p. 117.

SEC. 5499. Every judge of the United States, who in anywise accepts or receives any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, shall be fined and imprisoned at the discretion of the court, and shall be forever disqualified to hold any office of honor, trust, or profit under the United States. [See § 5449.]

Member of Congress accepting bribe, &c.

26 Feb., 1853, c. 81, s. 6, v. 10, p. 171.

SEC. 5500. Any member of either House of Congress who asks, accepts, or receives any money, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, either before or after he has been qualified or has taken his seat as such member, with intent to have his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either house, or before any committee thereof, influenced thereby, shall be punished by a fine not more than three times the amount asked, accepted, or received, and by imprisonment not more than three years. [See § 5450.]

United States officer accepting bribe, &c.

Ibid.

3 Mar., 1863, c. 76, s. 6, v. 12, p. 740.

13 July, 1866, c. 184, s. 62, v. 14, p. 168.

18 July, 1866, c. 201, s. 35, v. 14, p. 186.

3 *Mar.*, 1875, *c.* 144, *r.* 18, *p.* 479.

SEC. 5501. Every officer of the United States, and every person acting for or on behalf of the United States, in any official capacity under or by virtue of the authority of any department or office of the Government thereof; and every officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, who asks, accepts, or receives any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may, at any time, be pending, or which may be by law brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be punished as prescribed in the preceding section. [See § 5451.]

Forfeiture of office.

26 Feb., 1853, c. 81, s. 6, v. 10, p. 171.

SEC. 5502. Every member, officer, or person, convicted under the provisions of the two preceding sections, who holds any place of profit or trust, shall forfeit his office or place; and shall thereafter be forever disqualified from holding any office of honor, trust, or profit under the United States.

Officer of the Government contracting beyond specific appropriation.

25 July, 1868, c. 233, s. 3, v. 15, p. 177.

SEC. 5503. Every officer of the Government who knowingly contracts for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be punished by imprisonment not less than six months nor more than two years, and shall pay a fine of two thousand dollars. [See § 3733.]

Officers of United States courts failing to deposit moneys, &c.

24 Mar., 1871, c. 2, ss. 1, 4, v. 17, pp. 1, 2.

18 *Feb.*, 1875, *c.* 80, *r.* 18, *p.* 320.

SEC. 5504. Every clerk or other officer of a court of the United States, who fails forthwith to deposit any money belonging in the registry of the court, or hereafter paid into court or received by the officers thereof, with the Treasurer, [*and*] assistant treasurer, or [*of*] a designated depositary of the United States, in the name and to the credit of such court, or who retains or converts to his own use or to the use of another any such money, is guilty of embezzlement, and shall be punished by fine not less than five hundred dollars, and not more than the amount embezzled, or by imprisonment not less than one year nor more than ten years, or by both such fine and imprisonment; but nothing herein shall be held to prevent

the delivery of any such money upon security, according to agreement, of parties under the direction of the court. [See §§ 3616, 3617.]

SEC. 5505. Every person who knowingly receives, from a clerk or other officer of a court of the United States, any money belonging in the registry of such court as a deposit, loan, or otherwise, is guilty of embezzlement, and shall be punished as prescribed in the preceding section.

Receiving loan or deposit from officer of court.

24 Mar., 1871, c. 2, s. 5, v. 17, p. 2.

CHAPTER SEVEN.

CRIMES AGAINST THE ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS.

Sec.
5506. Preventing, &c., citizens from voting.
5507. Intimidating voters by bribery or threats.
5508. Conspiracy to injure or intimidate citizens in the exercise of civil rights.
5509. Other crimes committed while violating the preceding sections.
5510. Depriving citizens of civil rights under color of State laws.
5511. Fraudulent voting, &c., at elections for Representatives to Congress.
5512. Fraudulent registration, &c.
5513. What deemed a registration under last section.
5514. Voting or offering to vote in certain cases prima-facie evidence, &c.
5515. Violation of duty by officers of election.
5516. Obstructing execution of process in civil-rights cases, &c.
5517. Marshal refusing to receive or execute process.
5518. Conspiracy to prevent accepting or holding office under United States, &c.

Sec.
5519. Conspiracy to deprive any person of the equal protection of the laws.
5520. Conspiracy to prevent the support of any candidate, &c.
5521. Supervisor of election, &c., neglecting to discharge duties.
5522. Interfering with supervisor of election, marshals, or deputies.
5523. Obstructing verification of registration-lists, &c.
5524. Receiving or carrying away any person to be sold or held as a slave.
5525. Kidnaping.
5526. Holding or returning persons to peonage.
5527. Obstructing execution of laws prohibiting peonage.
5528. Unlawful presence of troops at elections.
5529. Intimidation of voters by officers, &c., of Army or Navy.
5530. Officers of Army or Navy prescribing qualifications of voters.
5531. Officers, &c., of Army or Navy interfering with officers of election, &c.
5532. Disqualification for holding office.

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school-district, municipality, or other territorial subdivision, shall be fined not less than five hundred dollars, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment. [See §§ 2004–2010.]

Preventing, &c., citizens from voting.

31 May, 1870, c. 114, s. 4, v. 16, p. 141. 3 *Mar.*, 1875, *c.* 145, *v.* 18, *pp.* 479, 480.

U. S. *v.* Reese, 92 U. S., 214; U. S. *v.* Cruikshank et al., 92 U. S., 542; Seeley *v.* Koox, 2 Woods, 368.

SEC. 5507. Every person who prevents, hinders, controls, or intimidates another from exercising, or in exercising the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

Intimidating voters by bribery or threats.

31 May, 1870, c. 116, s. 5, v. 16, p. 141.

Slaughter-house Case, 1 Woods, 21.

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, more-

Conspiracy to injure or intimidate citizens in the exercise of civil rights.

Ibid., s. 6.

U. S. *v.* Cruikshank et al., 1 Woods, 308.

over, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. [See § 5407.]

Other crimes committed while violating the preceding sections.

Ibid., s. 7.

SEC. 5509. If in the act of violating any provision in either of the two preceding sections any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

Depriving citizens of civil rights under color of State laws.

Ibid., s. 17, p. 144.

SEC. 5510. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any State or Territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both. [See § 1979.]

Fraudulent voting, &c., at elections for Representative to Congress.

Ibid., s. 19.

U. S. *v.* Souders, 2 Abb. C. C., 456. U. S. *v.* Anthony, 11 Blatch., 200; U. S. *v.* Hendric, 2 Saw., 476 and 479; U. S. *v.* O'Neill, 2 Saw., 481; U. S. *v.* Johnson, 2 Saw., 482.

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

Fraudulent registration, &c.

28 Feb., 1871, c. 99, s. 1, v. 16, p. 433. 31 May, 1870, c. 114, s. 20, v. 16, p. 145.

U. S. *v.* Quinn, 8 Blatch., 48; U. S. *v.* Hirchsfield, 13 Blatch., 330; Harrison *v.* Hadley, 2 Dill., 229.

SEC. 5512. If, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, know-

ingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises, any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section.

What deemed a registration under last section.

SEC. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, territorial, or municipal election.

28 Feb., 1871, c. 99, s. 1, v. 16, p. 433.

Voting or offering to vote in certain cases, prima-facie evidence, &c.

SEC. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained, on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, territorial, municipal, or local officers, it shall be deemed sufficient prima-facie evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offenses denounced in this chapter with reference to such ticket or ballot.

31 May, 1870, c. 114, s. 21, v. 16, p. 145.

Violation of duty by officers of election.

SEC. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section fifty-five hundred and [*ten*] [eleven.] [See § 5511.]

Ibid., s. 22.

18 *Feb.*, 1875, *c.* 80, *v.* 18, *p.* 320.

U. S. *v.* Clayton, 19 Am. L. Rep., 377; U. S. *v.* Clayton, 2 Dill., 219; Harrison *v.* Hadley, 2 Dill., 229.

Obstructing execution of process in civil-rights cases, &c.

SEC. 5516. Every person who willfully obstructs, hinders, or prevents any officer or other person charged with the execution of any warrant or process issued under the provisions of sections nineteen hundred and eighty-four and nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or any person lawfully assisting him, from arresting any person for whose apprehension such warrant or process may have been issued; or rescues, or attempts to rescue, such person from the custody of the officer or other person lawfully assisting when so arrested, pursuant to the authority herein given; or aids, abets, or assists any person so arrested, directly or indirectly, to escape from the custody of the officer or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any of such offenses, be subject to a fine of not more than one thousand dollars, or imprisonment not more than six months, or both.

31 May, 1870, c. 114, s. 11, v. 16, p. 142.

Marshal refusing to receive or execute process.

SEC. 5517. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance

Ibid., s. 10.

of the provisions of section nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of one thousand dollars, for the benefit of the party aggrieved thereby.

Conspiracy to prevent accepting or holding office under United States, &c.

31 July, 1861, c. 33, v. 12, p. 284.
20 April, 1871, c. 22, s. 2, v. 17, p. 13.

SEC. 5518. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See § 5407.]

Conspiracy to deprive any person of the equal protection of the laws.

20 April, 1871, c. 22, s. 2, v. 17, pp. 13, 14.

SEC. 5519. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See § 5336.]

Conspiracy to prevent the support of any candidate, &c.

Ibid.

SEC. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of the Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

Supervisors of election, &c., neglecting to discharge duties.

28 Feb., 1871, c. 99, s. 11, v. 16, p. 437.

SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of Title "THE ELECTIVE FRANCHISE," and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than two hundred dollars and not more than five hundred dollars, or by both fine and imprisonment, and shall pay the costs of prosecution. [See §§ 2011-2031.]

Interfering with supervisors of election, marshals, or deputies.

Ibid., s. 10, p. 436.

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election,

or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the cost of the prosecution.

Obstructing verification of registration lists, &c.

SEC. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of Title "THE ELECTIVE FRANCHISE," refuses to answer, or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than thirty days, or by a fine of not more than one hundred dollars, or by both, and shall pay the costs of the prosecution. [See §§ 2016, 2026.]

Ibid.

Receiving on board a vessel or carrying away any person to be sold or held as a slave.

SEC. 5524. Every master or owner or person having charge of any vessel who receives on board any other person, with the knowledge or intent that such person is to be carried from any State, Territory, or district of the United States to a foreign country, state, or place, to be held or sold as a slave, or carries away from any State, Territory, or district of the United States any such person, with the intent that he may be so held or sold as a slave, shall be punished by a fine of not more than five thousand nor less than five hundred dollars, or by imprisonment not more than five years, or by both. [See § 5379.]

21 May, 1866, c. 86, s. 2, v. 14, p. 50.

Kidnaping.

SEC. 5525. Every person who kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment not more than five years, or by both. [See § 5375.]

Ibid., s. 1.

23 *June*, 1874, *c.* 464, *v.* 18, *p.* 251.

Holding or returning persons to peonage.

SEC. 5526. Every person who holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one year nor more than five years, or by both. [See § 1990.]

2 Mar., 1867, c. 187, s. 1, v. 14, p. 546.

Obstructing execution of laws prohibiting peonage.

SEC. 5527. Every person who obstructs or attempts to obstruct, or in any way interferes with, or prevents the enforcement of, the preceding section, shall be liable to the pains and penalties therein prescribed. [See § 1991.]

Ibid., s. 2.

Unlawful presence of troops at elections.

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months nor more than five years. [See § 2002.]

25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

Intimidation of voters by officers, &c., of Army or Navy.

SEC. 5529. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from

Ibid., s. 2.

freely exercising the right of suffrage at any general or special election in such State, shall be fined not more than five thousand dollars, and imprisoned at hard labor not more than five years. [See § 2003.]

Officers of Army or Navy prescribing qualifications of voters.

Ibid., s. 1.

SEC. 5530. Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State, shall be punished as provided in the preceding section. [See § 2003.]

Officers, &c., of Army or Navy interfering with officer of election, &c.

Ibid., s. 2.

SEC. 5531. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section fifty-five hundred and twenty-nine.

Disqualification for holding office.

Ibid., ss. 1, 2.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections, shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

CHAPTER EIGHT.

THE PUNISHMENT OF ACCESSORIES.

Sec.
5533. Accessory after the fact to murder, robbery, or piracy.
5534. Accessory to robbery of the mail.
5535. Accessory to stealing mail-matter.

Accessory after the fact to murder, robbery, or piracy.

SEC. 5533. Every accessory after the fact to murder, robbery, or piracy, shall be imprisoned not more than three years, and fined not more than five hundred dollars. [See § 5324.]

30 April 1790, c. 9, s. 11, v. 1, p. 114. 3 *Mar.*, 1875, *c.* 145, *r.* 18, *pp.* 479, 480.

Accessory to robbery of the mail.

SEC. 5534. Every accessory after the fact to any robbery of the carrier, agent, or other person intrusted with the mail, of such mail or of any part thereof, shall be fined not more than two thousand dollars, and be imprisoned at hard labor not more than ten years. [See § 5472.]

8 June, 1872, c. 335, s. 286, v. 17, p. 320. U. S. *v.* Crane, 4 McLean, 317.

Accessory to stealing mail-matter.

SEC. 5535. Every accessory after the fact to the offense of stealing or taking any letter, or other mail-matter, or any inclosure therein, shall be fined not more than one thousand dollars, and be imprisoned not more than five years. [See §§ 5467, 5469, 5471.]

2 July, 1836, c. 270, s. 38, v. 5, p. 88.

CHAPTER NINE.

PRISONERS AND THEIR TREATMENT.

Sec.
5536. Expenses for prisoners to be paid by the United States.
5537. Places of confinement.
5538. Marshal to make provision for safe-keeping of prisoners.
5539. United States convicts in State penitentiaries.
5540. Selection of penitentiary where a judicial district is divided.
5541. Sentences to imprisonment for more than a year, where to be executed.
5542. Penitentiary sentences, where to be executed.
5543. Deductions from term of imprisonment for good conduct.
5544. Application of preceding section.
5545. Actual reasonable cost of subsisting prisoners to be paid.
5546. Designation of penitentiary by Attorney-General.
5547. Attorney-General to contract for subsistence, &c.
5548. Court may order sentences executed in house of correction.
5549. Confinement of juvenile offenders.
5550. Attorney-General to contract for their subsistence, &c.

Expenses for prisoners to be paid by the United States.

SEC. 5536. All the expenses attendant upon the transportation from place to place, and upon the temporary or permanent confinement of persons arrested or committed under the laws of the United States, as well as upon the execution of any sentence of a court thereof respecting them, shall be paid out of the Treasury of the United States in the manner provided by law.

3 Mar., 1865, c. 86, s. 3, v. 13, p. 500. 3 *Mar.*, 1875, *c.* 145, *v.* 18, *pp.* 479, 480.

3 Mar., 1821, Res. No. 2, v. 3, p. 646.
3 Mar., 1835, c. 40, s. 5, v. 4, p. 777.

Places of confinement.

SEC. 5537. In a State where the use of jails, penitentiaries, or other houses is not allowed for the imprisonment of persons arrested or committed under the authority of the United States, any marshal in such State, under the direction of the judge of the district, may hire, or otherwise procure, within the limits of such State, a convenient place to serve as a temporary jail.

Randolph *v.* Donaldson, 9 Cr., 76; McNutt *v.* Bland, 2 How., 9.

3 Mar., 1821, Res. No. 2, v. 3, p. 646.
2 Mar., 1833, c. 57, s. 6, v. 4, p. 634.

Marshal to make provision for safe-keeping of prisoners.

SEC. 5538. The marshal shall make such other provision as he may deem expedient and necessary for the safe-keeping of the prisoners arrested or committed under the authority of the United States, until permanent provision for that purpose is made by law.

Ibid.

United States convicts in State penitentiaries.

SEC. 5539. Whenever any criminal, convicted of any offense against the United States, is imprisoned in the jail or penitentiary of any State or Territory, such criminal shall in all respects be subject to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which such jail or penitentiary is situated; and while so confined therein shall be exclusively under the control of the officers having charge of the same, under the laws of such State or Territory.

30 June, 1834, c. 163, v. 4, p. 739.

Selection of penitentiary where a judicial district is divided.

SEC. 5540. Where a judicial district has been or may hereafter be divided, the circuit and district courts of the United States shall have power to sentence any one convicted of an offense punishable by imprisonment at hard labor to the penitentiary within the State, though it be out of the judicial district in which the conviction is had.

28 Mar., 1856, c. 9, s. 1, v. 11, p. 2.

Sentences to imprisonment for more than a year, where to be executed.

SEC. 5541. In every case where any person convicted of any offense against the United States is sentenced to imprisonment for a period longer than one year, the court by which the sentence is passed may order the same to be executed in any State jail or penitentiary within the district or State where such court is held, the use of which jail or penitentiary is allowed by the legislature of the State for that purpose.

3 Mar., 1865, c. 86, s. 3, v. 13, p. 500.

Penitentiary sentences, where to be executed.

SEC. 5542. In every case where any criminal convicted of any offense against the United States is sentenced to imprisonment and confinement to hard labor, it shall be lawful for the court by which the sentence is passed to order the same to be executed in any State jail or penitentiary within the district or State where such court is held, the use of which jail or penitentiary is allowed by the legislature of the State for that purpose.

3 Mar., 1825, c. 65, s. 15, v. 4, p. 118.

Deductions from term of imprison-

SEC. 5543. All prisoners who have been, or may be, convicted of any offense against the laws of the United States, and confined in any State

ment for good conduct.

2 Mar., 1867, c. 146, v. 14, p. 424. 5 Mar., 1872, c. 30, s. 1, v. 17, p. 35.

jail or penitentiary in execution of the judgment upon such conviction, who so conduct themselves that no charge for misconduct is sustained against them, shall have a deduction of one month in each year made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden or keeper of such jail or penitentiary, with the approval of the Attorney-General.

Application of preceding section.

14 June, 1870, c. 128, v. 16, p. 151.

SEC. 5544. The preceding section, however, shall apply to such prisoners only as are confined in jails or penitentiaries where no credits for good behavior are allowed; but, in other cases, all prisoners now or hereafter confined in the jails or penitentiaries of any State for offenses against the United States, shall be entitled to the same rule of credits for good behavior applicable to other prisoners in the same jail or penitentiary.

Actual reasonable cost of subsisting prisoners to be paid.

12 May, 1864, c. 85, s. 3, v. 13, p. 75. 5 Mar., 1872, c. 30, s. 1, v. 17, p. 35.

SEC. 5545. Hereafter there shall be allowed and paid by the Attorney-General, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it reasonably and actually cost to subsist them. And it shall be the duty of the Attorney-General to prescribe such regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this chapter, as will enable him to determine the actual and reasonable expenses incurred.

Designation of penitentiary by Attorney-General.

12 May, 1864, c. 85, s. 1, v. 13, p. 74. 5 Mar., 1872, c. 30, s. 1, v. 17, p. 35. 12 *July*, 1876, c. 183, *v.* 19, *v.* 88.

SEC. 5546. [*All persons who have been, or who may hereafter be, convicted of crime, by any court of the United States, whose punishment is imprisonment, in a district or Territory where, at the time of conviction, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the district or Territory where the conviction has occurred;' and if the conviction be had in the District of Columbia, in such case the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Attorney-General, out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences.*] [All persons who have been, or who may hereafter be, convicted of crime by any court of the United States whose punishment is imprisonment in a District or Territory where, at the time of conviction, or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Attorney-General, out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective

sentences. And the place of imprisonment may be changed in any case, when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel or improper treatment: *Provided, however*, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner, or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf.]

Attorney-General to contract for subsistence, &c.

SEC. 5547. The Attorney-General shall contract with the managers or proper authorities having control of such prisoners, for the imprisonment, subsistence, and proper employment of them, and shall give the court having jurisdiction of such offenses notice of the jail or penitentiary where such prisoners will be confined.

12 May, 1864, c. 85, s. 2, v. 13, p. 75.
5 Mar., 1872, c. 30, s. 1, v. 17, p. 35.

Court may order sentences executed in house of correction.

SEC. 5548. Whenever any person is convicted of any offense against the United States which is punishable by fine and imprisonment, or by either, the court by which the sentence is passed may order the sentence to be executed in any house of correction or house of reformation for juvenile delinquents within the State or district where such court is held, the use of which is authorized by the legislature of the State for such purpose.

3 Mar., 1835, c. 40, s. 5, v. 4, p. 777.

Confinement of juvenile offenders.

SEC. 5549. Juvenile offenders against the laws of the United States, being under the age of sixteen years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden, only, shall be paid by the Attorney-General, out of the judiciary fund.

3 Mar., 1865, c. 121, s. 1, v. 13, p. 538.
5 Mar., 1872, c. 30, s. 1, v. 17, p. 35.

Attorney-General to contract for their subsistence, &c.

SEC. 5550. The Attorney-General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney-General.

3 Mar., 1865, c. 121, s. 2, v. 13, p. 538.
5 Mar., 1872, c. 30, s. 1, v. 17, p. 35.

TITLE LXXI.

THE SLAVE-TRADE.

Sec.
5551. Equipping, &c., vessel for slave-trade; forfeiture of vessel.
5552. Penalty on persons building, equipping, &c.
5553. Forfeiture of vessel transporting slaves.
5554. Penalty for receiving persons on board to be sold as slaves.
5555. Forfeiture of vessel found hovering on coast, &c.
5556. Forfeiture of interest in vessels transporting slaves.
5557. Seizure of vessels engaged in the slave-trade.
5558. Proceeds of condemned vessels, how distributed.
5559. Disposal of persons found on board seized vessels.
5560. Apprehension of officers and crew.
5561. Removal of persons delivered from seized vessels.
5562. Bounty.
5563. To what port captured vessels sent.
5564. When owners of foreign vessels shall give bond.
5565. Distribution of penalties.
5566. Contracts for reception in Africa of persons delivered from seized vessels.
5567. Instructions to commanders of armed vessels.
5568. Contracts for reception, &c., in West Indies of persons delivered from seized vessels.
5569. Instructions to commanders of armed vessels.

Equipping, &c., vessel for slave-trade; forfeiture of vessel.

20 April, 1818, c. 91, s. 2, v. 3, p. 451.
22 Mar., 1794, c. 11, s. 1, v. 1, p. 347.
3 *Mar.*, 1875, *c.* 145, *v.* 18, *pp.* 479, 480.

The Slavers, 2 Wall., 350, 366, 375, 383.

SEC. 5551. No person shall, for himself, or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel, in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person who sues for the forfeiture, and prosecutes the same to effect. [See §§ 5375–5382.]

Penalty on persons building, equipping, &c.

22 Mar., 1794, c. 11, s. 2, v. 1, p. 349.

SEC. 5552. Every person so building, fitting out, equipping, loading, or otherwise preparing or sending away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the preceding section, or any ways aiding or abetting therein, shall, besides the forfeiture of the vessel, pay the sum of two thousand dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect. [See § 5378.]

Forfeiture of vessel transporting slaves.

20 April, 1818, c. 91, s. 4, v. 3, p. 451.
10 May, 1800, c. 51, s. 4, v. 2, p. 71.

SEC. 5553. Every vessel employed in carrying on the slave-trade, or on which is received or transported any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the United States, and the other to the use of the person who sues for and prosecutes the forfeiture to effect. [See §§ 5378, 5379.]

Penalty for receiving persons on board to be sold as slaves.

22 Mar., 1794, c. 11, s. 4, v. 1, p. 349.

SEC. 5554. If any citizen of the United States takes on board, receives, or transports any negro, mulatto, or person of color, for the purpose of selling such person as a slave, he shall, in addition to the forfeiture of the vessel, pay for each person, so received on board or transported, the sum of two hundred dollars, to be recovered in any court of the United States; the one moiety thereof to the use of the United States, and the other moiety to the use of the person who sues for and prosecutes the same to effect. [See §§ 5379, 5524, 5526.]

Forfeiture of vessel found hovering on coasts of United States, &c.

SEC. 5555. Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, and having on board any

negro, mulatto, or person of color, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States. [See § 5380.]

2 Mar., 1807, c. 22, s. 7, v. 2, p. 428.

Forfeiture of interest in vessels transporting slaves.

SEC. 5556. It shall be unlawful for any citizen of the United States, or other person residing within them, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same; and every person transgressing the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves, which at any time may be transported or carried in such vessel.

10 May, 1800, c. 15, s. 1, v. 2, p. 70.

Seizure of vessels engaged in the slave-trade.

SEC. 5557. The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave-trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any negro, mulatto, or person of color, in violation of the provisions of any act of Congress prohibiting the traffic in slaves. [See § 2163.]

10 May, 1800, c. 51, s. 4, v. 2, p. 71.
2 Mar., 1807, c. 22, s. 7, v. 2, p. 428.
3 Mar., 1819, c. 101, s. 1, v. 3, p. 532.

Proceeds of condemned vessels, how distributed.

SEC. 5558. The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who seize, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof; and the same shall be distributed as is provided by law for the distribution of prizes taken from an enemy.

Ibid.

Disposal of persons found on board seized vessels.

SEC. 5559. The officers and men, to be entitled to one-half of the proceeds mentioned in the last section, shall safely keep every negro, mulatto, or person of color, found on board of any vessel so seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or person of color, to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law; transmitting to the President, as soon as may be after such delivery, a descriptive list of such negroes, mulattoes, or persons of color, in order that he may give directions for the disposal of them.

3 Mar., 1819, c. 101, s. 1, v. 3, p. 532.

Apprehension of officers and crew.

SEC. 5560. The commanders of such commissioned vessels shall cause to be apprehended, and taken into custody, every person found on board of such offending vessel, so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law. [See §§ 5381, 5382.]

Ibid.
10 May, 1800, c. 51, s. 4, v. 2, p. 71.

Removal of persons delivered from seized vessels.

SEC. 5561. The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be delivered and brought within their jurisdiction; and to appoint a proper person residing upon the coast of Africa as agent, for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels.

3 Mar., 1819, c. 101, s. 2, v. 3, p. 533.

Bounty.

SEC. 5562. A bounty of twenty-five dollars shall be paid to the officers and crews of the commissioned vessels of the United States, or revenue-cutters, for each negro, mulatto, or person of color, who may be, as here-

Ibid., s. 3.

inbefore provided, delivered to the marshal or agent duly appointed to receive such person; and the Secretary of the Treasury is required to pay, or cause to be paid, to such officers and crews, or their agent, such bounty for each person so delivered.

To what port captured vessels sent.

Ibid., s. 5, p. 534.

SEC. 5563. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some of the ports of the State or Territory to which such vessel so captured may belong, if he can ascertain the same; if not, then to be sent into any convenient port of the United States.

When owners of foreign vessels shall give bond.

22 Mar., 1794, c. 11, s. 3, v. 1, p. 349.

SEC. 5564. Every owner, master, or factor of any foreign vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave-trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board such vessel, to be transported or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

Distribution of penalties.

10 May, 1800, c. 51, s. 7, v. 2, p. 71.

SEC. 5565. The forfeitures which may hereafter be incurred under any of the preceding provisions, and which are not otherwise expressly disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution is first instituted on behalf of the United States, in which case the whole shall be to their use.

Contracts for reception in Africa of persons delivered from seized vessels.

16 June, 1860, c. 136, s. 1, v. 12, p. 40.

SEC. 5566. It may be lawful for the President to enter into contract with any person, society, or body corporate, for a term not exceeding five years, to receive from the United States, through their duly constituted agent upon the coast of Africa, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of the United States armed vessels, and to provide such negroes, mulattoes, and persons of color with comfortable clothing, shelter, and provisions, for a period not exceeding one year from the date of their being landed on the coast of Africa, at a price in no case to exceed one hundred dollars for each person so clothed, sheltered, and provided with food; and any contract so made may be renewed by the President from time to time as found necessary, for periods not to exceed five years on each renewal.

Instructions to commanders of armed vessels.

Ibid., s. 2, p. 41.

SEC. 5567. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the coast of Africa, and there hand over to the agent of the United States all negroes, mulattoes, and persons of color delivered from on board vessels seized in the prosecution of the slave-trade; and they shall afterward bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication.

Contracts for reception, &c., in West Indies, of persons delivered from seized vessels.

17 July, 1862, c. 197, s. 1, v. 12, p. 592.

SEC. 5568. It may be lawful for the President to enter into arrangement, by contract or otherwise, with one or more foreign governments having possessions in the West Indies or other tropical regions, or with their duly constituted agent, to receive from the United States, for a term not exceeding five years, at such place as may be agreed upon, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels, and to provide them with suitable instruction, and with comfortable clothing and shelter, and to employ them, at wages, under such regulations as may be agreed upon, for a period not exceeding five years from the date of their being landed at the place agreed upon. But the United States shall incur no expenses on account of such negroes, mulattoes, or persons of color, after having landed them at the place agreed upon. And any arrangement so made may be renewed by the President from time to time, as may be found necessary, for periods not exceeding five years on each renewal.

Instructions to commanders of armed vessels.

Ibid., s. 2, p. 593.

SEC. 5569. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such regulations as he may prescribe, to proceed directly to such place as shall have been agreed upon with any foreign government, or its duly constituted agent, under the provisions of the preceding section, and there deliver to the duly constituted authorities or agents of such foreign government all negroes, mulattoes, or persons of color, taken from on board vessels seized in the prosecution of the slave-trade; and they shall afterward bring the vessel and persons engaged in prosecuting such trade to the United States for trial and adjudication. [See §§ 2158-2164.]

TITLE LXXII.

GUANO ISLANDS.

Sec.
5570. Claim of United States to islands.
5571. Notice of discovery and proofs to be furnished.
5572. Completion of proof in case of death of discoverer.
5573. Exclusive privileges of discoverer.
5574. Restrictions upon exportation.
5575. Regulation of guano trade.
5576. Criminal jurisdiction.
5577. Employment of land and naval forces.
5578. Right to abandon island.

Claim of United States to islands.

18 Aug., 1856, c. 164, s. 1, v. 11, p. 119.

SEC. 5570. Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.

Notice of discovery, and proofs to be furnished.

Ibid.

SEC. 5571. The discoverer shall, as soon as practicable, give notice, verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States.

Completion of proof in case of death of discoverer.

2 April, 1872, c. 81, s. 1, v. 17, p. 48.

SEC. 5572. If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of the preceding section, his widow, heir, executor, or administrator, shall be entitled to the benefits of such discovery, upon complying with the provisions of this Title; but nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer heretofore recognized by the United States.

Exclusive privileges of discoverer.

18 Aug., 1856, c. 164, s. 2, v. 11, p. 119.

SEC. 5573. The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding eight dollars per ton for the best quality, or four dollars for every ton taken while in its native place of deposit.

Restrictions upon exportation.

Ibid.

28 July, 1866, c. 298, s. 3, v. 14, p. 328.

2 April, 1872, c. 81, s. 1, v. 17, p. 48.

SEC. 5574. No guano shall be taken from any such island, rock, or key, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this Title. This section shall, however, be suspended in relation to all persons who have complied with the provisions of this Title, for five years from and after the fourteenth day of July, eighteen hundred and seventy-two.

Regulation of guano trade.

18 Aug., 1856, c. 164, s. 3, v. 11, p. 120.

SEC. 5575. The introduction of guano from such islands, rocks, or keys, shall be regulated as in the coasting-trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

Criminal jurisdiction.

SEC. 5576. All acts done, and offenses or crimes committed, on any such island, rock, or key, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant-ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

Ibid., s. 6.

Employment of land and naval forces.

SEC. 5577. The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns.

Ibid., s. 5.

Right to abandon islands.

SEC. 5578. Nothing in this Title contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.

Ibid., s. 4.

TITLE LXXIII.

THE SMITHSONIAN INSTITUTION.

Sec.
5579. Incorporation of the institution.
5580. Regents.
5581. Appointment of regents.
5582. Organization of board.
5583. Duties of Secretary.
5584. Salary and removal of Secretary, &c.
5585. Special meetings of members.
5586. Reception and arrangement of specimens and objects of art.
5587. Library.
5588. Evidence of title to site and buildings.
5589. Protection of property.
5590. Appropriation of interest.
5591. Acceptance of other sums.
5592. Disposal of unappropriated money.
5593. Disbursements.
5594. Right of repeal.

Will of James Smithson.

15 *Aug.*, 1876, *c.* 289, *v.* 19, *p.* 197.

PREAMBLE. James Smithson, esquire, of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found, at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor,

Incorporation of the institution.

10 Aug., 1846, c. 178, s. 1, v. 9, p. 102. 20 Mar., 1871, c. 1, v. 17, p. 1. 27 *Feb.*, 1877, *c.* 69, *v.* 19, *p.* 253.

SEC. 5579. The President, the Vice-President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief-Justice, the Commissioner of [*the Patent-Office*] [Patents,] and the governor of the District of Columbia, and such other persons as they may elect honorary members, are hereby constituted an establishment, by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

Regents.

10 Aug., 1846, c. 178, s. 3, v. 9, p. 103. 10 Jan., 1865, c. 11, v. 13, p. 420. 20 Mar., 1871, c. 1, v. 17, p. 1.

SEC. 5580. The business of the institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice-President, the Chief Justice of the United States, and the governor of the District of Columbia, three members of the Senate and three members of the House of Representatives; together with six other persons, other than members of Congress, two of whom shall be resident in the city of Washington; and the other four shall be inhabitants of some State, but no two of them of the same State.

Appointment of regents.

10 Aug., 1846, c. 178, s. 3, v. 9, p. 103.

SEC. 5581. The regents to be selected shall be appointed as follows: The members of the Senate by the President thereof; the members of the House by the Speaker thereof; and the six other persons by joint resolution of the Senate and House of Representatives. The members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other six members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress.

Organization of board.

Ibid.

SEC. 5582. The regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian Institution, and a suitable person as Secretary of the institution, who shall also be the secretary of the Board of Regents. The board shall also elect

three of their own body as an executive committee, and the regents shall fix on the time for the regular meetings of the board; and, on application of any three of the regents to the Secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, five shall constitute a quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the Secretary of the board; but his service as regent shall be gratuitous.

Duties of Secretary.

Ibid., s. 7, p. 105.

SEC. 5583. The Secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants.

Salary and removal of Secretary, &c.

Ibid.

SEC. 5584. The Secretary and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Regents, to be paid semi-annually on the first day of January and July; and shall be removable by the Board of Regents whenever, in their judgment, the interests of the institution require such removal.

Special meetings of members.

Ibid., s. 8.

SEC. 5585. The members and honorary members of the institution may hold stated and special meetings, for the supervision of the affairs of the institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the institution, at which the President, and in his absence the Vice-President, shall preside.

Reception and arrangement of specimens and objects of art.

Ibid., s. 6.

SEC. 5586. Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States, which may be in the city of Washington, in whosesoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the museum of the instititution, by exchanges of duplicate specimens, which the regents may in their discretion make, or by donation, which they may receive, or otherwise, the regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the Institution.

Library.

Ibid., s. 8.

SEC. 5587. The regents shall make, from the interest of the fund, an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge. [See §§ 94, 99, 100.]

Evidence of title to site and buildings.

Ibid., s. 4., p. 104.

SEC. 5588. The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the institution, and the record of the description of such site and lands, or a copy thereof, certified by the chancellor and Secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the institution.

Protection of property.

Ibid., s. 5.

SEC. 5589. All laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Smithsonian Institution. All moneys recovered by or accruing to, the institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for.

Appropriation of interest.

Ibid., s. 2, p. 102.
5 Feb., 1867, c. 34, s. 2, v. 14, p. 391.

SEC. 5590. So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and forty-one thousand three hundred and seventy-nine dollars and sixty-three cents, shall be lent to the United States Treasury, at six per centum per annum interest; and six per

centum interest on the trust-fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the first of January and July in each year, is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated.

Acceptance of other sums.

5 Feb., 1867, c. 34, s. 1, v. 14, p. 391.

SEC. 5591. The Secretary of the Treasury is authorized and directed to receive into the Treasury, on the same terms as the original bequest of James Smithson, such sums as the regents may, from time to time, see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars.

Disposal of unappropriated money.

10 Aug., 1846, c. 178, s. 9, v. 9, p. 105.

SEC. 5592. The regents are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, as they shall deem best suited for the promotion of the purpose of the testator.

Disbursements.

Ibid., s. 3, p. 103.

SEC. 5593. Whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this Title, or for making the purchases and executing the objects authorized by this Title, the Board of Regents, or the executive committee thereof, may certify to the chancellor and Secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. The board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the institution.

Right of repeal.

Ibid., s. 11, p. 106.

SEC. 5594. Congress may alter, amend, add to, or repeal any of the provisions of this Title; but no contract or individual right made or acquired under such provisions shall be thereby divested or impaired.

TITLE LXXIV.

REPEAL PROVISIONS.

Sec.
5595. What Revised Statutes embrace.
5596. Repeal of acts embraced in revision.
5597. Accrued rights reserved.
5598. Prosecutions and punishments.
5599. Acts of limitation.
5600. Arrangement and classification of sections.
5601. Acts passed since December 1, 1873, not affected.

What Revised Statutes embrace.

SEC. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their nature, in force on the 1st day of December one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited, as The Revised Statutes of the United States.

20 *June*, 1874, *c.* 333, *v.* 18, *p.* 113.
28 *Dec.*, 1874, *c.* 9, *v.* 18, *p.* 293.

Repeal of acts embraced in revision.

SEC. 5596. All acts of Congress passed prior to said first day of December one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into said revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said revision, shall not be affected or changed by its enactment.

U. S. *v.* Jordan, 2 Low., 537.

Accrued rights reserved.

SEC. 5597. The repeal of the severa acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal, in any manner affect the right to any office, or change the term or tenure thereof.

Prosecutions and punishments.

SEC. 5598. All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made.

Acts of limitation.

SEC. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said repeal, shall not be affected thereby, but all suits, proceedings or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

Arrangement and classification of sections.

SEC. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title, under which any particular section is placed.

Acts passed since Dec., 1, 1873, not affected.

SEC. 5601. The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December one thousand eight hundred and seventy-three, and all acts passed since that date are to have full effect as if passed after the enactment of this revision, and so far as such acts vary from, or conflict with any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.

18 *Feb.*, 1875, *c.* 84, *v.* 18, *p.* 329.
3 *Mar.*, 1875, *c.* 130, *s.* 9, *v.* 18, *p.* 401.

Approved, June 22, 1874.

APPENDIX.

APPENDIX.

1866.—CHAP. 140.—AN ACT to provide for the revision and consolidation of the statute laws of the United States.

27 June, 1866, c. 140, v. 14, p. 74.

Commissioners to revise and consolidate the general, &c., statutes of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three persons, learned in the law, as commissioners, to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time such commissioners may make the final report of their doings.

Duties of the commissioners.

SEC. 2. *And be it further enacted*, That, in performing this duty, the commissioners shall bring together all statutes and parts of statutes which, from similarity of subject, ought to be brought together, omitting redundant or obsolete enactments, and making such alterations as may be necessary to reconcile the contradictions, supply the omissions, and amend the imperfections of the original text; and they shall arrange the same under titles, chapters, and sections, or other suitable divisions and subdivisions, with head-notes briefly expressive of the matter contained in such divisions; also with side-notes, so drawn as to point to the contents of the text, and with references to the original text from which each section is compiled, and to the decisions of the federal courts, explaining or expounding the same, and also to such decisions of the State courts as they may deem expedient; and they shall provide by a temporary index, or other expedient means, for an easy reference to every portion of their report.

Copy of their completed work to be submitted to Congress in print to be made.

Suggestions.

SEC. 3. *And be it further enacted*, That when the commissioners have completed the revision and consolidation of the statutes, as aforesaid, they shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and consolidated may be re-enacted, if Congress shall so determine; and at the same time they shall also suggest to Congress such contradictions, omissions, and imperfections as may appear in the original text, with the mode in which they have reconciled, supplied, and amended the same; and they may also designate such statutes or parts of statutes as, in their judgment, ought to be repealed, with their reasons for such repeal.

Work may be printed in parts.

SEC. 4. *And be it further enacted*, That the commissioners shall be authorized to cause their work to be printed in parts, so fast as it may be ready for the press, and to distribute copies of the same to members of Congress, and to such other persons, in limited numbers, as they may see fit, for the purpose of obtaining their suggestions; and they shall, from time to time, report to Congress their progress and doings.

Report to Congress.

Revision when to be completed.

SEC. 5. *And be it further enacted*, That the statutes so revised and consolidated shall be reported to Congress as soon as practicable, and the whole work closed without unnecessary delay.

Compensation of commissioners.

Clerical service and incidental expenses.

SEC. 6. *And be it further enacted*, That the commissioners shall each receive as compensation for his services at the rate of five thousand dollars a year for three years, with the reasonable expenses of clerical service and other incidental matters, not to exceed two thousand dollars annually for such expenses.

Approved, June 27, 1866.

20 *June*, 1874, *c.* 333, *v.* 18, *p.* 113.

1874.—CHAP. 333.—AN ACT providing for publication of the revised statutes and the laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing contract or contracts between the Secretary of State on the part of the United States, and Charles C. Little, Augustus Flagg, Henry T. Miles, and John Bartlett, of Boston, known as the firm of Little, Brown and Company, dated the twenty-eighth day of May, eighteen hundred and sixty-six, and all other contracts between the United States or any officer thereof with said firm of Little, Brown and Company, respecting the printing or publication of the laws of the United States, are hereby declared to be determined, pursuant to the powers therein reserved.

Contract with Little, Brown and Company terminated.

Secretary of State to cause Revised Statutes to be prepared, printed, and certified, &c.

SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication and distribution the revised statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head notes of the several titles and chapters and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision; and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same. And when the same shall be completed, the said Secretary shall duly certify the same under the seal of the United States, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories.

To be evidence.

To be printed in two volumes.

SEC. 3. That the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume, and shall be entitled and labeled "Revised Statutes of the United States;" and the revision of the statutes relating to the District of Columbia; to post-roads, and the public treaties in force on the first day of December, one thousand eight hundred and seventy-three, with a suitable index to each, shall be published in a separate volume, and entitled and labeled "Revised Statutes relating to District of Columbia and Post-Roads. Public Treaties."

Titles of.

To be stereotyped and bound at Government Printing Office. Distribution and sale.

SEC. 4. That the Secretary of State shall cause the two volumes to be stereotyped and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem needful, for public distribution as hereinafter provided, and for sale by his office.

Future distribution of pamphlet copies and bound copies of statutes.

SEC. 5. That he shall, in like manner, cause to be edited, printed, published and distributed pamphlet copies of the statutes of the present and each future session of Congress, to the officers and persons hereinafter provided, and bound copies of the laws of each Congress to the number of two thousand copies to be distributed in the manner now provided by law, and uniform with the said edition of the revised statutes.

Pamphlet copies of acts and resolves of each session, how distributed.

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows: To the President and Vice President of the United States, two copies each; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred and twenty-six copies; to the librarian of the House, two hundred and fifty copies, for the use of the Representatives and Delegates; to the Library of Congress, fourteen copies; to the Department of State, including those for the use of legations and consulates, six hundred copies; to the Treasury Department, two hundred copies; to the War Department, including those for the use of officers of the Army, two hundred copies; to the Navy Department, including those for the use of officers of the Navy, one hundred copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred

and fifty copies; to the Post-Office Department, fifty copies; to the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, ten copies; to the Smithsonian Institution, five copies; to the Government Printing Office, two copies; to the governors and secretaries of Territories, one copy each; to be retained in the custody of the Secretary of State, one thousand copies; and ten thousand copies shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

Preparation of laws of each Congress.

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion, and one copy shall be for the use of the Commissioner of Public Buildings; to the Vice President of the United States, one copy; to each Senator, Representative, and Delegate in Congress, one copy; to the librarian of the Senate, for the use of Senators, one hundred and fourteen copies; to the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies; to the Library of Congress, fourteen copies, including four copies for the law library; to the Department of State, including those for the use of legations and consulates, three hundred and eighty copies; to the Treasury Department, including those for the use of officers of customs, two hundred and sixty copies; to the War Department, including a copy for the Military Academy at West Point, fifty copies; to the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, sixty-five copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land-offices, two hundred and fifty copies; to the Post-Office Department, fifty copies; to the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies; to the Department of Agriculture, five copies; to the Smithsonian Institution, two copies; to the Government Printing-Office, one copy; and the Secretary of State, shall supply deficiencies and offices newly created.

Distribution of bound volumes.

To be legal evidence in all courts of the United States and of the several States.

SEC. 8. That the said printed copies of the said acts of each session and of the said bound copies of the acts of each Congress shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States and of the several States therein.

Laws of each session to be printed for sale.

Price of.

SEC. 9. That the said laws of each session of Congress shall also be stereotyped and printed for sale as provided in respect to the said revised statutes. And the copies of the said revised statutes and of the said laws of each session of Congress, as issued from time to time, shall be respectively sold at the cost of the paper, press work and binding, with ten per cent thereof added thereto, to any person applying for the same. And the proceeds of all sales shall be paid into the Treasury.

Disposition of proceeds.

Revision of Indian treaties to be bound and deposited with the Secretary of the Interior.

SEC. 10. That the Secretary of State shall cause all the copies of the Revision of Indian treaties made by Thomas J. Durant, now printed to be bound, and the same shall be deposited with the Secretary of the Interior, for the use of the Departments and officers of the Government.

Approved, June 20, 1874.

2 *Mar.*, 1877, *c.* 82, *v.* 19, *p.* 268.

1877.—CHAP. 82.—AN ACT to provide for the preparation and publication of a new edition of the Revised Statutes of the United States.

Appointment of commissioner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one person, learned in the law, as a commissioner, for the purpose of preparing and publishing a new edition of the first volume of the Revised Statutes of the United States.

Duties of.

SEC. 2. That in performing this duty, said commissioner shall be required to incorporate into the text of the Revised Statutes as published in the year anno Domini eighteen hundred and seventy-five, under the act of June twentieth, eighteen hundred and seventy-four, all the amendments which have been made in the revision so published since the first day of December, eighteen hundred and seventy-three, and all that shall be made up to the close of the present session of Congress, with marginal references to such amendatory acts, and to all the decisions of the several courts of the United States, (as far as the same may have been published,) which may have been made subsequent to those already cited in the margin of the present revision, and may include also citations to such judicial decisions of the various State courts as he may deem important; and he shall also make marginal references to the various statutes passed by Congress since the first day of December, eighteen hundred and seventy-three, not expressly therein declared to be amendments to the Revised Statutes, but which, in the opinion of said commissioner, may in any manner affect or modify any of the provisions of the said Revised Statutes, or any of the amendments thereto, indicating in such marginal notes by a difference in type the references to statutes of this kind, and he shall revise the indexes and incorporate therein references to the additions herein required.

1874, *c.* 333, *v.* 18, *p.* 113.

Amendments to be incorporated.

References to general amendments.

What shall be included in new edition of Revised Statutes.

SEC. 3. That there shall also be included in said edition the Articles of Confederation, the Declaration of our National Independence, the Ordinance of seventeen hundred and eighty seven for the government of the Northwestern Territory, the Constitution of the United States, with foot notes referring to decisions of the federal courts thereon, the "Act to provide for the revision and consolidation of the statute laws of the United States," approved June twenty-seventh, eighteen hundred and sixty-six, and the "Act providing for publication of the Revised Statutes and the laws of the United States," approved June twentieth, eighteen hundred and seventy-four, as well as the present act.

When to be completed.

Secretary of State to examine and certify.

SEC. 4. That said new edition shall be completed in manuscript by said commissioner by the first day of January anno Domini eighteen hundred and seventy-eight, and by him presented to the Secretary of State for his examination and approval, who is hereby required to examine and compare the same as amended, with all the amendatory acts, and, within two months after having been submitted to him, and when the same shall be completed, the said Secretary shall duly certify the same under the seal of the Secretary of State, and when printed and promulgated as herein provided the printed volume shall be legal [*and conclusive*] evidence of the laws [*and treaties*] therein contained, in all the courts of the United States, and of the several States and Territories, [but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy-three,] and said Secretary shall cause fifteen thousand copies of the same to be printed and bound at the Government Printing Office, under the supervision of said commissioner, at the expense of the United States, and without unnecessary delay.

See act of 1878, *c.* 26, *next page.*

Printing of.

Compensation of commissioner.

SEC. 5. That said commissioner shall receive, as full compensation for all services above required to be performed by him, the sum of five thousand dollars.

Approved, March 2, 1877.

1878.—CHAP. 26.—AN ACT to amend an act entitled "An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States", approved March second, eighteen hundred and seventy-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States", approved March second, eighteen hundred and seventy-seven, be, and the same is hereby, amended as follows, to wit: By striking out from the ninth and tenth lines of section four as published in the nineteenth volume of the Statutes at Large, the words "and conclusive"; and, in the tenth line, the words "and treaties"; and, by inserting after the word "Territories" at the end of the eleventh line, the following words, to wit: "but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy-three".

Approved, March 9, 1878.

Amendatory of the act authorizing a new edition of the Revised Statutes. See act Mar. 2, 1877, c. 82, v. 19, p. 268. Also next preceding statute of Appendix.

SALARIES.

1874.—CHAP. 11.—AN ACT repealing the increase of salaries of members of Congress, and other officers.

Stat., 20 Jan., 1874, c. 11, v. 18, p. 4.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of March third, eighteen hundred and seventy-three, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-four," as provides for the increase of the compensation of public officers and employees, whether members of Congress, Delegates, or others, except the President of the United States and the Justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the members of the Forty-second Congress in excess of the mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid.

Repeal of law increasing compensation of public officers and members of Congress.

Stat. 3 March, 1873, c. 226, v. 17, p. 485.

Mileage.

Disposition of certain moneys remaining in the Treasury.

[NOTE.—The following schedules have been furnished by the First Comptroller of the Treasury, and are introduced here to show the reduction of Salaries made by the above act.]

Schedules showing the reduction in salaries made by the act of January 20, 1874.

Salaries of Vice-President, Secretaries, and Assistant Secretaries, and Members of Congress, &c.

Increased by act of March 3, 1873.	Annual salary.	Decreased by act of January 20, 1874.	Annual salary.
Vice-President	$10,000 00	Vice-President	$8,000 00
Secretary of State	10,000 00	Secretary of State	8,000 00
Secretary of Treasury	10,000 00	Secretary of Treasury	8,000 00
Secretary of War	10,000 00	Secretary of War	8,000 00
Secretary of Navy	10,000 00	Secretary of Navy	8,000 00
Secretary of Interior	10,000 00	Secretary of Interior	8,000 00
Attorney-General	10,000 00	Attorney-General	8,000 00
Postmaster-General	10,000 00	Postmaster-General	8,000 00
Assistant Secretaries of State	6,000 00	Assistant Secretaries of State	3,500 00
Assistant Secretaries of Treasury	6,000 00	Assistant Secretaries of Treasury	4,500 00
Assistant Secretaries of Interior	6,000 00	Assistant Secretaries of Interior	3,500 00
Speaker	10,000 00	Speaker	8,000 00
Senators	7,500 00	Senators	5,000 00
Members	7,500 00	Members	5,000 00
Delegates	7,500 00	Delegates	5,000 00

Salaries of officers of Senate, 1873.

Extract from pay-roll of officers, &c., of United States Senate for the quarter ending December 31, 1873.

Capacity.	Annual salary.	Capacity.	Annual salary.
Secretary	$5,000 00	Messenger	$1,656 00
Officer charged with disbursements	576 00	Do	1,656 00
Chief clerk	4,000 00	Do	1,656 00
Principal clerk	3,600 00	Do	1,656 00
Principal executive clerk	3,000 00	Do	1,656 00
Minute and journal clerk	3,000 00	Do	1,440 00
Financial clerk	3,000 00	Do	1,656 00
Librarian	2,500 00	Do	1,656 00
Clerk	2,500 00	Do	1,656 00
Do	2,500 00	Do	1,656 00
Do	2,500 00	Do	1,656 00
Do	2,500 00	Do	1,440 00
Do	2,500 00	Do	1,656 00
Do	2,500 00	Do	1,440 00
Do	2,500 00	Do	1,656 00
Do	2,500 00	Do	1,656 00
Clerk of printing records	2,553 00	Do	1,656 00
Keeper of stationery	2,400 00	Do	1,656 00
Assistant keeper of stationery	1,800 00	Do	1,656 00
Messenger	1,490 40	Do	1,656 00
Page	828 00	Do	1,656 00
Laborer in stationery-room	993 60	Secretary to Vice-President	2,102 40
Special policeman	1,296 00	Clerk to Committee on Finance	2,553 00
Sergeant-at-Arms	4,320 00	Clerk to Committee on Claims	2,553 00
Assistant doorkeeper	3,000 00	Clerk to Committee on Appropriations	2,553 00
Acting assistant doorkeeper	2,592 00	Laborer in charge of private passage	993 60
Postmaster	2,592 00	Chaplain	900 00
Assistant postmaster and mail-carrier	2,000 00	Chief engineer	2,484 00
Mail-carrier	1,700 00	Assistant engineer	1,800 00
Do	1,700 00	Do	1,800 00
Superintendent of document-room	2,500 00	Do	1,800 00
First assistant in document-room	2,500 00	Fireman	1,259 25
Second assistant in document-room	1,800 00	Do	1,259 25
Superintendent of folding-room	2,484 00	Laborer	839 50
Messenger, acting assistant doorkeeper	2,070 00	Do	839 50
Do	2,070 00	Do	839 50
Do	1,800 00		

Salaries of officers of Senate, 1877.

Extract from pay-roll of officers, &c., of United States Senate for quarter ending December 31, 1877.

Capacity.	Annual salary.	Capacity.	Annual salary.
Secretary, including compensation as disbursing-officer and hire of horses and wagons	$6,096 00	Clerk to Committee on Privileges and Elections	$2,220 00
Chief clerk	4,000 00	Telegraph-operator	*100 00
Principal clerk	2,592 00	Sergeant-at-Arms	4,320 00
Principal executive clerk	2,592 00	Assistant doorkeeper	2,592 00
Minute and journal clerk	2,592 00	Acting assistant doorkeeper	2,592 00
Financial clerk	2,592 00	Postmaster	2,100 00
Librarian	2,220 00	Assistant postmaster and mail-carrier	2,088 00
Clerk	2,220 00	Mail-carrier	1,200 00
Do	2,220 00	Do	1,200 00
Do	2,220 00	Do	1,200 00
Do	2,220 00	Do	1,200 00
Do	2,220 00	Superintendent of document-room	2,160 00
Do	2,220 00	First assistant in document-room	1,440 00
Do	2,220 00	Second assistant in document-room	1,440 00
Do	2,220 00	Superintendent of folding-room	2,160 00
Do	2,100 00	Assistant in folding-room	1,200 00
Do	2,100 00	Messenger, acting assistant doorkeeper	1,800 00
Do	2,100 00	Do	1,800 00
Do	2,100 00	Do	1,800 00
Do	2,100 00	Messenger	1,440 00
Clerk of printing records	2,220 00	Do	1,440 00
Keeper of stationery	2,102 40	Do	1,440 00
Assistant keeper of stationery	1,800 00	Do	1,440 00
Messenger	1,296 00	Do	1,440 00
Special policeman	1,296 00	Do	1,440 00
Laborer	720 00	Do	1,440 00
Do	720 00	Do	1,440 00
Do	720 00	Do	1,440 00
Do	720 00	Do	1,440 00
Chaplain	900 00	Do	1,440 00
Secretary to Vice-President	2,102 40	Do	1,440 00
Clerk to Committee on Appropriations	2,500 00	Do	1,440 00
Clerk to Committee on Finance	2,220 00	Do	1,440 00
Clerk to Committee on Claims	2,220 00	Do	1,440 00
Clerk to Committee on Commerce	2,220 00	Do	1,440 00
Clerk to Committee on Judiciary	2,220 00	Do	1,440 00
Clerk to Committee on Private Land-Claims	2,220 00	Do	1,440 00
		Do	1,440 00

*Per month during session.

Extract from pay-roll of officers, &c., of United States Senate, &c.—Continued.

Capacity.	Annual salary.	Capacity.	Annual salary.
Messenger	$1,440 00	Laborer	$720 00
Messenger (upholsterer)	1,440 00	Do	720 00
Messenger in charge of store-room	1,200 00	Do	720 00
Laborer in charge of private passage	840 00	Do	720 00
Laborer in charge of ladies' room	720 00	Do	720 00
Chief engineer	2,160 00	Do	720 00
Assistant engineer	1,440 00	Do	720 00
Do	1,440 00	Do	720 00
Do	1,440 00	Do	720 00
Do	1,440 00	Do	720 00
Conductor of elevator	1,200 00	Laborer (from October 15, special session)	720 00
Fireman	1,095 00	Do	720 00
Do	1,095 00	Do	720 00
Laborer in engineer's department	720 00	Do	720 00
Do	720 00	Do	720 00
Do	720 00	Do	720 00
Laborer (skilled)	1,000 00	Do	720 00
Do	1,000 00	Do	720 00
Do	1,000 00	Do	720 00
Do	1,000 00	Do	720 00
Do	1,000 00	Do	720 00
Do	1,000 00	Messenger to Committee on Appropriations, from March 5, 1877, to December 31, 1877, at $1,440 per annum; appropriated $1,188.*	
Do	1,000 00		
Do	1,000 00		
Laborer	720 00		

*See deficiency bill, appropriation December 15, 1877.

Extract from pay-roll, officers, &c., House of Representatives, for October, 1873.

Salaries of officers of House of Representatives, 1873.

Capacity.	Annual salary.	Capacity.	Annual salary.
Clerk House of Representatives	$5,000 00	Messenger	$1,440 00
Chief clerk	3,600 00	Postmaster	2,592 00
Assistant clerk	3,600 00	Deputy postmaster	2,401 20
Do	3,000 00	Messenger	1,987 20
Do	3,000 00	Do	1,987 20
Do	3,000 00	Do	1,987 20
Do	3,000 00	Do	1,987 20
Do	3,000 00	Assistant messenger	1,242 00
Do	3,000 00	Do	1,242 00
Do	3,000 00	Do	1,242 00
Do	3,000 00	Do	1,252 00
Do	3,000 00	Do	1,242 00
Do	2,500 00	Mail-boy	1,987 20
Do	2,500 00	Do	1,987 20
Do	2,500 00	Do	1,242 00
Do	2,500 00	Do	1,242 00
Do	2,500 00	Do	1,987 20
Do	2,500 00	Stenographer	5,037 00
Do	2,000 00	Do	5,037 00
Do	2,000 00	Doorkeeper	3,000 00
Do	2,000 00	Assistant doorkeeper	2,980 80
Do	2,000 00	Superintendent folding-room	2,484 00
Librarian	2,500 00	Superintendent document-room	2,484 00
Assistant librarian	2,500 00	Assistant superintendent document-room	2,484 00
Chief messenger	2,500 00	Document-file clerk	2,070 00
Messenger	1,656 00	Messenger	2,070 00
Do	1,656 00	Do	2,070 00
Do	1,656 00	Do	2,070 00
Do	1,656 00	Do	2,070 00
Engineer	2,160 00	Do	2,070 00
Do	1,656 00	Do	1,656 00
Do	1,656 00	Do	1,656 00
Do	1,656 00	Do	1,656 00
Fireman	1,259 25	Do	1,656 00
Do	1,259 25	Do	1,656 00
Do	1,259 25	Do	1,656 00
Do	1,259 25	Clerk House of Representatives, for disbursement of contingent-fund, additional	576 00
Do	1,259 25	Laborer (Doorkeeper's list)	828 00
Do	1,259 25	Do	943 00
Clerk to Speaker	2,417 76	Do	828 00
Secretary to Speaker	2,417 76	Do	720 00
Clerk to Committee of Ways and Means	2,980 80	Do	828 00
Clerk to Committee on Appropriations	2,980 80	Do	828 00
Clerk to Committee on Public Lands	2,484 00	Do	828 00
Clerk to Committee of Claims	2,484 00	Do	828 00
Messenger to Committee of Ways and Means	1,511 10	Do	828 00
Messenger to Committee on Appropriations	1,511 10	Do	828 00
Sergeant-at-Arms	4,320 00	Laborer (Clerk's roll)	828 00
Paying-teller	1,800 00	Do	828 00
Clerk	2,875 00	Do	828 00

Extract from pay-roll, officers, &c., House of Representatives, &c.—Continued.

Capacity.	Annual salary.	Capacity.	Annual salary.
Laborer (Clerk's roll)	$828 00	Folder	*$3 60
Do	828 00	Do	*3 60
Do	828 00	Do	*3 60
Folder	*3 60	Do	*3 60
Do	*3 60	Do	*3 60
Do	*3 60	Do	*3 60
Do	*3 60	Do	*3 60
Do	*3 60	Do	*3 60

* Per diem.

Salaries of officers of House of Representatives, 1877.

Abstract from pay-roll of officers, &c., House of Representatives, for the month of September, 1877.

Capacity.	Annual salary.	Capacity.	Annual salary.
Clerk	$4,500 00	Messenger	$1,000 00
Chief clerk	2,500 00	Chief engineer	1,700 00
Journal-clerk	2,500 00	Assistant engineer	1,200 00
Reading-clerk	2,500 00	Do	1,200 00
Do	2,500 00	Fireman	900 00
Tally-clerk	2,500 00	Do	900 00
Disbursing-clerk	2,250 00	Do	900 00
File-clerk	2,250 00	Do	900 00
Printing and bill clerk	2,250 00	Do	900 00
Enrolling-clerk	2,250 00	Laborer	840 00
Assistant to chief clerk	2,000 00	Do	720 00
Assistant enrolling-clerk	2,000 00	Do	720 00
Resolution and petition clerk	2,000 00	Do	720 00
Newspaper-clerk	2,000 00	Do	720 00
Superintendent document-room	2,000 00	Do	720 00
Index-clerk	2,000 00	Do	720 00
Librarian	2,000 00	Do	720 00
Distributing-clerk	1,800 00	Do	720 00
Stationery-clerk	1,600 00	Do	720 00
Document-clerk	1,440 00	Do	720 00
Upholsterer and locksmith	1,440 00	Do	720 00
Chief messenger	1,440 00	Do	600 00
Messenger in library	1,440 00	Do	600 00
Bookkeeper	1,600 00	Sergeant-at-Arms	4,000 00
Clerk	1,600 00	Clerk to Sergeant-at-Arms	2,100 00
Do	1,600 00	Paying-teller to Sergeant-at-Arms	2,000 00
Do	1,600 00	Messenger to Sergeant-at-Arms	1,200 00
Do	1,600 00	Postmaster	2,500 00
Laborer	820 00	First assistant postmaster	2,000 00
Do	720 00	Messenger	1,000 00
Do	720 00	Do	1,000 00
Doorkeeper	2,500 00	Do	1,000 00
Assistant doorkeeper	2,000 00	Do	1,000 00
Clerk	1,200 00	Stenographer	5,000 00
Janitor	1,200 00	Do	5,000 00
Superintendent folding-room	2,000 00	Clerk to Committee of Ways and Means	2,500 00
Chief clerk folding-room	1,800 00	Messenger to Committee of Ways and Means	1,200 00
Clerk	1,200 00	Clerk to Committee on Appropriations	2,500 00
Do	1,200 00	Messenger to Committee on Appropriations	1,200 00
Superintendent document-room	2,000 00	Clerk to Committee of Claims	2,000 00
Assistant superintendent document-room	2,000 00	Clerk to Committee on the Public Lands	2,000 00
File-clerk	1,400 00	Clerk to Committee on War-Claims	2,000 00
Seal-room	1,200 00	Clerk at Speaker's table	1,800 00
Messenger	1,200 00	Private secretary to Speaker	1,800 00
Do	1,200 00	Disabled soldier	1,200 00
Do	1,200 00	Do	1,200 00
Do	1,200 00	Do	1,200 00
Do	1,200 00	Do	1,200 00
Do	1,200 00	Do	1,200 00
Do	1,200 00	Do	1,200 00
Do	1,200 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00
Do	1,000 00	Do	1,200 00

Pay-roll of persons employed in the Library of Congress during the month of April, 1873.

Salaries of employés of Library of Congress, 1873.

Name and occupation.	No. of days' service.	Per quarter.		Signers' names.
A. R. Spofford, Librarian	30	$1,160 00	$379 20	A. R. Spofford.
Frederic Vinton	30	718 75	236 95	Frederic Vinton.
Theo. N. Gill	30	718 75	236 95	Theo. N. Gill.
C. W. Hoffman	30	718 75	236 95	Chas. W. Hoffman.
George A. Morris	30	517 50	168 40	Geo. A. Morris.
Louis Solyom	30	460 00	151 65	L. Solyom.
James C. Strout	30	414 00	136 50	James C. Strout.
W. J. Dockstader	30	414 00	136 50	W. J. Dockstader.
John Savary	30	345 00	113 75	John Savary.
J. S. P. Wheeler	30	345 00	113 75	J. S. P. Wheeler.
Thomas J. Putnam	30	287 50	94 80	T. J. Putnam.
J. F. N. Wilkinson	30	287 50	98 80	Jno. F. N. Wilkinson.
J. A. W. Turner	30	276 00	91 00	J. A. W. Turner.
Charles Darwin	30	345 00	113 75	Chas. Darwin.
G. A. Mark	14	517 50	79 61	Geo. A. Mark.
D. Murray	16	517 50	88 79	Daniel Murray.
Total			2,473 35	

Pay-roll of persons employed in the Library of Congress during the month of June, 1877.

Salaries of employés of Library of Congress, 1877.

Name and occupation.	No. of days' service.	Per annum.		Signers' names.
A. R. Spofford, Librarian	31	$4,000 00	$329 70	A. R. Spofford.
Chas. W. Hoffman, assistant librarian	31	2,250 00	185 44	Chas. W. Hoffman.
Louis Solyom	31	2,250 00	185 44	L. Solyom.
George A. Morris	31	2,000 00	164 80	Geo. A. Morris.
J. H. Hickcox	31	1,600 00	131 90	J. H. Hickcox.
Charles Darwin	31	1,600 00	131 90	Chas. Darwin.
John Savary	31	1,600 00	131 90	John Savary.
James C. Strout	31	1,440 00	118 70	James C. Strout.
W. J. Dockstader	31	1,440 00	118 70	W. J. Dockstader.
David Hutcheson	31	1,200 00	98 90	David Hutcheson.
J. S. P. Wheeler	31	1,200 00	98 90	J. S. P. Wheeler.
G. A. Mark	31	1,250 00	103 03	Geo. A. Mark.
P. Neuhaus	31	1,250 00	103 03	Paul Neuhaus.
T. J. Putnam	31	1,000 00	82 40	T. J. Putnam.
L. T. Solberg	31	1,200 00	98 90	L. T. Solberg.
Daniel Murray	31	1,296 00	106 80	Daniel Murray.
J. F. N. Wilkinson	31	1,000 00	82 40	Jno. F. N. Wilkinson.
J. A. W. Turner	31	960 00	79 10	J. A. W. Turner.
Total			2,351 94	

ERRORS IN MARGINAL REFERENCES

TO

PUBLIC AND PRIVATE ACTS AND RESOLUTIONS,

REVISED STATUTES.

Corrections are indicated by Italics.

Revised Statutes.		READS.					SHOULD READ.				
Page.	Sec.	Date.	Chap.	Sec.	Vol.	Page.	Date.	Chap.	Sec.	Vol.	Page.
18	**110**	23 Jan., 1860,	15		15	267	23 Jan., *1869*,	15		15	267
19	**118**	10 " 1873,	24	3	9	408	10 " 1873,	24	3	*17*	408
32	**205**	20 Apr., 1818,	30	2	3	439	20 Apr., 1818,	*80*	2	3	439
32	**208**	22 Feb., 1873,	187	1	17	473	22 Feb., 1873,	187	1	17	*475*
33	**211**	18 Aug., 1856,	127	2	11	60	18 Aug., 1856,	127	*22*	11	60
36	**230**	23 June, 1866,	138	14	14	73	23 June, 1866,	138	*3*	14	73
39	**240**	3 Mar., 1869,	125		15	311	3 Mar., 1869,	*123*		15	311
39	**241**	3 " 1869,	125		15	311	3 " 1869,	*123*		15	311
40	**245**	3 " 1849,	109	13	9	396	3 " 1849,	*108*	13	9	396
43	**262**	3 " 1869,	125		15	311	3 " 1869,	*123*		15	311
47	**287**	4 July, 1864,	948	2	13	390	4 July, 1864,	*248*	2	13	390
49	**305**	2 Sept., 1789,	12	4	1	65	2 Sept., 1789,	12	4	1	*66*
54	**333**	3 June, 1864,	106	61	3	117	3 June, 1864,	106	61	*13*	117
60	**358**	22 " 1870,	170	4	16	162	22 " 1870,	*150*	4	16	162
91	**547**	19 Feb., 1856,	8	1	11	1	19 *Mar.*, 1856,	8	1	11	1
98	**572**	9 July, 1794,	64	2	1	396	9 *June*, 1794,	64	2	1	396
98	**572**	3 Mar., 1859,	88	5, 6, 7	11	437, 438	3 Mar., 1859,	*85*	5, 6, 7	11	437, 438
101	**581**	3 " 1851,	44	1	9	606	3 " 1851,	44	1	9	*636*
106	**608**	3 " 1857,	34	2	5	177	3 " *1837*,	34	2	5	177
106	**608**	25 June, 1868,	79	1	15	5	25 June, 1868,	79	1	15	*580*
111	**629**	2 Mar., 1807,	22	7	2	28	2 Mar., 1807,	22	7	2	*428*
111	**629**	31 May, 1870,	114	16, 18	16	114	31 May, 1870,	114	16, 18	16	*144*
112	**631**	30 June, 1864,	170	13	13	310	30 June, 1864,	*174*	13	13	310
119	**658**	6 Aug., 1842,	180	1	5	507	*16* Aug., 1842,	180	1	5	507
121	**658**	18 May, 1872,	176	1	17	135	*21* May, 1872,	176	1	17	135
121	**658**	10 Apr., 1832,	15	1	4	497	10 *Feb.*, 1832,	15	1	4	497
122	**658**	21 Feb., 1857,	58	2	11	164	21 Feb., 1857,	*57*	2	11	164
125	**680**	2 Mar., 1867,	156	2	14	443	2 Mar., 1867,	156	2	14	*433*
126	**683**	23 July, 1866,	208	1	15	191	23 July, 1866,	208	1	*14*	191
126	**686**	21 Jan., 1829,	12	1	4	323	21 Jan., 1829,	12	1	4	*332*
141	**746**	2 Mar., 1855,	140	1	10	620	2 Mar., 1855,	140	1	10	*630*
153	**823**	3 " 1855,	155	12	10	670, 671	3 " 1855,	*175*	12	10	670, 671
157	**833**	22 June, 1870,	50	15	16	164	22 June, 1870,	*150*	15	16	164
158	**839**	22 " 1870,	150	15	16	174	22 " 1870,	150	15	16	*164*
162	**863**	26 Feb., 1853,	80	1	10	163	26 Feb., 1853,	80	1	10	*168*
210	**1168**	17 Mar., 1872,	47		17	40	*12* Mar., 1872,	47		17	40
215	**1225**	28 July, 1866,	229	26	14	336	28 July, 1866,	*299*	26	14	336
223	**1302**	24 Apr., 1816,	69	7, 8	4	298	24 Apr., 1816,	69	7, 8	*3*	298
261	**1531**	3 Mar., 1819,	7	1	3	538	3 Mar., 1819,	*107*	1	3	538
261	**1532**	3 " 1819,	7	1	3	538	3 " 1819,	*107*	1	3	538
295	**1688**	27 May 1867,	Res.15		15	23	27 *Mar.*, 1867,	Res.15		15	23
309	**1736**	20 July, 1840,	48	18	5	397	20 July, 1840,	48	*Par.*18	5	397
327	**1842**	2 Mar., 1863,		1, 2, 4	12	700, 701	2 Mar., 1863,	*70*	1, 2, 4	12	700, 701
331	**1870**	9 Sept., 1850,	49	10		449	9 Sept., 1850,	49	10	*9*	449
332	**1875**	26 May, 1864,	9	10	13	89	26 May, 1864,	*95*	10	13	89
339	**1918**	2 Mar., 1861,	86	15	12	242	2 Mar., 1861,	86	15	12	*243*
339	**1922**	3 " 1863,	117	4	12	808	3 " 1863,	117	4	12	*809*
339	**1923**	2 " 1853,	90	4	10	103	2 " 1853,	90	4	10	*173*
344	**1956**	27 July, 1868,	273	6	15	246	27 July, 1868,	273	6	15	*241*
362	**2047**	14 Feb., 1873,	138	6	17	483	14 Feb., 1873,	138	6	17	*463*
381	**2165**	22 Mar., 1816,	31	2	3	259	22 Mar., 1816,	*32*	2	3	259
470	**2504**	24 Feb., 1869,	45		5	274	24 Feb., 1869,	45		*15*	274
470	**2504**	30 June, 1864,	171	11	15	211	30 June, 1864,	171	11	*13*	211
471	**2504**	30 " 1864,	171	12	12	213	30 " 1864,	171	12	*13*	213
501	**2530**	28 May, 1830,	107	6	4	411	28 May, 1830,	*147*	6	4	411
502	**2535**	2 Mar., 1799,			1	631	2 Mar., 1799,	*22*	*5*	1	631
506	**2544**	14 July, 1870,			6	271	14 July, 1870,	*255*	*35, 36*	16	271

Revised Statutes.		READS.					SHOULD READ.				
Page.	Sec.	Date.	Chap.	Sec.	Vol.	Page.	Date.	Chap.	Sec.	Vol.	Page.
507	**2552**	11 July, 1862,	150		12	527	11 July, 1862,	150		12	*537*
508	**2553**	2 Mar., 1811,	33	8	2	68	2 Mar., 1811,	33	8	2	*658*
508	**2554**	28 May, 1830,	152		4	14	28 May, 1830,	152		4	*414*
517	**2599**	25 June, 1868,	24	3	15	78	25 June, 1868,	*74*	3	15	78
522	**2619**	7 May, 1822,	109	2	3	693	7 May, 1822,	*107*	2	3	693
536	**2735**	3 Mar., 1873,	253	2		586	3 Mar., 1873,	253	2	*17*	586
556	**2859**	8 July, 1866,	201	19	14	182	*18* July, 1866,	201	19	14	182
569	**2926**	2 Mar., 1799,	2	52	1	665	2 Mar., 1799,	*22*	52	1	665
584	**3014**	3 " 1865,	80	12	13	944	3 " 1865,	80	12	13	*494*
587	**3036**	2 Feb., 1831,	24		4	442	*12* Feb., 1831,	24		4	442
604	**3141**	12 July, 1870,	251	1	16	239	12 July, 1870,	251	1	16	*230*
605	**3143**	30 June, 1864,	137	9	13	225	30 June, 1864,	*173*	9	13	225
612	**3173**	30 " 1864,	172	11, 13	13	225, 226	30 " 1864,	*173*	11, 13	13	225, 226
643	**3302**	Ibid.		21		134	*20 July, 1868,*	*186*	21	*15*	134
673	**3408**	6 June, 1872,	315	37	17	625	6 June, 1872,	315	37	17	*256*
674	**3409**	13 July, 1866,	184	9	14	146	13 July, 1866,	184	9 [*bis*]	14	146
674	**3414**	13 " 1866,	184	9	14	147	13 " 1866,	184	9 [*bis*]	14	147
674	**3415**	13 " 1866,	184	9	14	147	13 " 1866,	184	9 [*bis*]	14	147
675	**3417**	13 " 1866,	184	9	14	146	13 " 1866,	184	9 [*bis*]	14	146
713	**3592**	18 Feb., 1869,	33	4	15	271	*19* Feb., 1869,	33	4	15	271
714	**3594**	21 Apr., 1862,	50	5	12	383	21 Apr., 1862,	*59*	5	12	383
714	**3594**	18 Feb., 1869,	33	4	15	271	*19* Feb., 1869,	33	4	15	271
714	**3595**	15 June, 1870,	12	1	16	152	15 June, 1870,	*129*	1	16	152
714	**3595**	3 Mar., 1873,	229	5	17	543	3 Mar., 1873,	*228*	5	17	543
714	**3596**	3 " 1853,	98	16	10	214	3 " 1853,	98	*6*	10	214
714	**3596**	20 July, 1868,	179	1	15	107	20 July, 1868,	179	1	15	*121*
714	**3596**	3 Mar., 1873,	229	8	17	543	3 Mar., 1873,	*228*	8	17	543
715	**3600**	15 June, 1870,	12	1	16	152	15 June, 1870,	*129*	1	16	152
715	**3600**	3 Mar., 1873,	229	5	17	543	3 Mar., 1873,	*228*	5	17	543
715	**3601**	10 " 1862,	48	1	12	373	*19* " 1862,	48	1	12	373
716	**3609**	25 June, 1864,	148	7	13	161	25 June, 1864,	*147*	7	13	161
717	**3611**	3 Mar., 1873,	229	9	17	543	3 Mar., 1873,	*228*	9	17	543
721	**3639**	4 July, 1864,	24	5	13	383	4 July, 1864,	*242*	5	13	383
721	**3639**	18 Feb., 1869,	33	4	15	271	*19* Feb., 1869,	33	4	15	271
721	**3645**	Ibid.		31		65	Ibid.		*21*		65
726	**3667**	17 July, 1870,	238		16	222	*11* July, 1870,	238		16	222
727	**3671**	3 May, 1869,	121	1	15	290	3 *Mar.*, 1869,	121	1	15	290
728	**3675**	2 Sept., 1789,	13	6	1	67	2 Sept., 1789,	*12*	6	1	67
730	**3689**	20 June, 1871,	23		16	399	20 *Jan.*, 1871,	23		16	399
731	**3689**	2 Mar., 1867,	108	1	14	546	2 Mar., 1867,	*188*	1	14	546
732	**3689**	12 Apr., 1871,	12	1, 2	17	641, 642	*Private Act.* 12 Apr., 1871,	12	1, 2	17	641, 642
733	**3689**	6 Aug., 1846,	53	3	9	179	*3 Mar., 1847,*	53	3	9	179
733	**3689**	1 July, 1870,	202	3	16	646	*Private Act,* 1 July, 1870,	202	3	16	646
742	**3738**	28 June, 1868,	72		15	77	*25* June, 1868,	72		15	77
750	**3790**	25 " 1864,	155	12	13	184	25 " 1864,	155	12	13	*186*
750	**3795**	12 July, 1870,	251	1	16	233	12 July, 1870,	251	1	16	*230*
753	**3820**	Ibid.		7			Ibid.		7		*119*
764	**3897**	3 Jan., 1873,	21		17	407	*9* Jan., 1873,	21		17	407
794	**4097**	Ibid.		12		75	*22 June, 1860,*	*179*	12	*12*	75
797	**4117**	22 June, 1860,	179	5	13	73	22 June, 1860,	179	5	*12*	73
813	**4189**						*31 Dec., 1792,*	*1*	*27*	*1*	*298*
816	**4204**	4 July, 1864,	294	10	13	392	4 July, 1864,	*249*	10	13	392
817	**4214**	29 June, 1870,	170	1	16	171	29 June, 1870,	170	1	16	*170*
818	**4216**	29 " 1870,	120	2	16	170	29 " 1870,	*170*	2	16	170
842	**4327**	18 July, 1866,	211	43	14	188	18 July, 1866,	*201*	43	14	188
844	**4347**	3 Mar., 1873,	213	4	17	483	*1* Mar., 1873,	213	4	17	483
850	**4370**	23 Feb., 1867,	78		14	410	*25* Feb., 1867,	78		14	410
851	**4377**	2 Apr., 1836,	55		5	16	*20* Apr., 1836,	55		5	16
928	**4724**	16 Aug., 1841,	3	2	5	440	16 Aug., 1841,	*8*	2	5	440
941	**4810**	10 July, 1832,	149	5	4	573	10 July, 1832,	*194*	5	4	573
946	**4843**	15 June, 1860,	66	1	12	23	*1* June, 1860,	66	1	12	23
976	**5020**	2 Mar., 1867,	176	26	4	529	2 Mar., 1867,	176	26	*14*	529
995	**5123**	3 Feb., 1873,	135		17	436	*13* Feb., 1873,	135		17	436
1006	**5172**	3 June, 1864,	104	22	13	105	3 June, 1864,	*106*	22	13	105
1021	**5251**	3 Mar., 1811,	46	12	2	606	3 Mar., 1811,	46	12	2	*666*
1033	**5293**	27 July, 1868,	273	8, 9,	15	224	27 July, 1868,	273	8, 9	15	*242*
1037	**5311**	6 Aug., 1861,	68	3	12	319	6 Aug., 1861,	*60*	3	12	319
1061	**5446**	13 July, 1866,	184	67		171	13 July, 1866,	184	67	*14*	171
1069	**5484**	13 " 1866,	184	8	14	146	13 " 1866,	184	*9*	14	146
1083	**5556**	10 May, 1800,	15	1	2	70	10 May, 1800,	*51*	1	2	70

REFERENCE INDEX

TO THE

REVISED STATUTES OF THE UNITED STATES.

FROM STATUTES TO SECTIONS.

Date.	Chap.	Sec.	Vol.	Page.	Sec. R.S.
1 June, 1789,	1	2	1	23	**28**
	------	-----		23	**29**
	------	-----		23	**30**
	------	3		23	**1836**
	------	-----		23	**1837**
27 July,	4	1		28	**161**
	------	-----		28	**199**
	------	-----		28	**202**
	------	2		29	**203**
	------	4		29	**203**
7 August,	7	1		49	**161**
	------	-----		49	**214**
	------	-----		49	**216**
	------	2		50	**217**
	------	4		50	**217**
7 "	9	4		54	**4235**
2 September,	12	1		65	**161**
	------	-----		65	**233**
	------	-----		65	**257**
	------	-----		65	**268**
	------	-----		65	**276**
	------	-----		65	**301**
	------	-----		65	**312**
	------	2		65	**248**
	------	-----		65	**3669**
	------	3		66	**269**
	------	4		66	**302**
	------	-----		66	**305**
	------	-----		66	**311**
	------	6		67	**313**
	------	-----		67	**3675**
	------	8		67	**243**
	------	-----		67	**1788**
	------	-----		67	**1789**
15 "	14	1		68	**161**
	------	-----		68	**199**
	------	-----		68	**202**
	------	2		68	**204**
	------	3		68	**1793**
	------	4		68	**1794**
	------	5		69	**882**
	------	6		69	**71**
	------	-----		69	**213**
	------	7		69	**203**
24 "	19			72	**153**
24 "	20	1		73	**530**
	------	-----		73	**674**
	------	-----		73	**675**
	------	2		73	**531**
	------	3		73	**551**
	------	-----		73	**552**
	------	-----		73	**562**
	------	-----		74	**572**
24 Sept., 1789,	20	3	1	73	**581**
	------	4		74	**604**
	------	-----		74	**608**
	------	-----		74	**614**
	------	5		75	**658**
	------	-----		75	**661**
	------	6		76	**583**
	------	-----		76	**602**
	------	-----		76	**671**
	------	7		76	**555**
	------	-----		76	**619**
	------	-----		76	**677**
	------	-----		76	**782**
	------	-----		76	**794**
	------	-----		76	**795**
	------	8		76	**712**
	------	9		76	**563**
	------	-----		76	**566**
	------	-----		76	**629**
	------	-----		76	**711**
	------	-----		76	**734**
	------	10		77	**1002**
	------	11		78	**629**
	------	-----		78	**711**
	------	-----		79	**739**
	------	12		79	**639**
	------	-----		79	**646**
	------	-----		79	**647**
	------	-----		79	**648**
	------	13		80	**687**
	------	-----		80	**688**
	------	-----		80	**689**
	------	-----		80	**690**
	------	-----		80	**711**
	------	14		81	**716**
	------	-----		81	**751**
	------	-----		81	**752**
	------	-----		81	**753**
	------	15		82	**724**
	------	16		82	**723**
	------	17		83	**725**
	------	-----		83	**726**
	------	18		83	**987**
	------	20		83	**968**
	------	21		83	**631**
	------	22		84	**633**
	------	-----		84	**691**
	------	-----		84	**700**
	------	-----		84	**997**
	------	-----		84	**998**
	------	-----		84	**999**
	------	-----		84	**1000**
	------	-----		84	**1011**

Date.	C.	S.	V.	P.	Sec. R.S.
24 September, 1789,	20	23	1	85	**1007**
				85	**1010**
		24		85	**701**
		25		85	**709**
				85	**710**
				85	**1003**
				85	**1010**
				85	**1017**
		26		87	**961**
		27		87	**680**
				87	**776**
				87	**779**
				87	**780**
				87	**782**
				87	**783**
				87	**787**
		28		87	**789**
				87	**790**
				87	**922**
		29		88	**729**
				88	**802**
				88	**803**
				88	**804**
				88	**810**
		30		88	**861**
				88	**863**
				88	**864**
				88	**865**
				88	**866**
		31		90	**955**
				90	**956**
		32		91	**954**
		33		91	**727**
				91	**879**
				91	**1014**
				91	**1015**
				91	**1016**
		34		92	**721**
		35		92	**346**
				92	**354**
				92	**359**
				92	**747**
				92	**767**
				92	**769**
				92	**771**
29 "	21	2		93	**913**
30 April, 1790,	9	1		112	**5331**
		2		112	**5333**
		3		113	**5339**
		4		113	**5340**
		5		113	**5402**
		6		113	**5390**
		7		113	**5341**
				113	**5343**
		8		113	**730**
				113	**5360**
				113	**5369**
				113	**5372**
				113	**5383**
		9		114	**5373**
		10		114	**5323**
		11		114	**5324**
				114	**5533**
		12		115	**5359**
				115	**5384**
		13		115	**5348**
		15		115	**5394**
		16		116	**5356**
		17		116	**5357**
		18		116	**5392**
				116	**5393**
		19		116	**5396**
		20		116	**5397**
		21		117	**5449**
				117	**5499**
		22		117	**5398**
				117	**5446**

Date.	C.	S.	V.	P.	Sec. R.S.
30 April, 1790,	9	23	1	117	**5400**
				117	**5401**
		24		117	**5326**
		25		117	**4063**
		26		117	**4064**
		27		117	**4065**
				117	**4066**
		28		118	**4062**
		29		118	**1033**
				118	**1034**
		30		119	**1032**
		31		119	**5329**
		32		119	**1043**
				119	**1044**
				119	**1045**
		33		119	**5325**
26 May,	11			122	**905**
4 June,	17	1		126	**531**
				126	**608**
				126	**767**
				126	**776**
		2		126	**551**
23 "	21	1		128	**608**
		2		128	**531**
				128	**551**
16 July,	28	1		130	**1795**
		6		130	**1796**
20 "	29	1		131	**4520**
				131	**4521**
		2		131	**4522**
		3		132	**4556**
				132	**4557**
				132	**4558**
		4		133	**4537**
				133	**4601**
		6		133	**4529**
				133	**4530**
				133	**4546**
				133	**4547**
		7		134	**4598**
		9		135	**4564**
20 "	30			135	**4219**
4 August,	35	67		176	**919**
				176	**923**
				176	**938**
				176	**940**
				176	**941**
		68		177	**939**
2 March, 1791,	12	1		197	**767**
				197	**776**
		2		197	**531**
				197	**551**
		3		197	**608**
3 "	18			215	**244**
1 March, 1792,	8	1		239	**131**
				239	**132**
		2		239	**135**
				239	**138**
				239	**139**
				239	**140**
		3		240	**136**
				240	**138**
		4		240	**141**
		5		240	**142**
		6		240	**143**
		7		240	**144**
		8		240	**145**
		9		240	**146**
		10		240	**147**
				240	**148**
				240	**149**
				240	**150**
		11		241	**151**
		12		241	**152**
2 April,	16	20		250	**3563**
12 "	20			252	**73**
13 "	21	2		253	**658**

Date.	C.	S.	V.	P.	Sec. R.S.
4 April, 1792,	24	2	1	255	**1707**
				255	**1709**
				255	**1710**
				255	**3689**
		3		255	**4238**
		6		256	**1698**
		9		257	**1714**
8 May,	33	1		271	**1625**
				271	**1626**
				271	**1627**
				271	**1628**
		2		272	**1629**
		3		272	**1630**
				272	**1631**
		4		272	**1632**
		5		273	**1633**
		6		273	**1634**
				273	**1635**
		8		273	**1638**
		9		273	**1639**
		10		273	**1640**
		11		274	**1641**
8 "	36	1		275	**911**
		2		276	**913**
		5		277	**974**
				277	**975**
		6		278	**857**
		9		278	**1004**
		10		278	**799**
				278	**947**
		11		278	**601**
		12		279	**679**
8 "	37	4		280	**1291**
		6		280	**249**
		9		281	**248**
		12		281	**244**
				281	**1788**
				281	**1789**
31 December,	1	1		287	**4131**
		2		288	**4132**
				288	**4133**
		3		288	**4141**
				288	**4178**
		4		289	**4142**
				289	**4143**
				289	**4144**
		6		290	**4148**
				290	**4149**
		7		290	**4145**
				290	**4146**
				290	**4174**
		8		290	**4147**
		9		291	**4155**
				291	**4156**
		10		292	**4158**
		11		293	**4143**
				293	**4144**
				293	**4159**
				293	**4160**
		12		293	**4144**
				293	**4161**
				293	**4162**
				293	**4163**
		13		294	**4167**
				294	**4168**
		14		294	**4169**
				294	**4170**
		15		295	**4171**
		16		295	**4172**
		17		295	**4173**
		18		296	**4175**
		19		296	**4176**
		20		296	**4180**
		21		296	**4181**
		22		296	**4182**
		23		297	**4183**
		24		297	**4184**
		25		297	**4185**
31 December, 1792,	1	26	1	298	**4187**
				298	**4188**
		27		298	**4189**
		28		298	**4375**
		29		298	**919**
				298	**923**
				298	**938**
				298	**939**
				298	**940**
				298	**941**
				298	**4305**
9 February, 1793,	4	2		300	**291**
9 "	5	3		301	**3566**
12 "	7	1		302	**5278**
		2		302	**5279**
18 "	8	1		305	**4311**
		2		305	**4312**
				305	**4319**
		3		306	**4322**
				306	**4323**
		4		306	**4320**
				306	**4321**
		5		307	**4324**
				307	**4377**
		6		307	**4371**
				308	**4372**
		7		308	**4333**
		8		308	**4337**
				308	**4338**
		9		308	**4325**
				308	**4326**
		10		309	**4327**
		11		309	**4334**
		12		309	**4335**
		13		309	**4336**
		14		309	**4349**
				309	**4350**
		15		310	**4351**
				310	**4352**
		16		311	**4353**
				311	**4354**
		17		311	**4355**
				311	**4356**
		18		312	**4359**
				312	**4360**
		19		313	**4362**
				313	**4363**
		20		313	**4361**
		21		313	**4364**
				313	**4365**
		22		314	**4366**
		24		314	**4367**
				314	**4368**
				314	**4369**
		25		315	**4332**
		26		315	**4331**
		28		315	**4379**
		29		315	**4373**
				315	**4374**
		30		316	**4375**
		31		316	**4376**
		32		316	**4377**
		33		316	**4378**
		34		316	**4381**
				316	**4383**
		35		317	**919**
				317	**923**
				317	**938**
				317	**939**
				317	**940**
				317	**941**
				317	**4380**
		37		317	**4385**
18 "	9			318	**153**
2 March,	22	3		334	**662**
		4		334	**627**
				334	**727**
				334	**1014**

Date.	C.	S.	V.	P.	Sec. R. S.
2 March, 1793,	22	4	1	334	**1015**
				334	**1016**
		5		334	**716**
				334	**717**
				334	**719**
				334	**720**
		6		335	**876**
		7		335	**918**
		8		335	**993**
13 January, 1794,	1			341	**1791**
22 March,	11	1		347	**563**
				347	**629**
				347	**5551**
		2		349	**5552**
		3		349	**5564**
		4		349	**5554**
2 April,	14	2		352	**1662**
		5		352	**1665**
3 "	17			353	**34**
8 May,	23	3		357	**388**
19 "	32			369	**671**
9 June,	64	1		395	**570**
				395	**938**
		2		396	**572**
12 December,	3			404	**1000**
2 January, 1795,	9	2		408	**1653**
		3		408	**1651**
		6		409	**1655**
28 February,	36	1		424	**1642**
				424	**1654**
				424	**5297**
		4		424	**1644**
		5		424	**1649**
		6		424	**1658**
		7		424	**1659**
		8		425	**1660**
		9		425	**788**
2 March,	40	1		426	**4662**
		2		426	**4662**
2 "	41			426	**4357**
18 May, 1796,	29	1		464	**2223**
		2		465	**2395**
		9		468	**2476**
28 "	36	4		477	**4588**
				477	**4589**
		6		478	**4590**
		7		478	**4591**
1 June,	45	1		489	**4306**
		2		489	**4306**
		4		490	**4307**
31 January, 1797,	2	2		496	**552**
2 March,	7			498	**4164**
				498	**4329**
3 "	9	5		503	**4206**
3 "	13			506	**5292**
3 "	20	1		512	**886**
				512	**887**
				512	**3624**
		3		514	**951**
				514	**957**
		5		515	**3466**
		6		515	**986**
3 "	27			517	**658**
27 June,	5			523	**4165**
1 July,	7	4		523	**1616**
		6		524	**1615**
30 April, 1798,	35	1		553	**161**
				553	**415**
				553	**417**
		3		554	**418**
3 May,	36			554	**101**
6 June,	49	1		561	**3471**
		3		562	**3471**
6 July,	66	1		577	**4067**
				577	**4068**
		2		577	**4069**
		3		578	**4070**

Date.	C.	S.	V.	P.	Sec. R. S.
11 July, 1798,	72	1	1	594	**1611**
				594	**1616**
		2		595	**1615**
		3		595	**1616**
		4		595	**1609**
				595	**1621**
		5		595	**1610**
		6		596	**1619**
16 "	77	1		605	**3689**
		4		606	**4801**
16 "	83			609	**727**
16 "	85	3		610	**3714**
		6		610	**3743**
30 January, 1799,	1			613	**5335**
25 February,	12	1		619	**4792**
				619	**4796**
		2		619	**4793**
				619	**4795**
		3		620	**4794**
		4		620	**4797**
		5		620	**4800**
		6		620	**4798**
		7		621	**4799**
28 "	19	1		625	**781**
		2		625	**782**
		8		626	**976**
2 March,	22	1		627	**2522**
				627	**2523**
		2		627	**2517**
				629	**2518**
				629	**2519**
				627	**2527**
				628	**2529**
				630	**2532**
		3		629	**2531**
				630	**2533**
		4		630	**2533**
				630	**2534**
		5		631	**2535**
				631	**2536**
		6		631	**2525**
				631	**2526**
		7		632	**2541**
				632	**2542**
		8		632	**2543**
				632	**2544**
		9		633	**2546**
				633	**2547**
		10		634	**2548**
				634	**2549**
				634	**2550**
				634	**2551**
		11		635	**2552**
				635	**2553**
		13		636	**2557**
				636	**2558**
		14		636	**2559**
				636	**2560**
				637	**2561**
		17		639	**2568**
				638	**2599**
				638	**2600**
				638	**2603**
				638	**2604**
		18		639	**2770**
				639	**2771**
		19		640	**2772**
				640	**2834**
		20		641	**2616**
				641	**2617**
				641	**2618**
		21		642	**2621**
				642	**2622**
				642	**2623**
				642	**2624**
				642	**2626**
				642	**2627**

Date.	C.	S.	V.	P.	Sec. R.S.
2 March, 1799,	22	21	1	642	**2628**
				643	**2640**
		22		644	**2625**
				644	**2629**
				644	**2630**
				644	**2632**
		23		644	**2806**
				644	**2807**
				644	**2808**
		24		646	**2809**
				646	**2810**
		25		646	**2811**
				646	**2812**
				646	**2813**
		26		647	**2814**
				647	**2815**
		27		648	**2867**
		28		648	**2868**
		29		648	**2773**
		30		649	**2774**
				649	**2775**
		31		651	**2791**
		32		651	**2776**
				651	**2777**
				651	**2778**
		33		652	**2779**
		34		652	**2780**
				652	**2781**
				652	**2782**
				652	**2783**
				652	**2784**
		36		655	**2785**
				655	**2786**
				655	**2787**
				655	**2788**
				655	**2789**
		37		658	**2794**
				658	**2883**
		38		658	**2884**
		39		659	**2885**
		44		660	**2886**
		45		661	**2795**
				661	**2796**
				661	**2797**
		46		661	**2799**
				661	**2800**
				661	**2801**
				661	**2802**
		49		664	**2805**
				664	**2869**
				664	**2870**
		50		665	**2872**
				665	**2873**
				665	**2874**
		51		665	**2882**
		52		665	**2926**
				665	**2927**
		53		667	**2875**
				667	**2876**
				667	**2877**
				667	**2878**
		54		668	**3067**
				668	**3069**
				668	**3070**
		55		668	**2888**
				668	**2889**
		56		670	**2879**
				670	**2880**
				670	**2881**
				669	**2969**
				670	**3689**
		57		671	**2887**
		60		672	**2891**
				672	**2892**
				672	**2893**
				672	**2894**
		61		673	**2903**
2 March, 1799,	22	62	1	675	**3058**
		63		675	**2790**
		64		675	**4154**
		65		676	**942**
				676	**960**
				676	**963**
				676	**3466**
				676	**3467**
				676	**3468**
		66		677	**2839**
				677	**2840**
		68		678	**3066**
		69		678	**3082**
		70		678	**909**
				678	**923**
				678	**3072**
		71		678	**909**
				678	**971**
				678	**3068**
				678	**3073**
		72		678	**2890**
		73		680	**2635**
				680	**2636**
				680	**2637**
		75		680	**3015**
				680	**3016**
				680	**3028**
				680	**3029**
		76		682	**3035**
		80		687	**563**
				687	**629**
				688	**959**
				687	**965**
				687	**3038**
				689	**3039**
				688	**3040**
				687	**3041**
				687	**3042**
		81		689	**3043**
				689	**3044**
				689	**3045**
				689	**3046**
				689	**3047**
		82		692	**3049**
		84		694	**3050**
				694	**3051**
		85		694	**2896**
		86		695	**2638**
		87		695	**1788**
				695	**1789**
		89		695	**919**
				695	**923**
				695	**938**
				695	**940**
				695	**941**
				695	**970**
				695	**1047**
				695	**3087**
		90		696	**939**
		91		697	**3089**
				697	**3090**
		92		697	**3095**
		93		698	**4197**
				698	**4198**
				698	**4199**
				698	**4201**
				698	**4202**
				698	**4206**
		97		699	**2747**
		98		699	**1492**
				699	**2756**
				699	**2757**
		99		700	**2760**
				700	**2761**
				700	**2762**
		100		700	**2747**
				700	**2748**

Date.	C.	S.	V.	P.	Sec. R. S.
2 March, 1799,	22	101	1	700	**2763**
		102		700	**2764**
				700	**2765**
		105		702	**2515**
				702	**3096**
		106		702	**3097**
		110		703	**3094**
		111		704	**2769**
2 "	23	1		705	**2619**
		2		708	**2639**
				707	**2642**
				706	**2654**
				706	**2655**
				706	**2656**
				706	**2657**
				706	**2659**
				706	**2660**
				708	**2706**
				706	**2733**
				706	**4186**
		4		709	**2686**
2 "	32	1		727	**943**
		3		727	**944**
2 "	36	1		729	**3689**
		2		729	**1614**
				729	**3689**
				729	**4808**
2 "	38			729	**276**
2 "	41	2		731	**207**
3 "	48	8		752	**1114**
		9		752	**1094**
6 January, 1800,	4	1	2	4	**992**
		2		5	**991**
11 February,	6			7	**5292**
23 A[illegible],	33			47	**1624**
24 "	37	5		56	**82**
7 May,	45	3		61	**790**
				61	**994**
7 "	46	2		61	**1668**
		3		61	**1669**
		4		62	**1629**
				62	**1671**
10 "	49	1		68	**2517**
				68	**2518**
				68	**2619**
		2		68	**2520**
		3		68	**2533**
		4		68	**2552**
				68	**2553**
				68	**2772**
10 "	51	1		70	**563**
				70	**629**
				70	**5556**
		2		70	**5381**
		3		71	**5382**
		4		71	**5553**
				71	**5557**
				71	**5558**
				71	**5560**
		5		71	**563**
				71	**629**
		7		71	**5565**
10 "	54	1		72	**2660**
				72	**2706**
		2		72	**2659**
10 "	55	1		73	**2236**
		3		73	**2395**
		6		75	**2236**
10 "	58			79	**257**
				80	**3669**
13 "	61			82	**801**
13 "	64	2		82	**3027**
25 February, 1801,	7	1		101	**2531**
				102	**2532**
		3		102	**2522**
				102	**2524**
27 "	15	7		106	**680**

Date.	C.	S.	V.	P.	Sec. R. S.
27 February, 1801,	15	8	2	106	**705**
	25			116	**2836**
3 March,	28	2		121	**2838**
3 "	2	1		128	**80**
26 January, 1802,		2		129	**85**
		3		129	**88**
				129	**89**
		4		129	**92**
				129	**93**
	4	6		129	**82**
6 February,	9	4		134	**1239**
16 March,		5		134	**1240**
				134	**1277**
				134	**1295**
		6		134	**1146**
		11		134	**1116**
		13		135	**1189**
		16		135	**1186**
		23		136	**1237**
		27		137	**1323**
		28		137	**1309**
				137	**1311**
14 April,	28	1		153	**2165**
				153	**2171**
		3		155	**2165**
		4		155	**2172**
				155	**1993**
29 "	31	1		156	**685**
				156	**686**
		5		158	**614**
		6		159	**651**
				159	**652**
				159	**697**
		7		162	**531**
				162	**551**
		15		165	**572**
		19		165	**776**
				165	**781**
		20		165	**767**
		27		166	**572**
		29		167	**807**
				167	**818**
				167	**880**
		30		167	**805**
1 May,	45	9		182	**2550**
				182	**2551**
3 "	51	1		192	**3689**
		5		193	**4805**
19 February, 1803,	7	2		201	**551**
		4		202	**767**
		5		202	**776**
				202	**781**
28 "	9	1		203	**4576**
		2		203	**4309**
				203	**4310**
				203	**4573**
		3		203	**4582**
				203	**4584**
		4		204	**4577**
				204	**4578**
		7		204	**1737**
28 "	13	2		206	**1313**
2 March,	15	1		207	**232**
				207	**1636**
		2		207	**1627**
				207	**1628**
				207	**1632**
		3		207	**1631**
2 "	16			208	**4308**
2 "	18	1		209	**4191**
		3		210	**4166**
		4		210	**5292**
3 "	26	2		228	**2531**
				228	**2548**
		3		229	**2535**
		4		229	**2517**
				229	**2518**

Date.	C.	S.	V.	P.	Sec. R. S.
3 March, 1803,	27	17	2	235	**2476**
3 "	40	2		244	**631**
				244	**691**
				244	**692**
				244	**695**
				244	**698**
				244	**700**
				244	**701**
				244	**968**
				244	**1010**
				244	**1011**
				244	**1012**
24 February, 1804,	13	4		252	**2568**
				252	**2569**
		7		253	**2570**
		9		254	**2707**
		11		254	**2564**
				254	**2565**
				254	**2661**
23 March,	31	4		273	**572**
26 "	40	1		290	**5366**
		2		290	**5365**
		3		290	**1046**
				290	**1047**
26 "	44			291	**583**
26 "	47	2		293	**2168**
26 "	50			295	**137**
				295	**138**
				295	**139**
				295	**140**
27 "	52	1		296	**4134**
		2		297	**4165**
27 "	56	1		298	**906**
		2		299	**905**
				299	**906**
27 "	57	6		300	**4225**
27 "	58	1		300	**2660**
		2		301	**2659**
11 January, 1805,	6			310	**2527**
11 February,	14	2		313	**2396**
14 "	15			314	**2895**
22 "	18	2		316	**2776**
3 March,	34	1		336	**2535**
				336	**2536**
		2		336	**2535**
				336	**2536**
		3		336	**2603**
				336	**2604**
		4		336	**2604**
3 "	40			339	**4226**
22 January, 1806,	4	3		349	**2527**
10 April.	20	1		367	**1158**
				359	**1342**
		2		371	**1343**
10 "	21	1		372	**783**
		2		373	**784**
		3		374	**785**
		4		374	**786**
21 "	35	2		390	**1534**
		3		390	**1369**
				390	**1395**
				390	**1405**
				390	**1535**
21 "	41	6		397	**1776**
21 "	45	1		399	**2542**
		2		399	**2559**
				399	**2560**
21 "	47	3		402	**1540**
10 February, 1807,	8	1		413	**4681**
		2		413	**4682**
		3		414	**4686**
13 "	13			418	**719**
24 "	16	2		420	**608**
24 "	17	4		421	**781**
24 "	19			422	**970**
2 March,	22	2		426	**563**
		7		428	**563**
2 March, 1807,	22	7	2	428	**629**
				428	**5380**
				428	**5555**
				428	**5557**
				428	**5558**
3 "	39			443	**5297**
15 December,	3			451	**2517**
				451	**2518**
				451	**2660**
25 February, 1808,	22			468	**781**
31 March,	40			479	**2358**
12 April,	43	5		483	**1237**
21 "	48	1		484	**3739**
		2		484	**3740**
		3		484	**3741**
		4		484	**3742**
23 "	55	1		490	**1661**
		2		490	**1662**
		3		490	**1667**
25 "	61	2		497	**2548**
				497	**2549**
2 March, 1809,	27	1		534	**587**
				534	**637**
		2		535	**588**
				535	**589**
		3		535	**590**
3 "	28	1		535	**3623**
				535	**3675**
				535	**3678**
		2		536	**271**
		5		536	**229**
				536	**257**
24 February, 1810,	11			556	**2355**
26 March,	19			568	**4190**
30 April,	37	33		603	**1629**
1 May,	44	2		608	**1684**
1 "	50			612	**94**
26 February, 1811,	26	1		650	**1614**
				650	**4807**
				650	**4808**
		2		650	**4809**
		3		650	**4810**
		4		650	**4811**
		5		650	**4812**
				650	**4813**
28 "	28			651	**4579**
2 March,	31	1		655	**2535**
		2		655	**2535**
				655	**2536**
		4		656	**2525**
2 "	33	2		657	**2603**
				657	**2604**
		3		657	**2535**
		4		657	**2535**
		7		658	**2568**
				658	**2569**
		8		658	**2552**
				658	**2553**
3 "	46	12		666	**5251**
28 November,	2			667	**572**
11 January, 1812,	14	16		673	**1342**
		21		674	**1237**
		22		674	**1289**
				674	**1290**
23 "	17	2		676	**584**
6 February,	20			676	**572**
20 "	25	1		679	**627**
				679	**945**
		3		682	**861**
				682	**867**
12 March,	40	1		694	**4316**
		2		694	**4317**
26 "	45			696	**658**
28 "	46	3		696	**1133**
		5		697	**1133**
30 "	47	6		699	**1378**
				699	**1383**

Date.	C.	S.	V.	P.	Sec.R.S.
8 April, 1812,	50	4	2	703	**781**
25 "	68	1		716	**440**
				716	**453**
		4		717	**454**
				717	**891**
		5		717	**454**
		6		717	**455**
		7		717	**457**
		8		717	**458**
				717	**459**
		9		717	**456**
		10		717	**452**
		11		717	**446**
29 "	71			719	**551**
29 "	72	2		720	**1309**
				720	**1313**
				720	**1337**
		3		721	**1319**
				721	**1321**
				721	**1322**
		4		721	**1213**
				721	**1214**
				721	**1215**
22 May,	92			742	**1138**
26 June,	107	17		763	**4759**
6 July,	130			781	**4068**
6 "	137	4		785	**1209**
				785	**1604**
18 December,	5			788	**551**
				788	**552**
				788	**713**
29 January, 1813,	16	12		796	**1342**
		13		796	**1342**
		15		796	**1289**
				796	**1290**
2 February,	18	1		797	**1659**
		2		797	**1660**
13 "	22	1		799	**4760**
		2		799	**4761**
		3		800	**4762**
		4		800	**4763**
27 "	35			806	**1875**
				806	**1876**
				806	**1880**
				806	**1881**
				806	**1882**
3 March,	42	3		809	**4574**
		12		811	**2170**
3 "	45	3		815	**572**
3 "	48	5		817	**219**
3 "	50			818	**4157**
3 "	52	4		819	**1205**
19 June,	2	1	3	2	**4391**
				2	**4392**
		2		2	**4393**
				2	**4394**
22 July,	14	1		19	**977**
		2		20	**978**
				21	**979**
		3		21	**921**
				21	**982**
22 "	18			35	**2564**
30 "	36			53	**2171**
2 August,	58			86	**4761**
30 March, 1814,	37	12		114	**1204**
		14		115	**1288**
9 April,	49	1		120	**541**
		2		120	**551**
		3		121	**608**
16 "	58	3		124	**1604**
		5		125	**1369**
				125	**1395**
18 "	65			127	**4741**
18 "	78			133	**218**
				133	**428**
				133	**1554**
				133	**1555**

Date.	C.	S.	V.	P.	Sec.R.S.
18 April, 1814,	80		3	134	**1631**
18 "	84			136	**1569**
15 December,	13	1		151	**1135**
				151	**1143**
		2		151	**1135**
				195	**80**
30 January, 1815,	27			203	**1163**
8 February,	38	4		203	**1166**
		5		204	**1220**
		7		204	**1303**
				204	**1342**
				204	**1164**
		8		204	**1167**
				204	**1165**
		9		204	**1293**
		11		204	**1297**
				212	**57**
22 "	51			212	**58**
				212	**59**
				224	**1116**
3 March,	79	7		224	**1237**
				235	**767**
3 "	95			235	**776**
				245	**563**
3 "	101	4		245	**629**
				258	**658**
22 March, 1816,	31	1		258	**572**
				258	**658**
		4		259	**2165**
22 "	32	2		261	**705**
2 April,	39	1		261	**706**
		2		284	**94**
16 "	46	3		295	**1631**
20 "	64			297	**1190**
24 "	69	3		298	**1188**
		4		298	**1191**
		6		298	**1296**
		7		298	**1302**
				298	**1302**
		8		298	**1205**
		9		299	**1272**
		12		299	**2771**
24 "	71			302	**2568**
26 "	81			302	**2571**
				306	**2657**
26 "	95			306	**2733**
				314	**4219**
27 "	107	6		314	**4227**
				317	**2439**
27 "	127	1		317	**2440**
		2		320	**1661**
29 "	135			325	**2223**
29 "	151			344	**4219**
14 January, 1817,	3			344	**4227**
				345	**101**
8 February,	10			347	**2458**
1 March,	22			347	**2459**
				350	**1383**
1 "	24			350	**627**
1 "	30	1		350	**863**
				350	**945**
	31	2		351	**2497**
				351	**2498**
				351	**4347**
"	31	4		352	**4219**
		6		362	**4209**
3 "	40	1		362	**4210**
				362	**4211**
		2		363	**1862**
3 "	42			363	**1863**
				366	**236**
3 "	45	2		366	**268**
		3		366	**276**
				366	**277**
		4		367	**283**
		5		367	**3673**

Date.	C.	S.	V.	P.	Sec.R.S.
3 March, 1817,	45	6	3	367	**260**
				367	**283**
		8		367	**269**
				367	**318**
		9		367	**273**
				367	**3673**
		10		367	**269**
		11		367	**886**
		12		368	**297**
		13		368	**250**
				368	**272**
		15		368	**276**
3 "	49	2		368	**2659**
3 "	50			369	**4219**
3 "	100	2		390	**531**
				390	**551**
		3		390	**4208**
		4		391	**767**
		5		391	**776**
				391	**781**
3 "	109	4		397	**3128**
		7		397	**2616**
				397	**2630**
3 "	114			399	**3472**
22 January, 1818,	5	3		404	**46**
				404	**47**
9 March,	14			408	**2559**
				408	**2560**
3 April,	29	2		413	**552**
		4		413	**767**
		5		413	**776**
3 "				413	**781**
3 "	32	1		414	**599**
		3		414	**541**
		6		415	**657**
4 "	34	1		415	**1791**
		2		415	**1792**
11 "	51			425	**2603**
				425	**2604**
14 "	58			425	**4686**
14 "	61	2		426	**1309**
		7		427	**1141**
				427	**3715**
		9		427	**1150**
16 "	64	1		427	**1211**
		2		427	**1209**
				427	**1604**
18 "	75			433	**2536**
18 "	76			433	**2535**
20 "	80	2		439	**205**
		4		439	**3808**
20 "	83	8		443	**935**
		9		443	**936**
		10		444	**937**
20 "	84			444	**1654**
20 "	88	1		447	**5281**
		2		448	**5282**
				448	**5291**
		3		448	**5283**
		4		448	**730**
				448	**5284**
		5		448	**5285**
		6		449	**5286**
		8		449	**5287**
		9		449	**5288**
		10		449	**5289**
		11		450	**5290**
		13		450	**5291**
20 "	91	1		450	**629**
		2		451	**629**
				451	**5551**
		3		451	**5378**
		4		451	**629**
				451	**5379**
				451	**5553**
		6		452	**5377**
		7		452	**629**
				452	**1046**
				452	**1047**
				462	**545**
				462	**572**
				462	**579**
		2		462	**551**
		3		462	**551**
		4		462	**608**
				462	**658**
		5		463	**767**
				463	**776**
20 "	110	2		464	**2517**
20 "	113	2		465	**2518**
20 "	123			466	**2237**
				466	**2238**
				466	**2240**
4 February, 1819,	12	1		478	**531**
				478	**767**
				478	**770**
				478	**776**
		2		479	**571**
				479	**1002**
		3		479	**767**
				479	**770**
				479	**776**
		4		479	**781**
20 "	36			486	**3050**
2 March,	48	1		492	**4348**
				492	**4351**
				492	**4355**
				492	**4359**
		2		493	**4349**
3 "	70	2		502	**551**
		4		503	**767**
		5		503	**776**
				503	**781**
3 "	77	1		510	**4293**
		2		512	**4294**
		3		513	**4295**
		4		513	**4296**
		5		513	**5368**
3 "	85			516	**2071**
3 "	98			526	**2369**
3 "	101	1		532	**629**
				532	**5557**
				532	**5558**
				532	**5559**
				532	**5560**
		2		533	**5561**
		3		533	**5562**
		5		534	**5563**
				538	**1531**
				538	**1532**
10 February, 1820,	11	1		541	**263**
				541	**336**
		4		541	**336**
		7		542	**337**
		11		542	**4200**
		12		543	**337**
		14		543	**251**
		15		543	**251**
6 March,	22	6		547	**3689**
30 "	27			554	**604**
21 April,	47	2		564	**552**
		6		565	**767**
		7		565	**776**
24 "	51	1		566	**2353**
				566	**2397**
		2		566	**2356**
		3		566	**2357**
		5		567	**2238**
				567	**2360**
		6		567	**2365**
1 May,	52	2		567	**228**
				567	**429**
		7		568	**3736**
		8		568	**3670**

Date.	C.	S.	V.	P.	Sec. R. S.
12 May, 1820,	97		3	577	**1637**
15 "	102	1		582	**769**
				582	**2244**
				582	**2613**
		2		582	**769**
		3		582	**1191**
		4		582	**238**
15 "	107	2		592	**3625**
				592	**3626**
				592	**3627**
				592	**3628**
				592	**3629**
				592	**3630**
				592	**3631**
				592	**3632**
		3		594	**3633**
				594	**3634**
				594	**3635**
		4		595	**3636**
				595	**3637**
		5		595	**3636**
		6		595	**3637**
		8		596	**791**
				596	**797**
		9		596	**3638**
15 "	111	1		598	**572**
		4		598	**781**
15 "	112			598	**4661**
15 "	113	1		600	**563**
		2		600	**5368**
		3		600	**730**
				600	**5370**
				600	**5371**
		4		600	**730**
				600	**5376**
		5		600	**730**
				601	**5375**
15 "	136			607	**2458**
2 March, 1821,	13	2		615	**1101**
		8		615	**1134**
		11		615	**1293**
2 "	14			616	**3098**
				616	**3099**
2 "	16			617	**2566**
				617	**2567**
				617	**2662**
3 "	48			642	**2603**
3 "	51			643	**601**
				643	**637**
3 "	52	3		644	**4661**
23 February, 1822,	9			651	**2460**
16 March,	12	2		653	**551**
		4		653	**767**
		5		653	**776**
				653	**781**
17 April,	24			662	**2543**
17 "	25			662	**2531**
6 May,	56	4		681	**4208**
7 "	62	2		684	**2562**
				684	**2563**
		3		684	**2562**
				684	**2563**
		4		684	**2562**
				684	**2563**
		5		684	**2562**
				684	**2563**
		6		684	**2562**
		7		684	**2562**
				684	**2563**
		8		684	**2619**
				684	**2663**
		11		685	**4348**
7 "	90	3		689	**273**
				689	**313**
				689	**3673**
7 "	107	1		693	**2535**
		2		693	**2548**

Date.	C.	S.	V.	P.	Sec. R. S.
7 May, 1822,	107	2	3	693	**2549**
				693	**2552**
				693	**2619**
				693	**2771**
		5		694	**2518**
		7		694	**2659**
		8		694	**2660**
				694	**2674**
		9		695	**2690**
				695	**2719**
		10		695	**2691**
				695	**2720**
		11		695	**2691**
		12		695	**2641**
		13		695	**2643**
		15		695	**2634**
				695	**2723**
		16		696	**2693**
7 "	118	1		697	**2215**
		2		697	**2217**
		3		697	**2216**
23 January, 1823,	6			721	**460**
30 "	7			721	**563**
				721	**4293**
				721	**4294**
				721	**4295**
				721	**4296**
				721	**5368**
31 "	9			723	**1563**
				723	**3648**
21 February,	11			726	**531**
				726	**546**
				726	**552**
				726	**571**
				726	**572**
				726	**817**
1 March,	21	3		730	**2963**
		4		730	**2841**
		6		733	**2842**
		7		733	**2843**
				733	**2844**
		8		733	**2845**
		9		734	**2846**
		10		734	**2847**
				734	**2848**
		11		734	**2849**
		12		734	**2850**
		16		735	**2529**
				735	**2544**
				735	**2549**
				735	**2558**
				735	**2560**
				735	**2569**
				735	**2609**
				735	**2614**
				735	**2947**
		17		736	**2724**
				736	**2725**
		19		736	**2610**
				736	**2945**
		21		736	**2928**
		22		737	**2851**
		23		737	**2852**
		24		737	**5417**
		28		737	**3036**
		29		738	**3034**
		32		738	**3030**
				738	**3031**
3 "	29	7		755	**2207**
				755	**2208**
				756	**2211**
3 "	38	1		771	**5421**
		2		772	**5422**
3 "	41			773	**658**
3 "	45			776	**572**
3 "	53			779	**2366**
3 "	58	1		781	**3099**

Date.	C.	S.	V.	P.	Sec.R.S.
3 March, 1823,	58	4	3	782	**2799**
3 "	72			789	**563**
7 January, 1824,	3		4	1	**991**
10 March,	28	2		9	**552**
		8		10	**767**
		9		10	**584**
22 April,	39	1		19	**991**
		2		20	**991**
24 May,	138			31	**2372**
24 "	141			34	**2407**
25 "	145	1		34	**658**
		3		35	**817**
26 "	158	2		43	**2562**
26 "	161			44	**2554**
26 "	167	1		48	**531**
				48	**767**
				48	**770**
				48	**776**
				48	**781**
		3		49	**584**
26 "	169			50	**2286**
26 "	170			50	**545**
				50	**551**
				50	**579**
26 "	172	2		51	**3470**
26 "	186	1		69	**2167**
		4		69	**2165**
12 January, 1825,	4			79	**2918**
12 "	5			80	**2362**
				80	**3689**
25 February,	13	3		91	**3689**
3 March,	45			95	**3037**
3 "	64	38		113	**889**
				113	**958**
3 "	65	1		115	**5385**
		2		115	**5386**
		3		115	**5391**
		4		115	**5339**
				115	**5345**
		5		115	**730**
		6		116	**5361**
		7		116	**5362**
		8		116	**5357**
		9		116	**5358**
		10		117	**5363**
		11		117	**5387**
		12		118	**5481**
		13		118	**5392**
				118	**5393**
		14		118	**730**
				118	**1032**
		15		118	**5542**
		17		119	**5416**
		18		120	**5435**
				120	**5436**
		19		120	**5423**
		22		121	**5346**
		23		122	**5364**
		26		122	**5328**
3 "	78			124	**658**
3 "	93	1		127	**1241**
		2		127	**1241**
3 "	96	1		127	**2535**
				127	**2603**
		2		127	**2517**
3 "	99	1		129	**4313**
		2		129	**4137**
		3		129	**4138**
				129	**4315**
		4		129	**4139**
				129	**4314**
		5		129	**4139**
3 "	107	1		132	**4240**
		2		133	**4239**
5 April, 1826,	23			153	**572**
4 May,	37	2		160	**658**
18 "	74	1		173	**1133**

Date.	C.	S.	V.	P.	Sec.R.S.
18 May, 1826,	74	1	4	173	**1139**
		2		174	**1221**
		3		174	**1304**
20 "	83			179	**2276**
20 "	124			184	**985**
20 "	136			188	**810**
22 "	154	2		194	**1829**
24 January, 1827,	4	1		197	**861**
				197	**868**
				197	**870**
		2		199	**861**
				199	**869**
				199	**870**
22 February,	21			206	**2771**
2 March,	41			226	**572**
2 "	58			237	**2527**
				237	**2535**
3 "	94	3		242	**2458**
25 January, 1828,	2			246	**1766**
10 March,	16			254	**572**
28 April,	41	2		264	**1838**
		3		264	**3752**
2 May,	45	4		266	**1801**
				266	**1810**
				266	**1819**
19 "	55	10		274	**252**
				274	**257**
19 "	68	1		278	**913**
				278	**992**
		2		281	**988**
23 "	71	7		287	**2361**
23 "	75	7		290	**5244**
24 "	96			301	**2370**
24 "	111	1		308	**4228**
		2		308	**4229**
		4		309	**4230**
24 "	116	2		310	**2165**
24 "	119			312	**4321**
24 "	121	1		313	**1370**
				313	**1371**
		2		313	**1373**
				313	**1374**
				313	**1382**
		3		313	**1369**
6 January, 1829,	5			330	**781**
21 "	8			331	**658**
21 "	9			331	**781**
21 "	10	1		331	**2562**
				331	**2619**
		2		331	**2562**
21 "	12	1		332	**685**
				332	**686**
		2		332	**685**
24 February,	19			335	**658**
2 March,	41			359	**5280**
3 "	51	3		363	**1812**
11 February, 1830,	14	1		372	**4344**
		2		373	**4346**
23 March,	35			382	**2835**
31 "	48	4		392	**2373**
		5		392	**2374**
				392	**2375**
				392	**2376**
31 "	49			392	**2568**
31 "	50			392	**2542**
5 May,	87	1		399	**776**
		2		399	**781**
5 "	89			399	**572**
28 "	147	2		409	**2529**
				409	**2544**
				409	**2615**
				409	**2929**
		4		410	**2899**
		5		410	**3032**
				410	**3033**
		6		411	**2530**
				411	**2545**

Date.	C.	S.	V.	P.	Sec. R. S.
28 May, 1830,	147	8	4	411	**2925**
28 "	148	7		412	**2114**
		8		412	**2114**
28 "	152			414	**2554**
29 "	153	1		414	**349**
				414	**3625**
				414	**3626**
				414	**3633**
				414	**3750**
		2		414	**372**
				414	**791**
				414	**797**
		3		414	**373**
				414	**374**
				414	**375**
				414	**773**
		4		415	**772**
				415	**3083**
		5		415	**379**
		6		415	**378**
		7		415	**377**
29 "	163	1		417	**2412**
		2		417	**2413**
29 "	179	1		417	**1342**
		2		417	**1342**
29 "	183			418	**1342**
29 "	213	1		422	**572**
		2		422	**658**
31 "	219	1		425	**4219**
		2		425	**4228**
27 January, 1831,	10			434	**572**
12 February,	20			441	**4306**
12 "	24			442	**3036**
2 March,	66	1		472	**2461**
		2		472	**2462**
		3		472	**4751**
2 "	76	1		475	**2568**
				475	**2574**
		2		476	**2575**
				476	**3055**
		3		476	**2546**
		4		476	**2562**
				476	**2563**
				476	**2619**
				476	**2664**
		5		476	**2517**
2 "	87	1		480	**2544**
				480	**2568**
				480	**2619**
				480	**2708**
				480	**2822**
				480	**2823**
				480	**2825**
		2		481	**2826**
				481	**2827**
		3		481	**2828**
				481	**2829**
				481	**2830**
		4		481	**2831**
		5		481	**2544**
				482	**2619**
				481	**2708**
2 "	91			482	**781**
2 "	99	1		487	**725**
		2		488	**5399**
3 "	116	1		492	**2207**
				492	**2223**
		4		493	**2230**
				493	**2233**
		5		493	**2208**
				493	**2225**
10 February, 1832,	15			497	**658**
5 April,	65			503	**2354**
				503	**2397**
5 "	66			503	**940**
5 "	67	2		504	**1109**
				504	**1110**

Date.	C.	S.	V.	P.	Sec. R. S.
31 May, 1832,	109	2	4	520	**2063**
9 July,	174	1		564	**462**
				564	**463**
		3		564	**464**
		4		564	**2139**
		5		564	**2073**
10 "	191	1		570	**4681**
		2		571	**4685**
10 "	194	1		572	**4750**
				572	**4758**
		5		573	**4807**
				573	**4809**
				573	**4810**
13 "	201	2		577	**2562**
				577	**2563**
		3		577	**2563**
13 "	207	3		579	**4228**
14 "	221	1		579	**81**
		2		579	**95**
		3		579	**83**
		4		579	**84**
14 "	224	4		582	**1188**
14 "	227	5		591	**2885**
		9		592	**2949**
		13		593	**2911**
14 "	233			597	**5293**
5 February, 1833,	16			611	**2517**
2 March,	54			619	**470**
				619	**471**
2 "	55	3		630	**3009**
2 "	57	1		632	**3465**
		2		632	**629**
				632	**934**
		3		633	**643**
				633	**646**
		4		634	**645**
		6		634	**5537**
				634	**5538**
		7		634	**751**
				634	**752**
				634	**753**
2 "	67	3		647	**2463**
				647	**4205**
2 "	68	6		647	**1118**
				647	**1342**
2 "	74	1		651	**2527**
				651	**2529**
		2		651	**2527**
				651	**2529**
28 June, 1834,	102			702	**2359**
30 "	132	2		713	**1342**
				713	**1621**
		3		713	**1610**
		4		713	**1603**
				713	**1617**
		5		713	**1612**
		6		713	**1598**
		8		713	**1620**
		9		713	**1604**
30 "	133			714	**1172**
30 "	135	1		715	**2566**
				715	**2567**
				715	**2568**
				715	**2666**
		2		715	**2832**
		3		715	**2833**
		4		715	**2527**
		5		715	**2543**
		9		716	**2541**
		10		716	**2542**
				716	**2619**
				716	**2667**
		11		716	**2517**
				716	**2518**
30 "	161	2		729	**2129**
				729	**2131**
		3		729	**2130**

Date.	C.	S.	V.	P.	Sec. R. S.
30 June, 1834,	161	3	4	729	**2132**
		4		729	**2133**
		6		730	**2134**
		7		730	**2135**
		8		730	**2137**
		9		730	**2117**
		10		730	**2147**
		11		730	**2118**
		12		730	**2116**
		13		731	**2111**
		14		731	**2112**
		15		731	**2113**
		16		731	**2154**
				731	**2155**
		17		731	**2156**
		18		732	**2157**
		19		732	**2152**
		21		732	**2141**
				732	**2150**
		22		733	**2126**
		23		733	**2150**
				733	**2151**
		24		733	**533**
		25		733	**2145**
		27		733	**2124**
		28		734	**2125**
30 "	162	3		735	**2050**
		4		735	**2059**
				735	**2060**
				735	**2062**
		5		736	**2065**
		7		736	**2058**
				736	**2066**
		8		737	**2075**
		9		737	**2068**
				737	**2069**
				737	**2072**
		10		737	**2074**
				737	**2076**
				737	**2077**
		11		737	**2086**
		12		737	**2062**
				737	**2082**
		13		737	**2083**
				737	**2088**
				737	**2091**
		14		738	**2078**
		16		738	**2110**
		17		738	**465**
30 "	163			739	**5539**
24 February, 1835,	23			753	**781**
3 March,	27	1		757	**1372**
				757	**1442**
				756	**1557**
				757	**1593**
		2		757	**1566**
3 "	33			773	**5442**
3 "	34			773	**572**
3 "	40	1		775	**5360**
		2		776	**5359**
		3		776	**4347**
		4		777	**1031**
				777	**1032**
		5		777	**5536**
				777	**5548**
3 "	46	1		779	**470**
		2		779	**470**
				779	**471**
		3		779	**470**
3 "	49			780	**1141**
				780	**1150**
				780	**3715**
19 March, 1836,	44	1	5	7	**1650**
		2		7	**1653**
		3		7	**1652**
		4		7	**1657**
		5		7	**1656**
20 April, 1836,	54	10	5	14	**1881**
				14	**1882**
20 "	55			16	**4377**
9 May,	59	2		25	**209**
20 "	76			31	**2448**
20 "	77			31	**1766**
				31	**4734**
15 June,	100	4		51	**533**
				51	**551**
				51	**572**
				51	**581**
		6		51	**767**
		7		51	**776**
				51	**781**
23 "	119	2		57	**5245**
23 "	121	5		60	**3689**
1 July,	234	2		62	**551**
		4		62	**767**
		5		62	**776**
				62	**781**
2 "	270	8		81	**276**
		15		82	**889**
				82	**952**
				82	**958**
				82	**964**
		16		83	**775**
				83	**792**
		38		88	**5535**
		44		89	**276**
4 "	352	1		107	**440**
				107	**446**
				107	**453**
		2		109	**448**
				109	**891**
		3		110	**449**
		4		111	**447**
				111	**459**
		6		111	**450**
		7		111	**460**
				111	**891**
				111	**2469**
		9		111	**2245**
		12		112	**162**
		13		112	**2247**
		14		112	**452**
4 "	356	6		117	**64**
9 January, 1837,	1	1		135	**2093**
		2		135	**2094**
		3		135	**2095**
		4		135	**2096**
13 February,	13			146	**2660**
				146	**2771**
2 March,	21			153	**1418**
				153	**1419**
2 "	22			153	**4236**
3 "	33			163	**447**
3 "	34	2		177	**608**
				177	**658**
		3		177	**571**
				177	**608**
				177	**1002**
3 "	43	1		187	**470**
		2		187	**471**
12 October,	3	2		204	**826**
16 "	10	2		207	**3689**
22 December,	1			208	**1536**
22 February, 1838,	12			210	**658**
10 March,	33			215	**572**
				215	**658**
28 "	46			215	**571**
				215	**1002**
18 June,	115	1		247	**539**
				247	**572**
				247	**608**
				247	**658**
		2		247	**552**
				247	**572**

Date.	C.	S.	V.	P.	Sec. R.S.
18 June, 1838,	115	6	5	248	**767**
				248	**776**
		7		248	**781**
18 "	118	1		249	**547**
				249	**781**
		3		250	**552**
		7		250	**584**
		8		250	**586**
		10		250	**776**
		11		250	**767**
5 July,	162	7		257	**1130**
		10		257	**1137**
		17		258	**1146**
				258	**1148**
				258	**1294**
		18		259	**1124**
		19		259	**1309**
				259	**1337**
		20		259	**1190**
		25		259	**1184**
				259	**1185**
				259	**1188**
		27		260	**1153**
		28		260	**1321**
		30		260	**1116**
		31		260	**1224**
7 "	169	8		267	**2566**
				267	**2567**
				267	**2619**
				267	**2668**
7 "	175			287	**2566**
				287	**2832**
7 "	178			288	**2798**
7 "	185			297	**5437**
7 "	187			302	**204**
7 "	193			308	**658**
7 "	194			308	**1121**
				308	**1153**
18 January, 1839,	3	1		313	**547**
				313	**552**
				313	**586**
				313	**608**
				313	**767**
				313	**776**
				313	**781**
		9		314	**672**
6 February,	20	2		315	**552**
				315	**581**
		7		316	**767**
				316	**776**
		10		316	**584**
16 "	27	1		317	**571**
				317	**608**
				317	**658**
		2		317	**608**
				317	**658**
		3		317	**1002**
28 "	35			321	**942**
				321	**990**
28 "	36	1		321	**737**
		3		322	**732**
		4		322	**1047**
		5		322	**5327**
		6		322	**1020**
		8		322	**615**
				322	**616**
3 March,	81	5		337	**572**
3 "	82	2		348	**3010**
3 "	83	3		349	**1765**
				349	**1779**
4 March, 1840,	4	1		369	**470**
		2		369	**470**
				369	**471**
		3		369	**470**
		4		370	**470**
				370	**471**
4 April,	6	1		370	**4339**

Date.	C.	S.	V.	P.	Sec. R.S.
4 April, 1840,	6	2	5	370	**4573**
8 May,	23			380	**572**
27 "	27			381	**2528**
12 June,	35			384	**2246**
12 "	36	1		384	**2218**
		2		385	**2248**
	43	1		392	**672**
4 July,		2		393	**669**
				393	**670**
		3		393	**691**
		4		393	**967**
	47			394	**800**
20 "				394	**801**
	48			397	**1736**
20 "				395	**4523**
				396	**4559**
				396	**4560**
				396	**4561**
				396	**4562**
				397	**4563**
				397	**4575**
				395	**4583**
				395	**4584**
				398	**1309**
20 "	50	3		398	**1337**
				410	**942**
14 January, 1841,	2			410	**990**
				417	**458**
3 March,	26	2		427	**770**
3 "	35	1		432	**2647**
		5		432	**2688**
				432	**2689**
				432	**2690**
				432	**2704**
				432	**2719**
				432	**2720**
		6		432	**2956**
16 August,	8	2		440	**4724**
4 September,	16	7		455	**2249**
		8		455	**2378**
				455	**2379**
		10		455	**2258**
				455	**2259**
				455	**2260**
				455	**2261**
		11		456	**2273**
		12		456	**2238**
				456	**2263**
		13		456	**2262**
		14		457	**2282**
		15		457	**2264**
11 "	25	2		465	**3659**
18 May, 1842,	29			480	**1888**
4 June,	38			489	**2534**
27 July,	68			496	**572**
1 August,	109			499	**913**
				499	**992**
3 "	120	1		499	**2533**
		2		499	**2531**
		3		499	**2533**
				500	**2534**
				500	**2669**
4 "	121			500	**1395**
				500	**1405**
4 "	123			504	**1002**
9 "	126			504	**2527**
16 "	179			507	**2603**
				507	**2604**
16 "	180			507	**658**
16 "	181			507	**208**
23 "	183	2		510	**1765**
23 "	186	2		512	**1191**
				512	**1663**
				512	**1664**
		3		513	**1133**
		6		513	**1311**
23 "	188	1		517	**563**

Date.	C.	S.	V.	P.	Sec. R.S.
23 August, 1842,	188	1	5	516	**727**
	.....	.....		516	**1014**
	.....	.....		517	**4546**
	.....	.....		517	**4547**
	.....	2		517	**879**
	.....	3		517	**563**
	.....	.....		517	**578**
	.....	.....		517	**4211**
	.....	4		517	**5356**
	.....	5		517	**574**
	.....	.....		517	**638**
	.....	6		518	**862**
	.....	.....		518	**917**
	.....	.....		518	**918**
	.....	8		518	**966**
26 "	202	2		524	**677**
	.....	11		525	**60**
	.....	.....		525	**194**
	.....	.....		525	**195**
	.....	12		525	**1764**
	.....	13		525	**173**
	.....	.....		525	**174**
	.....	.....		525	**175**
	.....	14		525	**3660**
	.....	15		526	**171**
	.....	.....		526	**172**
	.....	16		526	**192**
	.....	19		527	**3683**
	.....	20		527	**60**
	.....	.....		527	**62**
	.....	.....		527	**193**
	.....	25		533	**3681**
26 "	205			534	**2271**
26 "	206	1		535	**1624**
	.....	2		535	**1549**
	.....	4		535	**1384**
	.....	6		536	**1389**
26 "	207	1		636	**237**
	.....	.....		536	**257**
	.....	2		537	**11**
	.....	.....		537	**237**
29 "	257			539	**751**
	.....			539	**752**
	.....			539	**753**
	.....			539	**762**
	.....			539	**763**
	.....			539	**764**
	.....			539	**765**
	.....			539	**766**
29 "	259	2		541	**1844**
	.....	.....		541	**1886**
29 "	264			545	**677**
	.....			545	**681**
	.....			545	**682**
	.....			545	**683**
30 "	270	15		563	**3017**
	.....	.....		563	**3027**
	.....	16		563	**2902**
	.....	.....		563	**2905**
	.....	17		564	**2909**
	.....	.....		564	**2922**
	.....	.....		564	**2923**
	.....	.....		564	**2924**
	.....	.....		564	**2930**
	.....	19		565	**2865**
	.....	20		565	**2499**
	.....	21		565	**2901**
	.....	.....		565	**2921**
	.....	22		566	**2946**
	.....	23		566	**2949**
	.....	24		566	**2652**
31 "	279	6		577	**1391**
	.....	.....		577	**1394**
	.....	7		577	**1552**
31 "	286	2		579	**419**
	.....	8		580	**420**
20 January, 1843,	4	1		597	**470**
20 January, 1843,	4	2	5	597	**471**
15 February,	32	1		600	**658**
	.....	2		600	**572**
24 "	44			601	**658**
1 March,	49			602	**3689**
1 "	52	2		606	**1315**
3 "	71			609	**2517**
3 "	72			609	**2507**
3 "	74	2		610	**582**
3 "	78	1		611	**2122**
	.....	2		611	**2123**
3 "	83			617	**429**
	.....			617	**3718**
	.....			617	**3720**
3 "	86	2		620	**2269**
	.....	4		620	**2261**
	.....	5		620	**2265**
	.....	6		620	**2270**
	.....	9		621	**2272**
3 "	95	1		627	**891**
	.....	.....		627	**2470**
	.....	2		628	**891**
	97			628	**658**
	100			637	**2214**
	.....			640	**4683**
	.....			640	**4684**
2 April, 1844,	8	1		653	**3074**
	.....	.....		653	**3075**
	.....	.....		653	**3076**
	.....	.....		653	**3077**
	.....	2		653	**3689**
	.....	3		654	**3079**
12 "	12	3		655	**658**
30 "	15			657	**4724**
	.....			657	**4735**
31 May,	31			658	**699**
3 June,	37			660	**4691**
4 "	38			660	**572**
4 "	39			661	**2619**
12 "	47			663	**2897**
15 "	51	1		664	**2527**
	.....	.....		664	**2548**
	.....	.....		664	**2549**
	.....	.....		664	**2552**
	.....	.....		664	**2553**
	.....	.....		664	**2559**
	.....	.....		664	**2560**
	.....	2		664	**2566**
	.....	3		664	**2568**
15 "	69	1		670	**1849**
	.....	2		671	**1856**
	103			680	**533**
17 "	105	1		681	**69**
	.....	.....		681	**170**
	.....	.....		681	**4687**
	.....	2		693	**3663**
	.....	.....		693	**3664**
	.....	5		696	**267**
	.....	6		696	**266**
17 "	107	1		700	**1414**
	.....	.....		700	**1415**
	.....	.....		700	**1438**
	.....	.....		700	**1439**
	.....	.....		700	**1567**
	.....	.....		700	**1568**
	.....	4		703	**1550**
	.....	5		703	**3730**
23 January, 1845,	1			721	**131**
	.....			721	**133**
	.....			721	**134**
20 February,	17	2		725	**1433**
26 "	20			726	**566**
	.....			726	**576**
26 "	22			727	**3011**
1 March,	39			731	**658**
3 "	43	20		739	**563**
	.....	.....		739	**649**

Date.	C.	S.	V.	P.	Sec.R.S.
3 March, 1845,	70	1	5	750	**3002**
		7		751	**3056**
		9		752	**3008**
		10		752	**3017**
		11		752	**3057**
3 "	71	2		763	**3680**
3 "	75	1		788	**3689**
		3		788	**534**
				788	**551**
		4		788	**581**
		7		788	**767**
				788	**770**
		8		788	**776**
				788	**781**
3 "	76	2		789	**551**
		4		789	**767**
				789	**770**
		5		789	**776**
				789	**781**
		6		790	**3689**
3 "	77	2		794	**1404**
		3		794	**3721**
		6		794	**1442**
				794	**1557**
		7		794	**1391**
3 "	78			795	**2747**
29 December,	1	2	9	1	**551**
		3		1	**767**
				1	**770**
				1	**776**
				2	**781**
31 "	2	1		2	**2578**
				2	**2579**
		2		2	**2578**
				2	**2579**
		3		2	**2578**
				2	**2579**
				2	**2709**
14 January, 1846,	4			3	**470**
11 February,	7	1		3	**2687**
		2		3	**2645**
		3		3	**2948**
13 May,	16	7		10	**4730**
15 "	21	1		12	**1154**
		4		13	**1156**
				13	**1157**
		5		13	**1152**
17 June,	28	2		17	**1191**
18 "	29	6		18	**1130**
		7		18	**1205**
		11		18	**1162**
27 "	34			20	**2092**
15 July,	38			38	**658**
16 "	56	1		38	**2601**
		7		38	**2602**
20 "	60			38	**3689**
				38	**4251**
				38	**4585**
				38	**4587**
29 "	66			41	**3477**
30 "	74	4		43	**2920**
		9		44	**2616**
				44	**2617**
		10		44	**1624**
3 August,	78	1		51	**2450**
				51	**2451**
		2		51	**2452**
		3		51	**2453**
		4		51	**2454**
		5		51	**2455**
6 "	84	1		53	**2964**
				53	**2973**
				53	**2974**
				53	**2975**
				53	**2979**
				53	**2980**
				53	**3009**

Date.	C.	S.	V.	P.	Sec.R.S.
6 August, 1846,	84	3	9	54	**2985**
				55	**2986**
				55	**2987**
		4		55	**2988**
		5		55	**251**
				55	**2989**
6 "	89	4		57	**551**
		5		57	**767**
				57	**770**
				57	**776**
				58	**781**
6 "	90	1		59	**3591**
				59	**3593**
		3		59	**3598**
				59	**3599**
		4		59	**3598**
				59	**3599**
		5		60	**3595**
				60	**3600**
		6		60	**3639**
		7		60	**3600**
		9		61	**3615**
		10		61	**3640**
				61	**3642**
				61	**3644**
		11		62	**3649**
		12		62	**3650**
		13		62	**3653**
		15		62	**3616**
		16		63	**887**
				63	**3643**
				63	**5490**
				63	**5491**
				63	**5492**
				63	**5493**
				63	**5494**
				63	**5495**
				63	**5496**
		18		64	**3473**
		20		64	**3651**
		21		65	**3645**
				65	**3652**
		22		65	**3596**
				65	**3597**
8 "	96	2		71	**1327**
				71	**1328**
				71	**1329**
		3		71	**1309**
	98	1		72	**658**
		2		72	**1037**
		3		72	**810**
				72	**813**
				72	**1038**
				72	**1039**
		4		73	**1018**
		5		73	**5383**
		6		73	**1019**
		7		73	**879**
				73	**881**
		11		74	**878**
8 "	100	1		75	**1777**
		2		76	**908**
	102			77	**3053**
	103	3		78	**5246**
	104			78	**1002**
	105			78	**728**
	106	2		79	**2231**
				79	**2232**
	107	1		80	**895**
		2		80	**71**
	110			82	**3074**
10 "	176	1		98	**1416**
		6		101	**3719**
10 "	178	1		102	**5579**
		2		102	**3689**
				102	**5590**
		3		103	**5580**

Date.	C.	S.	V.	P.	Sec.R.S.
10 August, 1846,	178	3	9	103	**5581**
	-----	-----		103	**5582**
	-----	-----		103	**5593**
	-----	4		104	**5588**
	-----	5		104	**5589**
	-----	6		105	**5586**
	-----	7		105	**5583**
	-----	-----		105	**5584**
	-----	8		105	**5585**
	-----	-----		105	**5587**
	-----	9		105	**5592**
	-----	11		106	**5594**
10 "	180	2		107	**3707**
9 February, 1847,	7			123	**3689**
	-----			123	**3698**
11 "	8	8		125	**1169**
	-----	9		126	**2418**
	-----	-----		126	**2419**
15 "	9			126	**658**
20 "	13	2		127	**4781**
22 "	17			128	**567**
	-----			128	**568**
	-----			128	**569**
	-----			128	**704**
23 "	20	1		131	**534**
	-----	-----		131	**551**
	-----	-----		131	**553**
	-----	2		131	**572**
	-----	-----		131	**575**
	-----	-----		131	**581**
	-----	-----		131	**658**
	-----	3		131	**4241**
	-----	5		131	**767**
	-----	-----		131	**770**
	-----	6		131	**776**
	-----	-----		131	**781**
	-----	8		132	**534**
2 March,	40	3		154	**1598**
	-----	-----		154	**1602**
3 "	48	1		172	**1405**
	-----	-----		171	**1549**
	-----	-----		171	**3618**
	-----	-----		171	**3692**
	-----	2		172	**3721**
	-----	3		172	**1414**
	-----	-----		172	**1415**
	-----	-----		172	**1438**
	-----	-----		172	**1568**
	-----	4		173	**1569**
	-----	6		173	**284**
3 "	51			175	**730**
	-----			175	**5374**
3 "	53	3		179	**3689**
3 "	55			181	**941**
3 "	57	1		182	**2578**
	-----	-----		182	**2579**
	-----	2		182	**2578**
	-----	-----		182	**2579**
	-----	3		182	**2578**
	-----	-----		182	**2579**
	-----	-----		182	**2710**
	-----	4		183	**2578**
	-----	-----		183	**2579**
3 "	60	1		183	**2517**
	-----	2		183	**2517**
	-----	-----		183	**2518**
	-----	3		183	**2517**
	-----	-----		183	**2518**
3 "	61	2		184	**1130**
	-----	12		185	**1187**
	-----	13		185	**1183**
	-----	17		186	**1214**
	-----	-----		186	**1216**
	-----	-----		186	**1285**
	-----	-----		186	**1286**
	-----	18		186	**1101**
	-----	22		187	**1187**

Date.	C.	S.	V.	P.	Sec.R.S.
3 March, 1847,	66	1	9	203	**2066**
	-----	3		203	**2086**
	-----	-----		203	**2087**
26 January, 1848,	4			209	**451**
26 "	5			209	**2535**
	-----			210	**2536**
	-----			210	**2537**
	-----			210	**2540**
	-----			209	**4345**
22 February,	12	2		212	**567**
	-----	-----		212	**568**
	-----	-----		212	**569**
	-----	-----		212	**704**
14 March,	18			213	**933**
9 May,	40			220	**2566**
	-----			220	**2567**
	-----			220	**2616**
27 "	48	1		232	**3126**
	-----	2		232	**3127**
29 "	50	4		234	**576**
	-----	-----		234	**581**
26 June,	70	1		237	**2933**
	-----	2		238	**2934**
	-----	3		238	**2935**
	-----	4		238	**2936**
	-----	-----		238	**2937**
	-----	5		238	**2529**
	-----	-----		238	**2544**
	-----	-----		238	**2549**
	-----	-----		238	**2558**
	-----	-----		238	**2569**
	-----	-----		238	**2612**
	-----	-----		238	**2743**
	-----	6		239	**2611**
	-----	-----		239	**2616**
	-----	-----		239	**2617**
26 "	73			240	**86**
	-----			240	**87**
19 July,	104	3		247	**1130**
	-----	-----		247	**1187**
29 "	118	2		264	**2099**
	-----	4		264	**3689**
3 August,	121	11		272	**3721**
	-----	12		272	**1399**
	-----	-----		272	**1400**
	-----	-----		272	**1401**
	-----	13		272	**1551**
7 "	141	2		274	**4214**
	-----	3		274	**4215**
7 "	143	1		274	**532**
	-----	-----		274	**552**
	-----	-----		274	**572**
	-----	2		274	**572**
7 "	144			275	**2527**
7 "	145			275	**2601**
11 "	151	1		280	**535**
	-----	-----		280	**572**
	-----	2		280	**552**
	-----	-----		280	**572**
	-----	4		280	**608**
	-----	-----		280	**658**
	-----	5		280	**608**
	-----	-----		280	**658**
	-----	7		281	**767**
	-----	-----		281	**776**
	-----	-----		281	**777**
	-----	8		281	**571**
	-----	-----		281	**608**
	-----	-----		281	**658**
	-----	9		281	**1002**
	-----	10		281	**584**
11 "	154			282	**658**
11 "	155	1		282	**4729**
	-----	2		283	**4728**
	-----	-----		283	**4729**
	-----	3		283	**4728**
	-----	-----		283	**4729**

Date.	C.	S.	V.	P.	Sec. R.S.
12 August, 1848,	166		9	292	**828**
12 "	167	1		302	**5270**
		2		302	**5271**
		3		302	**5272**
		4		303	**5273**
		5		303	**5274**
12 "	169			303	**572**
				303	**658**
14 "	177	10		327	**1881**
				327	**1882**
19 January, 1849,	20			341	**470**
22 February,	61	1		346	**907**
		2		347	**372**
				347	**883**
		3		347	**882**
2 March,	80			350	**1187**
				350	**1192**
2 "	82			350	**907**
2 "	83	3		351	**1121**
		4		351	**1130**
3 "	103			377	**1618**
3 "	108	1		395	**161**
				395	**277**
				395	**437**
				395	**440**
		2		395	**444**
		3		395	**248**
				395	**441**
		5		395	**441**
		6		395	**441**
		7		395	**441**
				395	**443**
		8		395	**441**
		9		395	**441**
		12		396	**269**
				396	**316**
				396	**317**
				396	**318**
				396	**2639**
		13		396	**234**
				396	**245**
				396	**2204**
3 "	110	1		398	**3617**
		2		398	**3048**
				398	**3689**
		5		399	**2978**
		6		399	**258**
3 "	112	1		400	**2582**
		2		400	**2582**
		3		400	**2582**
3 "	118			403	**800**
				403	**801**
3 "	122	1		409	**2578**
				409	**2579**
		7		410	**4342**
3 "	124	1		411	**584**
				410	**586**
				410	**744**
		3		411	**744**
		4		412	**560**
		5		412	**768**
				412	**778**
3 "	125			412	**2517**
3 "	127	2		414	**2549**
				414	**4343**
3 "	129	1		414	**3482**
		2		415	**3483**
				415	**3689**
		3		415	**277**
		5		415	**3486**
		6		416	**3487**
				416	**3689**
		7		416	**3485**
23 May, 1850,	11	1		428	**2176**
		2		428	**2177**
		3		428	**2178**
		4		428	**2179**
23 May, 1850,	11	5	9	429	**2185**
				429	**2186**
				429	**2194**
		6		429	**2180**
		7		429	**2189**
		8		429	**2197**
		9		430	**2181**
		10		430	**2187**
		11		430	**2192**
		12		430	**2198**
		13		430	**2199**
		14		431	**2180**
				431	**2182**
				431	**2193**
				431	**2202**
		15		431	**2191**
		16		431	**2203**
		18		431	**2190**
		19		431	**2183**
				431	**2196**
				431	**2204**
		21		432	**2201**
		22		432	**2206**
		23		432	**2175**
		25		432	**21**
		27		433	**2184**
5 June,	16	2		437	**2046**
		4		437	**2058**
29 July,	27	1		440	**4192**
				440	**4193**
		3		440	**4194**
		4		441	**4195**
		5		441	**4142**
				441	**4155**
				441	**4196**
				441	**4319**
		6		441	**4559**
		7		441	**5367**
29 "	29			442	**2531**
29 "	30	1		442	**587**
				442	**591**
				442	**596**
		2		443	**593**
		3		443	**595**
		4		443	**594**
30 August,	43	2		445	**2188**
9 September,	49	2		447	**1839**
				447	**1840**
				447	**1896**
		3		447	**1841**
				447	**1842**
		4		448	**1843**
				448	**1844**
		5		448	**1847**
				448	**1848**
				448	**1849**
				448	**1922**
		6		448	**1846**
				448	**1859**
				448	**1860**
		7		449	**1850**
				449	**1851**
		8		449	**1857**
		9		449	**1854**
		10		449	**702**
				449	**1864**
				449	**1865**
				449	**1866**
				449	**1867**
				449	**1868**
				449	**1869**
				449	**1870**
				449	**1871**
				449	**1872**
				449	**1883**
				449	**1907**
				449	**1909**

Date.	C.	S.	V.	P.	Sec. R.S.
9 September, 1850,	49	10	9	449	**1910**
				449	**1912**
				449	**1926**
		11		450	**1875**
				450	**1876**
				450	**1881**
				450	**1882**
		12		450	**1877**
				450	**1878**
				450	**1935**
				450	**1939**
				450	**1942**
		13		451	**1885**
				451	**1944**
		14		451	**1862**
				451	**1863**
		15		452	**1946**
		16		452	**1873**
				452	**1913**
				452	**1918**
		17		452	**1891**
9 "	51	1		453	**1839**
				453	**1840**
				453	**1897**
		2		453	**1841**
				453	**1842**
		3		453	**1843**
				453	**1844**
		4		454	**1846**
				454	**1847**
				454	**1848**
				454	**1849**
				454	**1922**
		5		454	**1859**
				454	**1860**
		6		454	**1850**
				454	**1851**
		7		455	**1857**
		8		455	**1854**
		9		455	**702**
				455	**1864**
				455	**1865**
				455	**1866**
				455	**1867**
				455	**1868**
				455	**1869**
				455	**1870**
				455	**1871**
				455	**1872**
				455	**1883**
				455	**1907**
				455	**1909**
				455	**1910**
				455	**1912**
				455	**1926**
		10		456	**1875**
				456	**1876**
				456	**1881**
				456	**1882**
		11		456	**1877**
				456	**1878**
				456	**1935**
				456	**1939**
				456	**1942**
		12		457	**1885**
				457	**1944**
		13		457	**1862**
				457	**1863**
		14		457	**1953**
		15		457	**1946**
		16		458	**1873**
				458	**1913**
		17		458	**1891**
18 "	52	1		458	**782**
				458	**1778**
		2		458	**782**
18 "	55	1		459	**263**

Date.	C.	S.	V.	P.	Sec. R.S.
16 September, 1850	55	2	9	459	**263**
26 "	69			469	**3129**
27 "	76	1		496	**2207**
		2		496	**2209**
				496	**2211**
		3		496	**2409**
28 "	77	6		504	**4678**
		7		504	**4672**
28 "	78	3		507	**3617**
28 "	79	1		508	**2582**
				508	**2583**
		2		508	**2583**
		4		509	**5293**
		5		509	**2597**
				509	**2601**
		6		509	**2598**
		7		510	**2598**
		8		510	**2595**
				510	**2596**
		9		510	**2596**
		10		510	**2967**
		11		510	**2568**
				510	**2823**
		12		511	**2603**
				511	**2604**
		13		511	**2527**
				511	**2529**
		14		511	**2568**
				511	**2708**
				511	**2823**
		17		512	**2978**
		18		512	**3054**
		19		512	**2822**
		20		512	**2576**
		21		512	**2569**
28 "	80			515	**435**
				513	**3718**
				515	**3728**
				515	**4611**
28 "	84	1		519	**2479**
				519	**2490**
		2		519	**2480**
		3		519	**2481**
		4		520	**2479**
28 "	85	1		520	**2418**
				520	**2421**
				520	**2438**
		2		520	**2422**
		3		520	**2423**
				520	**2424**
		4		521	**2436**
				521	**2437**
28 "	86	3		522	**581**
		6		522	**584**
				522	**586**
		8		522	**770**
		9		522	**781**
30 "	90			523	**48**
14 February, 1851,	8	1		567	**2586**
		2		567	**2587**
		3		567	**2670**
				567	**2586**
				567	**2711**
19 "	11	1		568	**105**
		2		568	**106**
		3		568	**110**
				568	**111**
		4		569	**114**
				569	**115**
		5		569	**116**
		6		569	**108**
		7		569	**120**
				569	**122**
				569	**125**
		8		569	**123**
		9		569	**121**
				569	**126**

Date.	C.	S.	V.	P.	Sec. R. S.
19 February, 1851,	11	10	9	570	**112**
		11		570	**128**
				570	**129**
27 "	14	2		586	**2046**
				586	**2050**
		5		587	**2058**
		6		587	**2048**
				587	**2049**
				587	**2056**
				587	**2057**
		8		587	**2070**
3 March,	22			594	**1309**
				594	**1335**
3 "	24	1		594	**533**
				594	**608**
		2		594	**572**
				594	**581**
		3		595	**571**
				595	**608**
				595	**1002**
		4		595	**556**
				595	**767**
				595	**770**
				595	**776**
				595	**781**
3 "	25	1		595	**4814**
		2		595	**4815**
		3		595	**4816**
		4		596	**4821**
		5		596	**4820**
				596	**4823**
		6		596	**4822**
		7		596	**3689**
				596	**4818**
				596	**4819**
		8		597	**4817**
3 "	32			600	**198**
				600	**510**
				600	**511**
3 "	33			618	**1204**
3 "	34			621	**1578**
				621	**1579**
				621	**1583**
3 "	37	2		628	**4663**
		3		628	**4663**
		4		629	**4663**
		9		629	**4664**
3 "	38	2		630	**2950**
		3		630	**2608**
				630	**2727**
				630	**2930**
3 "	40			631	**658**
3 "	43	1		635	**4282**
		3		635	**4283**
		4		635	**4284**
				635	**4285**
		5		636	**4286**
		6		636	**4287**
		7		636	**4288**
				636	**4289**
3 "	44			636	**581**
22 March, 1852,	19	1	10	3	**2277**
				3	**2414**
				3	**2415**
		2		4	**2238**
		3		4	**2240**
				4	**2242**
		4		4	**2420**
		5		4	**2433**
2 April,	20			5	**587**
				5	**592**
				5	**593**
				5	**594**
				5	**595**
4 May,	25	1		5	**572**
		2		5	**532**
10 "	33			5	**572**

Date.	C.	S.	V.	P.	Sec. R. S.
10 May, 1852,	33		10	5	**658**
15 June,	49			10	**1884**
3 July,	54	7		12	**3639**
21 "	66			16	**849**
				21	**2406**
21 "	68	2		25	**2673**
30 "	74	2		25	**2195**
6 August,	81	1		29	**1309**
		2		29	**1337**
26 "	91	2		30	**3758**
				30	**3759**
		10		34	**3764**
		12		34	**3756**
				34	**3757**
				35	**3793**
30 "	96	1		37	**3002**
		2		37	**3003**
		3		38	**2580**
				38	**2734**
		4		38	**3008**
30 "	103	3		56	**2086**
30 "	106	37		74	**5482**
31 "	108	2		97	**3474**
		6		98	**2577**
				98	**2740**
		8		98	**3788**
		18		100	**1763**
31 "	112	5		118	**4663**
		6		118	**4663**
		7		118	**4663**
		8		119	**4653**
				119	**4656**
				119	**4657**
				119	**4658**
		9		119	**4654**
				119	**4655**
		10		119	**4656**
				119	**4658**
		12		119	**4670**
				119	**4671**
		13		120	**4669**
		14		120	**4665**
				120	**4666**
		16		120	**4659**
		17		120	**4679**
				120	**4680**
31 "	115	1		143	**2823**
		2		144	**2568**
				144	**2708**
				144	**2823**
		3		144	**2535**
				144	**2540**
				144	**4345**
23 December,	4			149	**4136**
22 January, 1853,	24	1		152	**2219**
		2		152	**2220**
		3		152	**2221**
14 February,	69	4		158	**2209**
26 "	80	1		163	**632**
				163	**698**
				165	**715**
				163	**750**
				161	**823**
				162	**824**
				163	**828**
				164	**829**
				163	**840**
				162	**920**
				162	**980**
				162	**982**
				162	**1024**
				162	**1027**
				162	**1028**
				162	**1029**
				161	**1883**
		2		165	**830**
		3		167	**831**

Date.	C.	S.	V.	P.	Sec. R. S.
26 February, 1853.	80	3	10	165	**833**
				166	**835**
				166	**839**
				166	**841**
				166	**843**
				166	**844**
				166	**845**
				167	**847**
				167	**848**
				167	**850**
				168	**851**
				168	**853**
				168	**854**
				168	**855**
				168	**856**
				168	**863**
				169	**877**
				168	**983**
				169	**984**
				169	**1030**
26 "	81	1		170	**3477**
		2		170	**5498**
		4		170	**5403**
		5		170	**5408**
		6		171	**5450**
				171	**5451**
				171	**5500**
				171	**5501**
				171	**5502**
2 March,	89			172	**3655**
				172	**3656**
2 "	90	1		172	**1839**
				172	**1840**
				172	**1898**
		2		173	**1841**
		3		173	**1843**
				173	**1844**
		4		173	**1846**
				173	**1847**
				173	**1848**
				173	**1849**
				173	**1922**
				173	**1923**
		5		174	**1859**
				174	**1860**
		6		175	**1850**
				175	**1851**
				175	**1924**
		7		175	**1857**
		8		175	**1854**
		9		175	**702**
				175	**1864**
				175	**1865**
				175	**1866**
				175	**1867**
				175	**1868**
				175	**1869**
				175	**1870**
				175	**1871**
				175	**1872**
				175	**1883**
				175	**1907**
				175	**1909**
				175	**1910**
				175	**1911**
				175	**1912**
				175	**1926**
		10		176	**1875**
				176	**1876**
				176	**1881**
				176	**1882**
		11		176	**1877**
				176	**1878**
				176	**1938**
				176	**1940**
				176	**1941**
		12		177	**1952**
2 March, 1853,	90	13	10	177	**1885**
				177	**1944**
		14		178	**1862**
				178	**1863**
				178	**1906**
		17		179	**1953**
		18		179	**1873**
				179	**1913**
				179	**1918**
		19		179	**1951**
		20		179	**1947**
		21		179	**1950**
3 "	96			183	**3763**
3 "	97	1		189	**440**
				207	**1830**
				204	**2241**
				189	**2250**
				204	**2251**
				190	**3782**
		2		209	**4689**
		3		209	**163**
				209	**164**
				211	**166**
				211	**167**
				209	**170**
				209	**176**
				211	**215**
				211	**235**
				209	**264**
				211	**351**
		6		212	**200**
3 "	98	1		214	**1666**
				214	**4690**
		6		214	**3596**
		9		219	**1207**
3 "	104	4		239	**5483**
3 "	143			244	**2279**
				244	**2280**
3 "	144			244	**2251**
3 "	145	1		244	**2207**
				244	**2210**
				244	**2211**
		2		245	**2224**
		3		245	**2223**
		4		245	**2409**
				245	**2410**
		5		245	**2236**
		8		247	**2411**
		10		247	**2222**
				247	**2223**
				247	**2230**
		11		248	**2209**
				248	**2224**
3 "	147	1		256	**2446**
		2		257	**2371**
3 "	152	1		258	**2450**
		2		258	**2456**
2 February, 1854,	9			266	**2568**
				266	**2708**
				266	**2823**
10 "	11	1		267	**46**
				267	**56**
		2		267	**57**
				267	**59**
27 March,	25			269	**2281**
27 "	26	1		269	**533**
		3		270	**2145**
				270	**2146**
		4		270	**2143**
		5		270	**2142**
28 "	30	1		271	**2958**
				270	**2960**
				270	**2962**
		2		271	**2965**
				271	**2976**
		3		271	**2961**
		4		272	**2971**

Date.	C.	S.	V.	P.	Sec. R.S.
28 March, 1854,	30	4	10	271	**2983**
	.....	5		272	**2999**
	.....	.....		272	**3000**
	.....	6		272	**3001**
	.....	7		272	**2953**
	.....	.....		272	**2955**
	.....	.....		272	**2957**
	.....	8		273	**2984**
	.....	.....		273	**3689**
	.....	9		273	**2989**
22 April,	52	1		276	**167**
	.....	.....		276	**168**
	.....	3		276	**2204**
10 May,	59	11		281	**1881**
	.....	.....		281	**1882**
31 "	60	2		297	**6**
	.....	.....		297	**882**
17 July,	84	6		306	**2242**
	.....	7		306	**2207**
	.....	.....		306	**2209**
20 "	99	1		307	**572**
	.....	.....		307	**579**
	.....	2		307	**658**
22 "	103	1		308	**2207**
	.....	.....		308	**2210**
	.....	10		309	**2207**
27 "	105			310	**2535**
	.....			311	**2536**
29 "	159	1		315	**1778**
	.....	2		315	**863**
2 August,	189	1		333	**2568**
	.....	.....		333	**2572**
	.....	2		334	**2573**
2 "	191			334	**2568**
	.....			334	**2708**
	.....			334	**2823**
2 "	192	2		334	**2568**
	.....	.....		334	**2823**
2 "	193	1		335	**2578**
	.....	2		335	**2578**
	.....	.....		335	**2579**
	.....	.....		335	**2671**
3 "	196			344	**2966**
3 "	198			345	**2568**
	.....			345	**2823**
3 "	201			346	**2449**
3 "	202	1		346	**2562**
	.....	.....		346	**2563**
	.....	.....		346	**2818**
	.....	.....		346	**2819**
	.....	2		346	**2568**
	.....	.....		346	**2708**
	.....	.....		346	**2823**
4 "	242	8		572	**495**
	.....	11		573	**3603**
	.....	12		573	**55**
	.....	14		573	**3614**
	.....	15		573	**1797**
	.....	.....		573	**1798**
	.....	.....		573	**1812**
	.....	.....		573	**1828**
	.....	.....		573	**3669**
4 "	247	2		575	**1282**
	.....	.....		575	**1284**
	.....	3		575	**1285**
	.....	.....		575	**1286**
	.....	5		575	**1214**
	.....	.....		575	**1215**
5 "	267			578	**1662**
5 "	268	1		586	**1612**
	.....	.....		586	**1613**
	.....	.....		585	**3718**
	.....	4		587	**1488**
14 December,	1	1		597	**4242**
	.....	2		597	**4243**
	.....	3		597	**4246**
	.....	4		597	**4245**
22 December, 1854,	10		10	599	**2447**
10 February, 1855,	71	1		604	**1993**
	.....	2		604	**1994**
10 "	73	1		604	**544**
	.....	2		605	**579**
	.....	.....		604	**608**
	.....	7		605	**551**
	.....	8		605	**767**
	.....	.....		605	**770**
	.....	.....		605	**776**
	.....	.....		605	**781**
13 "	96	1		606	**536**
	.....	2		606	**572**
	.....	.....		606	**608**
	.....	.....		606	**658**
	.....	7		607	**551**
	.....	8		607	**781**
	.....	9		607	**767**
	.....	.....		607	**776**
21 "	117			611	**2207**
	.....			611	**2210**
21 "	118	3		612	**670**
24 "	122	1		612	**1049**
	.....	.....		612	**1059**
	.....	.....		612	**1072**
	.....	3		613	**1070**
	.....	.....		613	**1075**
	.....	.....		613	**1081**
	.....	.....		613	**1082**
	.....	.....		613	**1084**
	.....	.....		613	**1085**
	.....	4		613	**1077**
	.....	5		613	**1083**
	.....	9		614	**1087**
	.....	10		614	**1051**
	.....	.....		614	**1052**
	.....	11		614	**1053**
	.....	.....		614	**1054**
	.....	.....		614	**1076**
24 "	123			614	**5280**
24 "	124	3		615	**2243**
24 "	125			615	**598**
28 "	127	2		616	**1593**
	.....	3		617	**1442**
2 March,	136	1		627	**1426**
	.....	.....		627	**1427**
	.....	.....		627	**1429**
	.....	2		627	**1573**
	.....	3		627	**1431**
	.....	4		627	**1624**
	.....	5		627	**1624**
	.....	6		627	**1624**
	.....	7		627	**1624**
	.....	8		628	**1624**
	.....	9		628	**1624**
2 "	140			630	**746**
2 "	141	2		630	**2752**
2 "	147	1		634	**2483**
	.....	2		634	**2482**
	.....	.....		634	**3689**
3 "	169	7		639	**1667**
	.....	.....		639	**1671**
3 "	175	1		656	**3596**
	.....	.....		651	**3763**
	.....	4		669	**163**
	.....	.....		669	**164**
	.....	.....		669	**176**
	.....	.....		669	**201**
	.....	8		670	**3662**
	.....	.....		670	**3663**
	.....	.....		670	**3664**
	.....	12		670	**823**
	.....	.....		671	**1883**
	.....	13		671	**2578**
	.....	22		673	**2051**
	.....	26		674	**2209**
3 "	198	2		680	**2712**

Date.	C.	S.	V.	P.	Sec. R.S.
3 March, 1855,	199	1	10	682	**4838**
	.....	2		682	**4840**
	.....	.....		682	**4841**
	.....	.....		682	**4842**
	.....	3		682	**4839**
	.....	5		683	**4844**
	.....	6		683	**4853**
	.....	7		683	**4858**
3 "	204	8		700	**2144**
	.....	10		701	**2064**
3 "	207	1		701	**2425**
	.....	.....		701	**2426**
	.....	.....		701	**2438**
	.....	2		702	**2428**
	.....	.....		702	**2429**
	.....	.....		702	**2430**
	.....	3		702	**2425**
	.....	.....		702	**2427**
	.....	.....		702	**2431**
	.....	7		702	**2434**
	.....	8		702	**2426**
	.....	9		702	**2427**
	.....	10		702	**2426**
	.....	11		702	**2427**
3 "	213	1		715	**4252**
	.....	.....		715	**4253**
	.....	.....		715	**4254**
	.....	2		716	**4255**
	.....	3		716	**4256**
	.....	4		717	**4257**
	.....	5		717	**4258**
	.....	6		717	**4260**
	.....	.....		718	**4261**
	.....	.....		717	**4262**
	.....	7		718	**4263**
	.....	8		718	**4259**
	.....	9		718	**4264**
	.....	11		719	**4265**
	.....	12		719	**4266**
	.....	13		719	**4267**
	.....	14		719	**4268**
	.....	.....		719	**4269**
	.....	15		720	**629**
	.....	.....		720	**4270**
	.....	16		720	**4271**
	.....	17		720	**4272**
20 February, 1856,	1		11	1	**473**
19 March,	8			1	**547**
28 "	9			2	**5540**
23 April,	18			4	**572**
	.....			4	**658**
23 "	19	2		5	**1340**
	.....	.....		5	**1341**
	.....	3		5	**1332**
23 "	20			5	**71**
14 May,	26	1		8	**2432**
	.....	2		8	**2435**
	.....	3		8	**2431**
	.....	4		8	**2426**
	.....	5		9	**2426**
	.....	7		9	**2433**
14 June,	45			22	**572**
	.....			22	**658**
26 "	47			22	**2450**
	.....			22	**2457**
26 "	48	2		23	**658**
6 August,	81	1		30	**1052**
	.....	3		30	**1055**
	.....	.....		30	**1056**
16 "	119	1		43	**571**
	.....	.....		43	**572**
	.....	2		43	**817**
	.....	3		43	**571**
16 "	123	2		48	**36**
	.....	5		49	**42**
	.....	6		49	**40**
16 "	124	1		49	**846**

Date.	C.	S.	V.	P.	Sec. R.S.
16 August, 1856,	124	2	11	49	**846**
	.....	3		49	**981**
	.....	5		49	**1915**
	.....	7		50	**810**
	.....	.....		50	**811**
	.....	8		50	**849**
	.....	10		50	**1871**
	.....	12		50	**299**
	.....	13		50	**628**
16 "	125	2		51	**1179**
18 "	127	1		52	**1675**
	.....	.....		52	**1676**
	.....	2		52	**1680**
	.....	3		52	**1690**
	.....	4		55	**1730**
	.....	5		55	**1699**
	.....	.....		55	**1701**
	.....	6		55	**1692**
	.....	8		55	**1740**
	.....	9		56	**1686**
	.....	10		56	**1685**
	.....	11		56	**1739**
	.....	12		56	**1738**
	.....	13		56	**1697**
	.....	14		57	**1695**
	.....	15		57	**1700**
	.....	.....		57	**1703**
	.....	16		57	**208**
	.....	.....		57	**1731**
	.....	.....		57	**1745**
	.....	.....		57	**4207**
	.....	17		58	**1723**
	.....	.....		58	**1726**
	.....	18		58	**208**
	.....	.....		58	**1687**
	.....	.....		58	**1724**
	.....	.....		58	**1725**
	.....	.....		58	**1727**
	.....	.....		58	**1728**
	.....	.....		58	**1747**
	.....	.....		59	**4213**
	.....	19		59	**1741**
	.....	.....		59	**1751**
	.....	20		59	**1719**
	.....	.....		59	**1743**
	.....	21		60	**1744**
	.....	22		60	**208**
	.....	.....		60	**211**
	.....	.....		60	**1706**
	.....	.....		60	**1748**
	.....	.....		60	**1752**
	.....	24		61	**1750**
	.....	26		62	**4580**
	.....	.....		62	**4581**
	.....	.....		62	**4583**
	.....	.....		62	**4584**
	.....	27		62	**1708**
	.....	.....		62	**1713**
	.....	.....		62	**1715**
	.....	28		63	**1711**
	.....	.....		63	**1718**
	.....	30		63	**1746**
	.....	31		64	**1674**
	.....	.....		64	**1689**
	.....	32		64	**1735**
18 "	128	2		80	**2148**
18 "	129	17		92	**2583**
	.....	.....		92	**2744**
18 "	160	5		101	**4663**
18 "	162	5		1.8	**1613**
18 "	164	1		1 9	**5570**
	.....	.....		119	**5571**
	.....	2		119	**5573**
	.....	.....		119	**5574**
	.....	3		120	**5575**
	.....	4		120	**5578**
	.....	5		120	**5577**

Date.	C.	S.	V.	P.	Sec. R. S.
18 August, 1856,	164	6	11	120	**5576**
18 "	170	2		139	**208**
				139	**1712**
16 January, 1857,	12	1		154	**1593**
		3		154	**1594**
		4		154	**1457**
				154	**1461**
24 "	19	1		155	**102**
		2		156	**859**
		3		156	**104**
7 February,	36	1		157	**4857**
		3		157	**4848**
		4		157	**4850**
		5		158	**4851**
		6		158	**4852**
		7		158	**4855**
		8		158	**4854**
		9		158	**4856**
16 "	45	1		161	**1309**
		3		161	**1338**
16 "	46	1		161	**4859**
		2		161	**4862**
		3		162	**4866**
		4		162	**4864**
				162	**4869**
		6		162	**4868**
21 "	56	1		163	**2366**
				163	**3567**
		2		163	**3474**
				163	**3566**
				163	**3568**
		3		163	**3474**
				163	**3584**
21 "	57	1		164	**548**
		2		164	**572**
				164	**579**
				164	**658**
		5		165	**551**
		6		165	**767**
				165	**770**
				165	**776**
				165	**781**
26 "	60	5		167	**3689**
2 March,	62			168	**2559**
				168	**2560**
				168	**2817**
2 "	63			168	**2491**
3 "	90	1		169	**2089**
		3		185	**2046**
3 "	100	1		197	**540**
		2		197	**572**
		7		198	**551**
		8		198	**767**
				198	**776**
				198	**781**
		9		198	**767**
				198	**776**
		10		198	**608**
3 "	102			199	**2564**
				199	**2565**
				199	**2708**
				199	**2713**
				199	**2820**
3 "	105			200	**2562**
				200	**2563**
				200	**2619**
				200	**2664**
3 "	106	2		203	**1191**
		3		203	**1663**
3 "	107	1		212	**2207**
				212	**2213**
		5		220	**234**
		10		221	**2578**
3 "	108	2		228	**155**
				228	**156**
		8		229	**2647**
3 "	111	3		246	**436**

Date.	C.	S.	V.	P.	Sec. R. S.
3 March, 1857,	114	2	11	249	**3639**
3 "				249	**5489**
		3		249	**3621**
				249	**5492**
3 "	116	1		250	**5341**
		2		250	**5342**
		3		250	**5343**
3 "	117			251	**2484**
23 December,	1	6		258	**3473**
		11		259	**3578**
27 January, 1858,	3			260	**2565**
				260	**2713**
				260	**2820**
10 February,	5	1		260	**572**
		2		260	**658**
4 May,	27	1		272	**739**
				272	**740**
				272	**741**
		2		272	**739**
				272	**742**
4 "	28			272	**572**
				272	**658**
11 "	31	3		285	**531**
				285	**551**
				285	**767**
				285	**770**
				285	**776**
				285	**781**
18 "	39	1		289	**2229**
		3		290	**5411**
		4		290	**5412**
18 "	40	1		290	**2471**
		2		291	**2472**
		3		291	**2473**
2 June,	82	2		308	**3665**
3 "	84	1		308	**2444**
		2		309	**2414**
3 "	85			309	**4725**
				309	**4726**
				309	**4727**
11 "	147			314	**572**
				314	**658**
12 "	153	5		319	**1530**
				319	**1531**
				319	**1532**
12 "	154	1		319	**4688**
		5		326	**3680**
		10		326	**2273**
		17		327	**3657**
		18		328	**703**
12 "	155	2		332	**2149**
12 "	156			333	**1309**
				333	**1310**
				333	**1312**
				333	**1313**
				333	**1334**
				333	**1337**
14 "	160	4		337	**253**
14 "	163	3		363	**2153**
14 "	166			366	**1874**
2 February, 1859,	19			378	**2240**
5 "	22	1		379	**441**
				379	**497**
				379	**3808**
				379	**3813**
		2		379	**74**
		3		380	**445**
				380	**499**
		4		380	**500**
		5		380	**497**
				380	**501**
		7		380	**497**
		10		381	**506**
		11		381	**96**
5 "	23			381	**5420**
14 "	33	4		384	**3689**
26 "	58			385	**2275**

Date.	C.	S.	V.	P.	Sec. R. S.
26 February, 1859,	58		11	385	**2276**
28 "	64	1		387	**2362**
				387	**3689**
		2		388	**2363**
28 "	65			388	**3689**
28 "	66	8		401	**2156**
3 March,	74			402	**572**
3 "	76	2		407	**1488**
				407	**1590**
3 "	78			408	**5388**
3 "	80	3		422	**3792**
				422	**3794**
3 "	81	2		424	**4668**
		3		424	**4674**
		6		424	**4663**
3 "	83	1		432	**1136**
		4		434	**4815**
		5		434	**4814**
				434	**4821**
		6		434	**4820**
		7		434	**4814**
				434	**4819**
				434	**4824**
3 "	84	1		435	**1800**
				435	**1801**
				435	**1802**
				435	**1807**
				435	**1808**
				435	**1809**
				435	**1810**
				435	**1811**
				435	**1812**
		5		436	**1803**
				436	**1804**
		6		436	**1805**
		7		436	**1806**
3 "	85	2		437	**531**
				437	**551**
		3		437	**767**
				437	**770**
				437	**776**
				437	**781**
		5		437	**537**
				437	**560**
				437	**572**
				437	**768**
				437	**778**
		6		438	**537**
				438	**572**
		7		438	**537**
				438	**572**
		8		438	**560**
				438	**768**
				438	**778**
12 March, 1860,	5	1	12	3	**2479**
				3	**2490**
		2		3	**2490**
24 "	8	1		3	**5349**
		2		3	**4275**
				3	**4276**
		3		4	**4277**
		4		4	**5350**
		5		4	**5351**
5 May,	37			14	**2205**
1 June,	66			23	**4843**
1 "	67	1		24	**1397**
				24	**1398**
		3		27	**1571**
		4		27	**1442**
				27	**1557**
		5		27	**1592**
9 "	85	1		28	**572**
		3		29	**581**
13 "	120	2		30	**4860**
16 "	134	1		39	**2578**
				39	**2579**
		2		39	**2578**

Date.	C.	S.	V.	P.	Sec. R. S.
16 June, 1860,	134	2	12	39	**2579**
		3		39	**2578**
				40	**2579**
		4		40	**2581**
16 "	135			40	**1675**
16 "	136	1		40	**5566**
		2		41	**5567**
21 "	163	1		66	**1195**
		4		68	**1146**
21 "	164			69	**5409**
				69	**5410**
22 "	179	1		72	**4083**
		2		72	**4084**
		3		73	**4085**
		4		73	**4086**
		5		73	**4117**
				73	**4118**
		6		73	**4119**
		7		74	**4087**
		8		74	**4104**
				74	**4105**
		9		74	**4089**
		10		74	**4106**
		11		74	**4107**
		12		75	**4097**
		13		75	**4091**
		14		75	**4101**
		15		75	**4102**
				75	**4103**
		17		75	**4120**
		18		76	**4099**
		19		76	**4098**
		20		76	**4100**
		21		76	**4125**
		22		76	**4128**
				76	**4130**
		23		76	**4110**
		24		77	**4090**
		25		77	**4111**
				77	**4112**
				77	**4113**
				77	**4114**
				77	**4115**
				77	**4116**
		26		77	**4121**
		27		78	**4108**
				78	**4109**
		28		78	**4126**
		29		78	**4127**
		30		78	**4088**
		31		79	**4082**
22 "	181	1		81	**3666**
		3		83	**1378**
				83	**1383**
				83	**1389**
				83	**1583**
22 "	184			84	**5271**
23 "	203	1		90	**2441**
		2		91	**2442**
23 "	205			93	**3762**
				93	**3763**
25 "	211			106	**1800**
				106	**1801**
				106	**1812**
29 January, 1861,	20	4		128	**531**
				128	**551**
				128	**767**
				128	**770**
				128	**776**
				128	**781**
		5		128	**572**
				128	**658**
8 February,	30			130	**2046**
18 "	38	1		131	**2239**
				131	**2240**
				131	**2241**
		2		131	**2255**

Date.	C.	S.	V.	P.	Sec. R. S.
18 February, 1861,	38	3	12	131	**2239**
				131	**2240**
				131	**2241**
20 "	44			135	**3821**
				135	**3822**
21 "	49	1		147	**1538**
				147	**1539**
		7		150	**3686**
28 "	58			171	**1690**
28 "	59	1		172	**1839**
				172	**1840**
				172	**1847**
				172	**1848**
				172	**1849**
				172	**1899**
		2		172	**1841**
		3		172	**1843**
				172	**1844**
		4		173	**1846**
				173	**1922**
		5		173	**1859**
				173	**1860**
		6		174	**1851**
				174	**1925**
		7		174	**1857**
		8		174	**1854**
		9		174	**1864**
				174	**1865**
				174	**1866**
				174	**1867**
				174	**1868**
				174	**1869**
				174	**1870**
				174	**1871**
				174	**1872**
				174	**1883**
				174	**1907**
				174	**1909**
				174	**1910**
				174	**1912**
		10		175	**1875**
				175	**1876**
				175	**1881**
				175	**1882**
		11		175	**1877**
				175	**1878**
				175	**1935**
				175	**1939**
		12		176	**1885**
				176	**1944**
		13		176	**1862**
				176	**1863**
		14		176	**1946**
		15		176	**1873**
				176	**1913**
				176	**1918**
				176	**1919**
		16		176	**1891**
		17		176	**2207**
				176	**2210**
28 "	60	1		177	**4845**
				177	**4846**
				177	**4847**
		2		177	**4849**
2 March,	68	9		182	**2504**
		10		183	**2504**
		12		183	**2504**
		15		186	**2504**
		19		187	**2504**
		20		189	**2504**
		21		190	**2504**
		22		191	**2504**
		23		193	**2505**
		24		196	**2516**
		26		196	**2951**
		27		197	**3021**
		28		197	**2904**

Date.	C.	S.	V.	P.	Sec. R. S.
2 March, 1861,	68	29	12	197	**336**
		32		197	**2910**
				197	**2952**
2 "	81			209	**2880**
2 "	83	17		214	**2207**
				214	**2210**
2 "	84	1		219	**841**
		10		220	**3709**
				220	**3715**
				220	**3732**
2 "	86	1		239	**1839**
				239	**1840**
				239	**1900**
		2		239	**1841**
		3		240	**1843**
				240	**1844**
		4		240	**1846**
				240	**1847**
				240	**1848**
				240	**1849**
				240	**1922**
		5		241	**1859**
				241	**1860**
		6		241	**1851**
				241	**1925**
		7		241	**1857**
		8		241	**1854**
		9		241	**702**
				241	**1864**
				241	**1865**
				241	**1866**
				241	**1867**
				241	**1868**
				241	**1869**
				241	**1870**
				241	**1871**
				241	**1872**
				241	**1883**
				241	**1907**
				241	**1909**
				241	**1910**
				241	**1912**
				241	**1926**
		10		242	**1875**
				242	**1876**
				242	**1881**
				242	**1882**
		11		242	**1877**
				242	**1878**
				242	**1935**
				242	**1939**
				242	**1942**
		12		243	**1885**
				243	**1944**
		13		243	**1862**
				243	**1863**
		14		243	**1946**
		15		243	**1873**
				243	**1913**
				243	**1918**
				243	**1919**
		16		244	**1891**
		17		244	**2207**
				244	**2208**
2 "	87	1		244	**501**
		2		245	**502**
		4		245	**510**
				245	**3800**
		6		245	**683**
13 July,	3	1		255	**5314**
		2		256	**5315**
		3		256	**5316**
		4		256	**564**
				256	**734**
				256	**5317**
		5		257	**564**
				257	**734**

Date.	C.	S.	V.	P.	Sec. R. S.
13 July, 1861,	3	5	12	257	**1342**
				257	**5301**
				257	**5304**
				257	**5305**
		7		257	**5318**
				257	**5319**
		8		257	**5292**
		9		258	**564**
				258	**734**
17 "	4	1		258	**1378**
		2		258	**1379**
		4		258	**1381**
				258	**1432**
				258	**1564**
		5		258	**1380**
				258	**1383**
17 "	5			259	**3473**
				259	**3589**
18 "	7	1		264	**1580**
		2		265	**1581**
		3		265	**1581**
		4		265	**1581**
				265	**1582**
		7		265	**3726**
18 "	8	3		268	**1537**
22 "	9	2		269	**1646**
		3		269	**1647**
25 "	19	1		275	**1596**
		2		275	**1597**
		3		275	**1599**
25 "	20	2		275	**2749**
		3		275	**2758**
29 "	24	1		280	**1099**
				279	**1100**
		2		280	**1099**
				280	**1111**
		3		280	**1098**
29 "	25	1		281	**5298**
		2		282	**5300**
		3		282	**1342**
				282	**1644**
				282	**1650**
		4		282	**1649**
		5		282	**1658**
		6		282	**1659**
				282	**1660**
		7		282	**788**
31 "	32			284	**1342**
				284	**5301**
31 "	33			284	**1980**
				284	**5336**
				284	**5518**
2 August,	36			285	**1542**
2 "	37	1		285	**350**
				285	**362**
		2		285	**363**
3 "	42	4		287	**1152**
				287	**1154**
				287	**1155**
				287	**1156**
				287	**1157**
		6		288	**1238**
				288	**1277**
		8		288	**1320**
				288	**1325**
		11		289	**1342**
		12		289	**1102**
		14		289	**1175**
		15		289	**1243**
				289	**1622**
		16		289	**1245**
				289	**1255**
				289	**1257**
				289	**1258**
		17		289	**1622**
				290	**1247**

Date.	C.	S.	V.	P.	Sec. R. S.
3 August, 1861,	42	17	12	290	**1248**
				290	**1249**
				290	**1250**
				290	**1251**
				290	**1252**
				290	**1253**
				290	**1275**
				290	**1449**
				289	**1622**
				289	**1623**
		18		290	**1256**
		20		290	**1265**
		21		290	**1443**
		22		290	**1457**
				290	**1458**
				290	**1459**
				290	**1590**
		23		291	**1448**
				291	**1450**
				291	**1451**
				291	**1452**
				291	**1453**
				291	**1454**
				291	**1455**
				291	**1457**
				291	**1593**
		24		291	**1457**
5 "	45	1		292	**2504**
		2		292	**2504**
		4		293	**3019**
5 "	46	5		313	**3473**
5 "	48	1		314	**4296**
				314	**4297**
		2		315	**4298**
		3		315	**4299**
5 "	49			315	**1720**
5 "	51	2		316	**1533**
5 "	54	2		316	**1342**
				316	**1624**
		3		317	**1342**
6 "	55			317	**770**
				317	**836**
6 "	56	1		317	**5337**
		2		317	**5338**
6 "	57	2		317	**1152**
				317	**1154**
				317	**1156**
				317	**1157**
		5		318	**1662**
				318	**1663**
6 "	59			318	**602**
				318	**603**
6 "	60	1		319	**5308**
		2		319	**563**
				319	**629**
				319	**711**
				319	**734**
				319	**735**
				319	**5309**
		3		319	**5311**
6 "	61			319	**1013**
6 "	64	2		326	**1758**
6 "	65			327	**350**
21 December,	1	1		329	**1444**
		3		329	**1459**
				329	**1463**
				329	**1465**
		4		329	**1434**
				329	**1459**
				329	**1464**
		6		330	**1458**
24 "	3			330	**1342**
24 January, 1862,	11			333	**103**
				333	**859**
31 "	15	4		334	**220**
4 February,	17			336	**1690**
				336	**1700**

Date.	C.	S.	V.	P.	Sec. R.S.
12 February, 1862,	20		12	338	**3473**
	.....			338	**3589**
12 "	21			338	**1437**
13 "	25	2		339	**1116**
	.....	4		340	**1343**
	.....	.....		340	**1624**
	.....	5		340	**1342**
19 "	27	1		340	**2158**
	.....	.....		340	**2159**
	.....	2		340	**2160**
	.....	3		340	**2161**
	.....	4		341	**2162**
	.....	5		341	**4274**
	.....	6		341	**2163**
25 "	33	1		345	**3473**
	.....	.....		345	**3571**
	.....	.....		345	**3579**
	.....	.....		345	**3588**
	.....	.....		345	**3589**
	.....	.....		345	**3651**
	.....	2		346	**3701**
	.....	5		346	**3009**
	.....	.....		346	**3473**
	.....	.....		346	**3689**
	.....	.....		346	**3694**
6 March,	37	1		353	**3603**
	.....	.....		353	**3604**
	.....	2		353	**3602**
13 "	40			354	**1624**
14 "	41	6		369	**438**
	.....	.....		369	**439**
17 "	45	1		370	**3700**
	.....	2		370	**3589**
	.....	4		370	**3580**
	.....	.....		370	**3581**
19 "	48			373.	**3601**
2 April,	53			376	**4742**
17 "	57	4		381	**1581**
21	59	5		383	**3592**
	.....	.....		383	**3594**
	.....	.....		382	**3639**
15 May,	71	1		386	**572**
	.....	.....		386	**658**
	.....	2		386	**584**
	.....	.....		386	**585**
	.....	.....		386	**665**
	.....	.....		386	**670**
	.....	3		386	**815**
	.....	4		386	**579**
	.....	.....		386	**580**
	.....	.....		386	**581**
	.....	6		386	**577**
	.....	7		387	**557**
	.....	.....		387	**620**
	.....	8		387	**727**
	.....	9		387	**745**
	.....	10		387	**946**
15 "	72	2		387	**520**
	.....	.....		387	**521**
	.....	3		387	**525**
	.....	.....		387	**526**
	.....	.....		387	**528**
	.....	.....		388	**3677**
	.....	4		388	**522**
	.....	.....		388	**523**
	.....	.....		388	**524**
	75	1		392	**2289**
	.....	2		392	**2290**
	.....	3		393	**2295**
	.....	4		393	**2296**
	.....	5		393	**2297**
	.....	6		393	**2238**
	.....	.....		393	**2240**
	.....	.....		393	**2298**
	.....	.....		393	**2299**
	.....	.....		393	**2300**
	.....	8		393	**2301**

Date.	C.	S.	V.	P.	Sec. R.S.
20 May, 1862,	76	2	12	394	**3607**
20 "	81	1		404	**5320**
	.....	2		404	**5321**
	.....	3		404	**5312**
	.....	4		405	**5292**
30 "	86	1		409	**2398**
	.....	2		409	**2399**
	.....	3		409	**2400**
	.....	5		409	**2252**
	.....	6		409	**2237**
	.....	.....		409	**2238**
	.....	.....		409	**2240**
	.....	7		410	**2266**
	.....	8		410	**2228**
	.....	9		410	**2209**
	.....	.....		410	**2210**
	.....	10		410	**2401**
	.....	.....		410	**3689**
2 June,	92	1		411	**2583**
	.....	.....		411	**2735**
	.....	2		411	**2672**
	.....	.....		411	**2703**
	.....	.....		411	**2714**
2 "	93	1		411	**3744**
	.....	2		411	**3745**
	.....	3		411	**3746**
	.....	4		412	**512**
	.....	.....		412	**513**
	.....	.....		412	**514**
	.....	.....		412	**515**
	.....	.....		412	**888**
	.....	5		412	**3747**
2 "	94			413	**2257**
5 "	96			421	**1683**
14 "	101	1		427	**2119**
	.....	2		427	**2120**
	.....	3		427	**2121**
17 "	103	1		430	**800**
	.....	.....		430	**801**
	.....	.....		430	**820**
	.....	2		430	**821**
20 "	116			432	**2559**
	.....			432	**2560**
1 July,	119	1		432	**319**
	.....	2		433	**3141**
	.....	.....		433	**3142**
	.....	116		488	**3689**
1 "	120	5		492	**3689**
	.....	15		496	**5257**
1 "	126	1		501	**5352**
	.....	3		501	**1890**
2 "	127	3		502	**1646**
2 "	128			502	**1756**
	.....			502	**1759**
2 "	130	7		505	**2238**
	.....	.....		505	**2240**
5 "	133	2		508	**3689**
	.....	.....		508	**4818**
	.....	3		508	**1162**
	.....	.....		508	**1293**
	.....	.....		508	**1297**
	.....	10		510	**1147**
5 "	134	1		510	**416**
	.....	.....		510	**419**
	.....	.....		510	**421**
	.....	.....		510	**422**
	.....	.....		510	**423**
	.....	.....		510	**424**
	.....	.....		510	**425**
	.....	.....		510	**426**
	.....	2		510	**421**
	.....	.....		510	**1542**
	.....	4		511	**419**
	.....	.....		511	**420**
	.....	5		511	**430**
	.....	.....		511	**3676**
5 "	135	1		528	**2080**

Date.	C.	S.	V.	P.	Sec.R.S.
5 July, 1862,	135	5	12	529	**2084**
	-----	6		529	**2108**
11 "	142	1		532	**3473**
	-----	-----		532	**3571**
	-----	-----		532	**3579**
	-----	-----		532	**3588**
	-----	-----		532	**3651**
	-----	2		532	**3577**
11 "	145			536	**536**
11 "	150			537	**2552**
	-----			537	**2553**
14 "	163	5		546	**2504**
	-----	6		549	**2504**
	-----	7		550	**2504**
	-----	8		550	**2504**
	-----	11		554	**3725**
	-----	12		555	**2504**
	-----	13		555	**2504**
	-----	15		558	**4219**
	-----	-----		558	**4227**
	-----	16		558	**2898**
	-----	18		559	**2863**
	-----	20		559	**3001**
	-----	21		559	**2971**
	-----	-----		560	**2977**
	-----	-----		560	**3017**
	-----	-----		559	**3018**
	-----	-----		560	**3025**
	-----	22		560	**2982**
14 "	164	1		564	**1545**
	-----	3		565	**1386**
	-----	4		565	**1580**
	-----	-----		565	**1624**
	-----	5		565	**1547**
	-----	7		565	**1396**
	-----	9		565	**1517**
14 "	169	2		572	**2648**
	-----	4		572	**2658**
14 "	174			575	**572**
14 "	175			575	**1383**
15 "	178	1		576	**572**
	-----	-----		576	**658**
	-----	2		576	**608**
16 "	180			577	**1781**
16 "	182	3		582	**2204**
16 "	183	1		583	**1362**
	-----	-----		583	**1467**
	-----	-----		583	**1492**
	-----	3		584	**1435**
	-----	-----		583	**1529**
	-----	4		584	**1504**
	-----	7		584	**1365**
	-----	-----		584	**1366**
	-----	-----		584	**1497**
	-----	8		584	**1444**
	-----	-----		584	**1446**
	-----	9		584	**1364**
	-----	-----		584	**1508**
	-----	-----		584	**1597**
	-----	-----		584	**1607**
	-----	11		585	**1441**
	-----	-----		585	**1492**
	-----	-----		585	**1514**
	-----	-----		585	**1515**
	-----	-----		585	**1516**
	-----	-----		585	**1517**
	-----	-----		385	**1519**
	-----	13		585	**1466**
	-----	14		585	**1460**
	-----	15		586	**1339**
	-----	-----		586	**1556**
	-----	18		587	**1375**
	-----	19		587	**1578**
	-----	20		587	**1559**
	-----	-----		587	**1590**
	-----	-----		587	**1594**
	-----	-----		587	**1595**

Date.	C.	S.	V.	P.	Sec.R.S.
16 July, 1862,	189	1	12	588	**858**
	-----	2		589	**729**
16 "	190	1		589	**1342**
	-----	4		589	**1342**
17 "	195	1		589	**5332**
	-----	2		590	**5334**
	-----	3		590	**5332**
17 "	196	2		592	**3583**
17 "	197	1		592	**5568**
	-----	2		593	**5569**
17 "	199			593	**3622**
	-----			593	**5491**
17 "	200	1		594	**1272**
	-----	2		594	**1271**
	-----	5		594	**1646**
	-----	6		594	**1647**
	-----	7		595	**1566**
	-----	8		595	**1123**
	-----	11		595	**1342**
	-----	12		596	**1244**
	-----	-----		596	**1255**
	-----	-----		596	**1622**
	-----	14		596	**3737**
	-----	15		596	**3731**
	-----	18		596	**4878**
	-----	21		597	**1116**
	-----	-----		597	**2166**
	-----	22		597	**1129**
17 "	201	1		597	**1625**
	-----	-----		597	**1643**
	-----	-----		597	**1648**
	-----	2		598	**1645**
	-----	5		598	**1342**
	-----	6		598	**1200**
	-----	-----		598	**1342**
	-----	7		598	**1342**
	-----	11		599	**1102**
	-----	-----		599	**1103**
	-----	16		600	**1191**
17 "	204	1		604	**1023**
	-----	-----		600	**1624**
	-----	5		607	**1624**
	-----	7		607	**1624**
	-----	8		607	**1624**
	-----	11		607	**4752**
	-----	14		609	**1574**
	-----	-----		609	**1624**
	-----	15		609	**1575**
	-----	16		609	**1624**
	-----	17		610	**1422**
	-----	-----		610	**1423**
	-----	-----		610	**1424**
	-----	-----		610	**1425**
	-----	-----		610	**1572**
	-----	18		610	**1410**
	-----	19		610	**1548**
17 "	205	1		610	**3478**
	-----	2		610	**3479**
6 January, 1863,	7			634	**1102**
	-----			634	**1103**
13 "	9			634	**658**
30 "	14	2		637	**3811**
4 February,	20	1		639	**2751**
	-----	2		639	**2750**
	-----	3		640	**2754**
	-----	4		640	**1492**
9 "	25	2		646	**1760**
	-----	-----		646	**1761**
9 "	27			648	**1917**
20 "	44	1		656	**314**
	-----	2		656	**315**
20 "	46			656	**5330**
20 "	47			657	**572**
	-----			657	**658**
21 "	49			657	**572**
	-----			657	**658**
21 "	50			657	**1000**

Date.	C.	S.	V.	P.	Sec. R.S.
21 February, 1863,	50		12	657	**1001**
21 "	52			658	**2535**
				658	**2536**
				658	**2695**
24 "	54	1		660	**538**
		2		661	**572**
				661	**579**
				661	**608**
				661	**658**
		7		661	**551**
		8		661	**767**
				661	**770**
				661	**776**
				662	**781**
		9		662	**740**
24 "	56	1		664	**1839**
				664	**1840**
				664	**1901**
		2		665	**702**
				665	**1841**
				665	**1842**
				665	**1843**
				665	**1844**
				665	**1846**
				665	**1847**
				665	**1848**
				665	**1849**
				665	**1850**
				665	**1851**
				665	**1854**
				665	**1857**
				665	**1859**
				665	**1860**
				665	**1862**
				665	**1863**
				665	**1864**
				665	**1865**
				665	**1866**
				665	**1867**
				665	**1868**
				665	**1869**
				665	**1870**
				665	**1871**
				665	**1872**
				665	**1873**
				665	**1875**
				665	**1876**
				665	**1877**
				665	**1878**
				665	**1881**
				665	**1882**
				665	**1883**
				665	**1885**
				665	**1891**
				665	**1908**
				665	**1909**
				665	**1910**
				665	**1913**
				665	**1918**
				665	**1922**
				665	**1935**
				665	**1939**
				665	**1942**
				665	**1944**
				665	**1946**
25 "	58	55		680	**380**
		57		680	**5415**
25 "	59	3		693	**2204**
25 "	61			696	**1781**
2 March,	67	1		696	**1342**
				696	**1624**
				696	**5438**
				696	**5439**
		2		697	**1624**
		3		698	**3490**
				698	**5438**
				698	**5439**

Date.	C.	S.	V.	P.	Sec. R.S.
2 March, 1863,	67	4	12	698	**563**
				698	**3491**
		5		698	**3492**
		6		698	**3493**
		7		698	**3494**
		8		698	**1783**
2 "	69	2		699	**572**
				699	**658**
2 "	70	1		700	**1842**
		2		700	**1842**
		3		700	**1883**
				700	**1927**
				700	**1929**
				700	**1930**
		4		701	**1842**
3 "	73	1		710	**3701**
		2		710	**3476**
				710	**3590**
		3		710	**3473**
				710	**3571**
				710	**3579**
				711	**3588**
				710	**3651**
		4		711	**3574**
				711	**3575**
		5		711	**254**
				711	**3473**
		6		711	**3578**
3 "	74	19		725	**322**
				725	**323**
3 "	75	2		731	**1342**
		21		735	**1342**
		23		735	**1242**
				735	**3748**
		24		735	**5455**
		27		736	**1342**
		28		736	**1203**
		29		736	**1342**
		30		736	**1342**
		31		736	**1265**
		32		736	**1342**
		35		736	**1236**
		37		737	**1102**
				737	**1103**
		38		737	**1343**
				737	**1624**
3 "	76	1		737	**2853**
				737	**2854**
				738	**2855**
				738	**2857**
				739	**2858**
				739	**2859**
				738	**2860**
				738	**2864**
		2		739	**376**
		3		739	**5445**
		4		739	**5444**
		5		740	**3081**
		6		740	**5451**
				740	**5452**
				740	**5501**
		8		740	**5443**
		9		740	**3749**
		10		740	**3469**
		11		741	**825**
				741	**834**
				741	**835**
		12		741	**827**
				741	**834**
				741	**989**
		13		741	**771**
				741	**773**
		14		741	**1047**
3 "	77	7		742	**2504**
				742	**3026**
3 "	78	1		743	**1157**
				743	**4663**

Date.	C.	S.	V.	P.	Sec. R.S.
3 March, 1863,	78	3	12	743	**1206**
	.....	.....		743	**1207**
	.....	4		743	**1160**
	.....	.....		743	**1207**
	.....	.....		743	**1208**
	.....	5		743	**3483**
	.....	.....		743	**3689**
	.....	6		743	**280**
	.....	8		744	**1174**
	.....	.....		744	**1234**
	.....	9		744	**1233**
	.....	11		744	**1146**
3 "	79	12		753	**3605**
	.....	16		753	**2536**
	.....	.....		753	**2694**
	.....	24		754	**1694**
	.....	25		754	**1202**
	.....	.....		754	**1342**
3 "	80	1		754	**2380**
	.....	2		754	**2381**
3 "	81	5		756	**641**
	.....	.....		756	**642**
	.....	.....		756	**646**
3 "	82			758	**1264**
3 "	87	1		760	**2644**
	.....	2		761	**2535**
	.....	.....		761	**2536**
	.....	4		761	**2599**
	.....	.....		761	**2600**
3 "	88	1		761	**2578**
	.....	.....		761	**2579**
	.....	2		761	**1928**
3 "	89			761	**303**
	.....			761	**304**
3 "	90			762	**5322**
3 "	91	2		763	**706**
	.....	3		763	**4845**
	.....	11		764	**705**
	.....	.....		764	**706**
3 "	92	1		765	**1049**
	.....	2		765	**1060**
	.....	3		765	**1059**
	.....	.....		765	**1061**
	.....	4		765	**94**
	.....	.....		766	**1050**
	.....	.....		765	**1053**
	.....	.....		765	**1054**
	.....	.....		765	**1058**
	.....	.....		765	**1070**
	.....	.....		765	**1071**
	.....	.....		765	**1075**
	.....	5		766	**707**
	.....	.....		766	**708**
	.....	7		766	**1089**
	.....	.....		766	**1090**
	.....	.....		766	**1091**
	.....	.....		766	**1092**
	.....	.....		766	**1093**
	.....	8		766	**1079**
	.....	.....		766	**1080**
	.....	9		767	**1066**
	.....	10		767	**1069**
	.....	11		767	**707**
	.....	.....		767	**708**
	.....	.....		767	**1086**
	.....	12		767	**1072**
	.....	.....		767	**1073**
	.....	13		768	**1052**
3 "	93	1		768	**617**
	.....	2		768	**615**
	.....	.....		768	**616**
	.....	.....		768	**618**
	.....	.....		768	**793**
	.....	.....		768	**795**
	.....	3		768	**618**
3 "	95	1		769	**4071**
	.....	2		769	**4073**

Date.	C.	S.	V.	P.	Sec. R.S.
3 March, 1863,	95	3	12	769	**4074**
	.....	4		770	**875**
3 "	96	5		770	**3592**
	.....	.....		770	**3594**
	.....	.....		770	**3639**
3 "	99			792	**2067**
3 "	100	1		794	**664**
	.....	2		794	**608**
3 "	108			804	**31**
3 "	117	1		808	**1839**
	.....	.....		808	**1840**
	.....	.....		808	**1902**
	.....	2		809	**1841**
	.....	3		809	**1843**
	.....	.....		809	**1844**
	.....	4		809	**1846**
	.....	.....		809	**1847**
	.....	.....		809	**1848**
	.....	.....		809	**1849**
	.....	.....		809	**1922**
	.....	.....		809	**1923**
	.....	5		810	**1859**
	.....	.....		810	**1860**
	.....	6		810	**1842**
	.....	.....		810	**1851**
	.....	7		811	**1857**
	.....	8		811	**1854**
	.....	9		811	**702**
	.....	.....		811	**1864**
	.....	.....		811	**1865**
	.....	.....		811	**1866**
	.....	.....		811	**1867**
	.....	.....		811	**1868**
	.....	.....		811	**1869**
	.....	.....		811	**1870**
	.....	.....		811	**1871**
	.....	.....		811	**1872**
	.....	.....		811	**1883**
	.....	.....		811	**1907**
	.....	.....		811	**1909**
	.....	.....		811	**1910**
	.....	.....		811	**1912**
	.....	.....		811	**1926**
	.....	10		812	**1875**
	.....	.....		812	**1876**
	.....	.....		812	**1881**
	.....	.....		812	**1882**
	.....	11		812	**1877**
	.....	.....		812	**1878**
	.....	.....		812	**1935**
	.....	.....		812	**1939**
	.....	.....		812	**1940**
	.....	.....		812	**1941**
	.....	.....		812	**1943**
	.....	12		813	**1885**
	.....	.....		813	**1945**
	.....	13		813	**1862**
	.....	.....		813	**1863**
	.....	.....		813	**1891**
	.....	.....		813	**1906**
	.....	14		814	**1946**
	.....	15		814	**1873**
	.....	16		814	**1951**
	.....	17		814	**1949**
3 "	118	4		818	**3727**
	.....	5		818	**1388**
3 "	120	3		820	**1059**
	.....	.....		820	**3689**
26 January, 1864,	5	2	13	2	**581**
	.....	.....		2	**666**
	.....	.....		2	**670**
19 February,	11	1		4	**658**
	.....	3		4	**664**
	.....	.....		4	**670**
	.....	6		5	**840**
	.....	8		5	**572**
3 March,	17			13	**3701**

Date.	C.	S.	V.	P.	Sec.R.S.
11 March, 1864,	28		13	22	**2568**
				22	**2708**
				22	**2823**
14 "	30	1		22	**76**
				25	**3789**
				25	**3821**
		3		26	**234**
				26	**245**
		7		28	**314**
15 "	33			29	**2139**
				29	**2140**
21 "	36	10		32	**3689**
21 "	38	2		35	**2238**
				35	**2290**
		3		35	**2294**
		4		35	**2238**
				35	**2293**
		5		35	**2268**
		6		36	**2238**
				36	**2240**
25 "	40	1		36	**4203**
		2		36	**4212**
1 April,	45	3		39	**1339**
1 "	47	2		39	**1517**
8 "	48	1		39	**2046**
		4		40	**2056**
		6		41	**2115**
		7		41	**2061**
9 "	53	1		46	**1121**
				46	**1122**
				46	**1271**
		3		46	**1126**
				46	**1127**
		4		46	**1125**
9 "	54			46	**2518**
21 "	63	1		53	**1496**
				53	**1497**
				53	**1499**
		2		53	**1498**
		3		53	**1500**
				53	**1501**
				53	**1502**
				53	**1503**
		4		53	**1447**
				53	**1493**
				53	**1494**
				53	**1504**
		6		54	**1506**
				54	**1605**
		7		54	**1382**
				54	**1393**
				54	**1467**
				54	**1590**
21 "	65			54	**2543**
				54	**2544**
22 "	66	2		55	**5462**
		5		55	**5462**
29 "	69			58	**4233**
29 "	70			61	**4586**
29 "	71			61	**2737**
5 May,	78	2		64	**4179**
6 "	83	1		69	**4148**
				69	**4331**
		2		69	**4150**
		3		70	**4153**
		4		72	**4186**
		5		72	**4152**
12 "	85	1		74	**829**
				74	**830**
				74	**5546**
		2		75	**5547**
		3		75	**830**
				75	**5545**
16 "	86	2		75	**1624**
17 "	87	11		78	**889**
17 "	89	3		79	**1407**
				79	**1408**
17 May, 1864,	89	3	13	79	**1409**
21 "	93	1		84	**1518**
		3		85	**1528**
		4		85	**1511**
26 "	95	1		85	**1839**
				85	**1840**
				85	**1903**
		2		86	**1841**
		3		86	**1843**
				86	**1844**
		4		87	**1846**
				87	**1847**
				87	**1848**
				87	**1849**
				87	**1922**
				87	**1923**
		5		87	**1859**
				87	**1860**
		6		88	**1842**
				88	**1851**
		7		88	**1857**
		8		88	**1854**
		9		88	**702**
				88	**1864**
				88	**1865**
				88	**1866**
				88	**1867**
				88	**1868**
				88	**1869**
				88	**1870**
				88	**1871**
				88	**1872**
				88	**1883**
				88	**1907**
				88	**1909**
				88	**1910**
				88	**1912**
				88	**1926**
		10		89	**1875**
				89	**1876**
				89	**1881**
				89	**1882**
		11		90	**1877**
				90	**1878**
				90	**1935**
				90	**1939**
				90	**1940**
				90	**1941**
				90	**1943**
		12		91	**1885**
				91	**1945**
		13		91	**1862**
				91	**1863**
				91	**1891**
				91	**1906**
		14		91	**1946**
		15		91	**1873**
		16		91	**1951**
		17		91	**1949**
26 "	96			92	**1386**
				92	**1387**
28 "	98	4		94	**4232**
3 June,	106	1		99	**324**
				99	**325**
				99	**326**
				99	**327**
				100	**328**
				100	**329**
		2		100	**330**
				100	**884**
		3		100	**331**
		4		100	**5158**
		5		100	**5133**
		6		101	**885**
				101	**5134**
				101	**5135**
		7		101	**5138**

Date.	C.	S.	V.	P.	Sec.R.S.		
3 June, 1864,	106	8	13	101	**5136**		
	-----	-----		101	**5190**		
	-----	9		102	**5145**		
	-----	-----		102	**5146**		
	-----	-----		102	**5147**		
	-----	-----		102	**5149**		
	-----	-----		102	**5150**		
	-----	10		102	**5145**		
	-----	-----		102	**5146**		
	-----	-----		102	**5148**		
	-----	11		102	**5144**		
	-----	12		102	**5139**		
	-----	-----		102	**5151**		
	-----	-----		102	**5169**		
	-----	13		103	**5142**		
	-----	-----		103	**5143**		
	-----	14		103	**5140**		
	-----	15		103	**5141**		
	-----	16		104	**5159**		
	-----	-----		104	**5160**		
	-----	-----		104	**5161**		
	-----	17		104	**5168**		
	-----	18		104	**5169**		
	-----	-----		104	**5170**		
	-----	19		105	**5162**		
	-----	-----		105	**5163**	3	"
	-----	-----		105	**5164**	3	"
	-----	20		105	**5163**		
	-----	-----		105	**5165**	7	"
	-----	22		105	**5172**		
	-----	-----		105	**5175**		
	-----	-----		105	**5177**		
	-----	23		106	**3473**	8	"
	-----	-----		106	**3475**	11	"
	-----	-----		106	**3651**		
	-----	-----		106	**5182**		
	-----	-----		106	**5183**	11	"
	-----	-----		106	**5184**		
	-----	25		106	**5166**	11	"
	-----	26		107	**5167**	11	"
	-----	27		107	**5187**	11	"
	-----	28		107	**5137**		
	-----	29		108	**5200**		
	-----	30		108	**5197**		
	-----	-----		108	**5198**		
	-----	31		108	**5191**		
	-----	-----		108	**5192**		
	-----	32		109	**5195**		
	-----	-----		109	**5196**		
	-----	33		109	**5199**		
	-----	34		109	**5211**		
	-----	35		110	**5201**	11	"
	-----	36		110	**5202**		
	-----	37		110	**5203**		
	-----	38		110	**5204**		
	-----	39		111	**5206**		
	-----	40		111	**5210**		
	-----	41		111	**5173**	11	"
	-----	-----		111	**5214**	17	"
	-----	-----		111	**5215**		
	-----	-----		111	**5216**		
	-----	-----		111	**5217**		
	-----	-----		111	**5219**		
	-----	42		112	**5220**		
	-----	-----		112	**5221**	17	"
	-----	-----		112	**5222**	20	"
	-----	-----		112	**5224**		
	-----	43		112	**5222**		
	-----	-----		112	**5225**		
	-----	44		112	**5154**		
	-----	45		113	**5153**	20	"
	-----	46		113	**5226**	20	"
	-----	-----		113	**5228**		
	-----	47		114	**5227**		
	-----	-----		114	**5229**		
	-----	-----		114	**5230**		
	-----	-----		114	**5232**		

Date.	C.	S.	V.	P.	Sec.R.S.
3 June, 1864,	106	47	13	114	**5233**
	-----	48		114	**5230**
	-----	49		114	**5231**
	-----	50		115	**629**
	-----	-----		115	**736**
	-----	-----		114	**5234**
	-----	-----		114	**5235**
	-----	-----		114	**5236**
	-----	-----		114	**5237**
	-----	51		115	**5238**
	-----	52		115	**5242**
	-----	53		116	**5239**
	-----	54		116	**5240**
	-----	-----		116	**5241**
	-----	55		116	**5209**
	-----	56		116	**380**
	-----	57		116	**563**
	-----	-----		116	**629**
	-----	-----		116	**736**
	-----	58		117	**5189**
	-----	59		117	**5415**
	-----	61		117	**333**
	-----	62		118	**5156**
	-----	-----		118	**5177**
	-----	63		118	**5152**
	107			118	**3789**
	109			119	**2535**
	-----			119	**2536**
	111			120	**1417**
	-----			120	**1426**
	-----			120	**1427**
	-----			120	**1573**
	114			120	**5461**
	116	1		121	**4079**
	-----	2		121	**4080**
	-----	-----		121	**4081**
	117			122	**3753**
	-----			122	**3754**
	118			123	**1048**
	119			123	**1782**
	120			124	**531**
	-----			124	**551**
	-----			124	**571**
	-----			124	**572**
	-----			124	**608**
	-----			124	**658**
	-----			124	**767**
	-----			124	**770**
	-----			124	**776**
	-----			124	**781**
	-----			124	**1002**
	121	2		124	**4300**
	-----	3		125	**4301**
	-----	4		125	**4301**
	-----	5		125	**4304**
	-----	6		125	**4302**
	-----	7		125	**4303**
	122			125	**2586**
	130	1		134	**4318**
	-----	2		134	**2675**
	-----	3		134	**2654**
	-----	-----		134	**2657**
	-----	4		134	**2597**
	-----	5		134	**2620**
	131			135	**1842**
	136	1		138	**1674**
	-----	-----		138	**1690**
	-----	2		139	**1704**
	-----	-----		139	**1705**
	-----	3		140	**1721**
	143			143	**538**
	145	1		144	**1111**
	-----	-----		144	**1181**
	-----	-----		144	**1278**
	-----	4		144	**1154**
	-----	8		145	**1289**
	-----	-----		145	**1290**

Date.	C.	S.	V.	P.	Sec. R.S.
20 June, 1864,	145	10	13	145	**1190**
		11		145	**1265**
25 "	147	1		148	**80**
				155	**527**
		2		159	**235**
				159	**303**
		6		160	**3488**
		7		161	**3609**
25 "	150			182	**3484**
25 "	152			183	**1444**
25 "	155	1		184	**75**
				184	**196**
				184	**3798**
		3		185	**196**
		4		185	**3798**
				185	**3810**
		5		185	**3798**
		6		185	**3797**
		7		185	**3807**
		9		186	**3780**
		10		186	**3809**
				186	**3818**
		12		186	**3790**
27 "	163	1		195	**832**
		2		196	**834**
				196	**835**
				196	**841**
		4		196	**832**
27 "	164	1		197	**3100**
				197	**3101**
		2		197	**3102**
		3		197	**3103**
		4		197	**3104**
		5		198	**3105**
				198	**3106**
		7		198	**2605**
		8		198	**5293**
27 "	165	2		199	**897**
		4		199	**897**
28 "	170			201	**1428**
				201	**4219**
30 "	171	1		202	**2504**
				202	**2914**
		2		202	**2504**
		3		203	**2504**
		6		208	**2504**
		7		209	**2504**
		8		210	**2504**
		9		210	**2504**
		10		211	**2504**
		11		211	**2504**
		12		213	**2504**
		13		213	**2504**
		14		214	**2931**
		15		215	**2932**
		16		215	**3012½**
				215	**3689**
		17		215	**2502**
		19		216	**2962**
				216	**2975**
		27		217	**2837**
		28		218	**5305**
		29		218	**2803**
30 "	172	1		218	**3701**
		2		218	**3473**
				218	**3476**
				218	**3590**
		5		220	**3572**
				220	**3574**
				220	**3575**
		7		220	**3706**
		8		221	**251**
		9		221	**3578**
		10		221	**5414**
				221	**5431**
		11		221	**5430**
		13		222	**5413**

Date.	C.	S.	V.	P.	Sec. R.S.
30 June, 1864,	173	1	13	223	**319**
				223	**321**
				223	**3465**
		2		223	**277**
		3		224	**322**
				224	**323**
		7		224	**3141**
				224	**3142**
		9		225	**3143**
		10		225	**3148**
		11		225	**3173**
		12		225	**3172**
		13		226	**3173**
		14		226	**3174**
				226	**3175**
				226	**3176**
		15		226	**3179**
		16		227	**3180**
		17		228	**3317**
		18		228	**3181**
		20		229	**3182**
		25		231	**3145**
		26		232	**3147**
		32		236	**3209**
		33		236	**3211**
				236	**3212**
		35		237	**3217**
		36		238	**3167**
				238	**3183**
		37		238	**3177**
		38		238	**3167**
				238	**3177**
		39		238	**3149**
		40		238	**3149**
		41		239	**563**
				239	**629**
				239	**732**
				239	**3183**
		42		239	**3158**
		43		239	**239**
				239	**261**
		44		239	**3689**
		45		240	**3194**
		48		240	**734**
				240	**3452**
				240	**3453**
				240	**3458**
				241	**3459**
		52		242	**3165**
		58		244	**3151**
		79		251	**3407**
		82		258	**1**
		92		263	**3366**
				263	**3367**
				263	**3404**
				263	**3405**
		110		277	**3408**
				277	**3409**
				278	**3414**
				278	**3415**
				278	**3417**
		124		285	**3438**
		126		287	**1**
		133		288	**3439**
		151		291	**3418**
		154		292	**3420**
		155		292	**3423**
				292	**3429**
		156		293	**3423**
		157		293	**3424**
		158		293	**3422**
		161		294	**3425**
				294	**3426**
				294	**3689**
		163		295	**3421**
		165		296	**3423**
				296	**3430**

Date.	C.	S.	V.	P.	Sec. R.S.	Date.	C.	S.	V.	P.	Sec. R.S.
30 June, 1864,	173	166	13	296	**3431**	1 July, 1864,	202		13	342	**2708**
	.....	167		296	**3432**		.....	.....		342	**2823**
	.....	168		296	**3419**	1 "	204			343	**1553**
	.....	.....		296	**3433**		.....	.....		343	**5455**
	.....	169		297	**3435**	1 "	205	2		343	**2382**
	.....	170		297	**3427**		.....	3		344	**2383**
	.....	.....		298	**3428**		.....	4		344	**2384**
	.....	.....		301	**3437**	2 "	210	2		348	**1551**
	.....	171		302	**3441**		.....	.....		347	**1814**
	.....	.....		302	**3442**		.....	3		351	**858**
	.....	172		303	**3443**		.....	.....		351	**1078**
	.....	179		305	**563**		.....	8		352	**2212**
	.....	.....		305	**629**	2 "	215			356	**1342**
	.....	.....		305	**732**	2 "	216	7		359	**3689**
	.....	180		306	**3454**		.....	8		359	**3689**
	.....	182		306	**3140**	2 "	219	1		373	**1491**
30 "	174	1		306	**4615**		.....	2		373	**1406**
	.....	2		307	**4616**		.....	4		373	**416**
	.....	3		307	**4617**	2 "	221			374	**2364**
	.....	4		307	**4618**	2 "	224			375	**461**
	.....	.....		307	**4619**	2 "	225	2		375	**1059**
	.....	5		307	**4621**		.....	3		376	**1059**
	.....	6		308	**4622**		.....	4		376	**5303**
	.....	7		308	**4623**		.....	5		376	**5302**
	.....	8		308	**4627**		.....	7		377	**5310**
	.....	.....		308	**4628**		.....	9		377	**5304**
	.....	9		309	**4634**		.....	10		377	**5306**
	.....	10		309	**4630**		.....	.....		377	**5307**
	.....	.....		309	**4631**		.....	.....		377	**5313**
	.....	.....		309	**4632**	2 "	226	1		378	**2416**
	.....	.....		309	**4633**		.....	2		379	**2417**
	.....	11		310	**4635**	4 "	237	5		380	**1118**
	.....	.....		310	**4642**		.....	.....		380	**1342**
	.....	12		310	**1430**	4 "	242	5		383	**3639**
	.....	.....		310	**1576**	4 "	245	1		385	**572**
	.....	.....		310	**4643**		.....	.....		385	**581**
	.....	13		310	**565**		.....	2		385	**658**
	.....	.....		310	**631**		.....	.....		385	**806**
	.....	.....		310	**692**	4 "	247			387	**4773**
	.....	.....		310	**695**	4 "	248	1		389	**286**
	.....	.....		310	**696**		.....	2		390	**287**
	.....	.....		310	**698**		.....	.....		390	**288**
	.....	.....		310	**701**		.....	.....		390	**3689**
	.....	.....		310	**1009**		.....	3		390	**274**
	.....	.....		310	**1012**		.....	.....		390	**289**
	.....	.....		310	**4637**		.....	.....		390	**3689**
	.....	14		311	**4639**	4 "	249	1		390	**4252**
	.....	.....		311	**4640**		.....	2		390	**4265**
	.....	15		311	**4638**		.....	9		392	**4273**
	.....	16		311	**3689**		.....	10		392	**4204**
	.....	.....		311	**4641**	4 "	252	1		393	**1522**
	.....	17		312	**4644**		.....	2		393	**1394**
	.....	18		312	**4645**		.....	.....		393	**1403**
	.....	19		312	**835**		.....	3		393	**1523**
	.....	.....		312	**836**		.....	4		393	**1523**
	.....	.....		312	**842**		.....	.....		393	**1525**
	.....	20		312	**4646**		.....	5		393	**1524**
	.....	21		312	**4647**		.....	.....		393	**1556**
	.....	22		313	**4650**		.....	7		394	**3724**
	.....	23		313	**4620**	21 December,	6	1		420	**1362**
	.....	.....		313	**4648**		.....	.....		420	**1466**
	.....	24		313	**4649**		.....	2		420	**1367**
	.....	25		313	**4651**		.....	3		420	**1444**
	.....	26		313	**4626**	22 "	9			420	**2971**
	.....	27		314	**4624**	10 January, 1865,	11			420	**5580**
	.....	28		314	**4625**	24 "	19	1		424	**1467**
	.....	29		314	**4652**		.....	.....		424	**1506**
	.....	30		315	**4629**		.....	.....		424	**1605**
	.....	31		315	**5441**		.....	2		424	**1507**
	.....	32		315	**4614**		.....	.....		424	**1508**
	.....	33		315	**4613**		.....	.....		424	**1597**
30 "	183			325	**4781**		.....	.....		424	**1606**
1 July,	196			335	**2238**		.....	.....		424	**1607**
	.....			335	**2240**	28 "	22			425	**3701**
1 "	201	1		342	**1421**	13 February,	32			427	**3613**
	.....	4		342	**1569**	20 "	42			431	**2543**
1 "	202			342	**2568**	23 "	47	1		432	**924**

Date.	C.	S.	V.	P.	Sec.R.S.
23 February, 1865,	47	1	13	432	**933**
	-----	2		433	**925**
	-----	-----		433	**926**
	-----	3		433	**927**
	-----	4		433	**928**
	-----	5		434	**929**
	-----	6		434	**930**
	-----	7		434	**931**
	-----	9		434	**932**
	-----	-----		434	**933**
23 "	50	1		436	**4859**
	-----	2		436	**3689**
	-----	-----		436	**4869**
25 "	52	1		437	**2002**
	-----	-----		437	**2003**
	-----	-----		437	**5528**
	-----	-----		437	**5530**
	-----	-----		437	**5532**
	-----	2		437	**5529**
	-----	-----		437	**5531**
	-----	-----		437	**5532**
25 "	54	1		438	**541**
	-----	-----		438	**551**
	-----	-----		438	**572**
	-----	-----		438	**608**
	-----	-----		438	**658**
	-----	-----		438	**767**
	-----	-----		438	**770**
	-----	-----		438	**776**
	-----	2		438	**542**
	-----	3		438	**599**
	-----	-----		438	**600**
25 "	55			438	**4340**
27 "	64	1		440	**531**
	-----	-----		440	**551**
	-----	-----		440	**572**
	-----	-----		440	**767**
	-----	-----		440	**776**
	-----	2		440	**608**
	-----	-----		440	**658**
	-----	-----		440	**664**
	-----	6		440	**837**
	-----	7		440	**670**
	-----	-----		440	**840**
	-----	9		441	**910**
28 "	67	2		442	**3066**
	-----	-----		442	**5295**
	-----	3		442	**3107**
	-----	-----		442	**3108**
	-----	4		442	**3074**
	-----	-----		442	**3075**
28 "	69			444	**4328**
28 "	70			444	**4151**
28 "	71	2		445	**2716**
	-----	3		445	**2715**
28 "	72	2		445	**2601**
2 March,	73			445	**527**
2 "	74	7		467	**3721**
	-----	-----		467	**3729**
2 "	76			468	**349**
3 "	77	2		469	**3701**
3 "	78	1		483	**563**
	-----	-----		483	**629**
	-----	-----		469	**3145**
	-----	-----		471	**3149**
	-----	-----		471	**3165**
	-----	-----		471	**3167**
	-----	-----		482	**3432**
	-----	-----		482	**3433**
	-----	-----		482	**3441**
	-----	3		483	**3210**
	-----	4		483	**3144**
	-----	6		484	**3412**
	-----	-----		484	**3413**
	-----	7		484	**5155**
	-----	14		486	**3410**
	-----	-----		486	**3411**

Date.	C.	S.	V.	P.	Sec.R.S.
3 March, 1865,	78	14	13	486	**3416**
	-----	15		486	**3161**
	-----	-----		486	**3162**
3 "	79	9		488	**1264**
	-----	12		489	**1230**
	-----	-----		489	**1624**
	-----	18		490	**1118**
	-----	-----		490	**1342**
	-----	-----		490	**1419**
	-----	-----		490	**1420**
	-----	-----		490	**1624**
	-----	21		490	**1996**
	-----	-----		490	**1998**
	-----	25		491	**225**
3 "	80	1		491	**2504**
	-----	2		492	**2504**
	-----	3		493	**2504**
	-----	4		493	**4219**
	-----	7		493	**2900**
	-----	-----		493	**2906**
	-----	12		494	**962**
	-----	-----		494	**3014**
	-----	13		495	**2984**
	-----	-----		495	**3689**
3 "	81	5		497	**1145**
	-----	-----		497	**1299**
	-----	6		497	**1149**
	-----	-----		497	**1150**
	-----	-----		497	**1301**
	82			498	**5171**
	-----			498	**5178**
3 "	86	1		500	**804**
	-----	-----		500	**808**
	-----	-----		500	**809**
	-----	-----		500	**1021**
	-----	2		500	**1031**
	-----	3		500	**5536**
	-----	-----		500	**5541**
	-----	4		501	**648**
	-----	-----		501	**649**
	-----	-----		501	**700**
	-----	-----		501	**987**
3 "	87	7		502	**3689**
3 "	98			516	**351**
3 "	101			518	**4193**
3 "	107	2		530	**2385**
	-----	-----		530	**2386**
3 "	111			532	**2862**
3 "	113			533	**858**
3 "	114			533	**434**
3 "	117			535	**4391**
3 "	121	1		538	**5549**
	-----	2		538	**5550**
3 "	124	1		539	**1556**
	-----	2		539	**1569**
	-----	3		539	**1408**
	-----	-----		539	**1409**
	-----	6		539	**1411**
3 "	127	3		561	**2081**
	-----	4		562	**2310**
	-----	-----		562	**2311**
	-----	-----		562	**2312**
	-----	8		563	**2138**
	-----	9		563	**2127**
10 February, 1866.	8		14	3	**4135**
6 March,	12	1		3	**2493**
	-----	2		4	**2494**
	-----	-----		4	**2495**
10 "	15	3		5	**3178**
	-----	4		5	**3178**
14 "	17	1		8	**2970**
	-----	2		8	**3052**
16 "	18			9	**2508**
17 "	19	2		9	**1052**
	-----	3		9	**1057**
12 "	21	1		10	**4825**
	-----	2		10	**4827**

Date.	C.	S.	V.	P.	Sec.R.S.	Date.	C.	S.	V.	P.	Sec.R.S.
21 March, 1866,	21	3	14	10	**4826**	11 May, 1866,	80	5	14	46	**646**
	.....	.....		10	**4828**	16 "	81	3		47	**3573**
	.....	4		10	**4830**		.....	4		47	**5462**
	.....	5		10	**3689**	16 "	83			48	**572**
	.....	.....		10	**4831**	16 "	84			48	**1367**
	.....	6		11	**4829**	18 "	85	4		49	**3669**
	.....	7		11	**4832**	21 "	86	1		50	**5525**
	.....	8		11	**4834**		.....	2		50	**5524**
	.....	9		11	**4835**	21 "	88			51	**681**
	.....	10		11	**4833**		.....			51	**682**
	.....	13		11	**4836**	30 "	102			54	**4075**
5 April,	24	1		12	**5418**		.....			54	**4076**
	.....	2		13	**5391**		.....			54	**4077**
5 "	25	1		13	**99**		.....			54	**4078**
	.....	2		13	**100**	1 June,	105			56	**2509**
	.....	3		13	**94**	8 "	110	2		59	**1316**
5 "	26			14	**572**		.....	.....		59	**1320**
6 "	27			14	**290**	14 "	122	1		64	**3620**
7 "	28	12		25	**3576**		.....	2		64	**5488**
	.....	14		26	**3595**		.....	3		65	**5497**
	.....	.....		26	**3596**	15 "	123	2		65	**2034**
	.....	.....		26	**3600**	15 "	124	1		66	**5258**
9 "	31	1		27	**699**		.....	2		66	**5258**
	.....	.....		27	**1978**	21 "	127	1		66	**2302**
	.....	.....		27	**1992**		.....	.....		66	**2303**
	.....	3		27	**563**		.....	2		67	**2290**
	.....	.....		27	**629**		.....	.....		67	**2291**
	.....	.....		27	**641**		.....	.....		67	**2292**
	.....	.....		27	**642**	21 "	129	1		69	**431**
	.....	.....		27	**646**		.....	2		69	**432**
	.....	.....		27	**699**		.....	3		69	**433**
	.....	.....		27	**722**	23 "	138	1		73	**5247**
	.....	4		28	**1982**		.....	3		73	**230**
	.....	.....		28	**1983**		.....	.....		73	**3717**
	.....	5		28	**1984**	27 "	142			76	**4806**
	.....	.....		28	**1985**	29 "	156			77	**2207**
	.....	7		29	**1986**		.....			77	**2210**
	.....	.....		29	**1987**		.....			77	**2213**
	.....	8		29	**1988**	3 July,	162	1		81	**4278**
	.....	9		29	**1989**		.....	.....		81	**5353**
	.....	10		29	**699**		.....	2		81	**5354**
12 "	39			31	**3582**		.....	3		82	**4279**
13 "	44	1		32	**2599**		.....	.....		81	**5355**
	.....	.....		32	**2600**		.....	5		82	**4280**
	.....	.....		32	**2675**	4 "	166	4		85	**2207**
	.....	2		33	**2593**		.....	.....		85	**2210**
	.....	.....		33	**2594**		.....	5		86	**2318**
	.....	.....		33	**2675**		.....	.....		86	**2408**
	.....	3		33	**2517**	13 "	176	4		92	**3716**
17 "	45	4		38	**3718**		.....	5		92	**1229**
	.....	5		38	**1515**		.....	.....		92	**1342**
	.....	.....		38	**1516**		.....	.....		92	**1624**
20 "	63	1		40	**3618**		.....	6		92	**1313**
	.....	.....		40	**3689**		.....	.....		92	**1314**
	.....	.....		40	**3692**		.....	.....		92	**1322**
	.....	.....		40	**4806**		.....	.....		92	**1331**
	.....	2		40	**2748**		.....	7		93	**1235**
	.....	.....		40	**3618**		.....	.....		93	**1287**
	.....	.....		40	**3692**	13 "	177			93	**4237**
26 "	68			41	**3762**	13 "	179	1		93	**4843**
	.....			41	**3763**		.....	2		94	**4843**
2 May,	70	1		41	**306**	13 "	180			94	**2535**
	.....	2		41	**307**		.....			94	**2536**
	.....	3		42	**308**	13 "	184	9		110	**2**
	.....	4		42	**306**		.....	.....		111	**563**
	.....	5		42	**309**		.....	.....		111	**629**
	.....	6		42	**310**		.....	.....		111	**711**
3 "	72	1		43	**1378**		.....	.....		111	**732**
	.....	.....		43	**1380**		.....	.....		111	**733**
	.....	2		43	**1383**		.....	.....		111	**734**
9 "	75	1		44	**1059**		.....	.....		111	**919**
	.....	2		44	**1062**		.....	.....		111	**969**
11 "	80	3		46	**641**		.....	.....		106	**3145**
	.....	.....		46	**642**		.....	.....		106	**3146**
	.....	.....		46	**646**		.....	.....		106	**3147**
	.....	5		46	**641**		.....	.....		101	**3173**
	.....	.....		46	**642**		.....	.....		101	**3174**

Date.	C.	S.	V.	P.	Sec. R.S.
13 July, 1866,	184	9	14	101	**3175**
				101	**3176**
				103	**3182**
				110	**3183**
				106	**3184**
				107	**3186**
				107	**3187**
				107	**3188**
				107	**3189**
				107	**3190**
				108	**3191**
				108	**3192**
				106	**3193**
				107	**3194**
				108	**3195**
				108	**3196**
				109	**3197**
				109	**3198**
				109	**3199**
				110	**3200**
				109	**3201**
				109	**3202**
				110	**3203**
				108	**3204**
				110	**3205**
				108	**3206**
				110	**3213**
				111	**3214**
				111	**3216**
				110	**3218**
				110	**3219**
				111	**3220**
				111	**3225**
				113	**3232**
				113	**3233**
				115	**3234**
				113	**3235**
				114	**3236**
				113	**3237**
				114	**3241**
				122	**3243**
				117	**3244**
				122	**3246**
				126	**3366**
				126	**3367**
				126	**3404**
				126	**3405**
				115	**3407**
				137	**3408**
				146	**3419**
				141	**3420**
				143	**3421**
				142	**3422**
				141	**3423**
				141	**3429**
				144	**3430**
				144	**3435**
				145	**3437**
				140	**3438**
				112	**3452**
				111	**3453**
				112	**3458**
				112	**3459**
				146	**5484**
		9[*bis*]		146	**3409**
				146	**3410**
				146	**3411**
				146	**3412**
				146	**3413**
				147	**3414**
				147	**3415**
				146	**3416**
				146	**3417**
		11		150	**3185**
		13		151	**3436**
		14		151	**3450**
				151	**3457**
13 July, 1866,	184	15	14	152	**3462**
		16		152	**3455**
		19		152	**563**
				152	**629**
				152	**3226**
		20		153	**3161**
				153	**3162**
		25		154	**3266**
		28		155	**3434**
		29		155	**3151**
				155	**3449**
		38		160	**3290**
				160	**3325**
		41		161	**3161**
		43		162	**3288**
		44		163	**1**
		46		163	**3335**
		47		164	**3336**
		48		164	**3339**
		49		164	**3337**
		50		165	**3338**
		51		165	**3340**
		52		165	**3341**
		53		166	**3342**
		54		166	**3343**
				166	**3344**
				166	**3345**
				166	**3346**
				166	**3347**
				166	**3348**
		55		167	**3349**
		56		167	**3353**
		57		167	**3352**
		58		167	**3354**
		59		167	**3168**
		60		168	**3158**
		62		168	**5451**
				168	**5501**
		63		169	**3460**
				169	**3461**
		64		170	**322**
				170	**323**
				170	**334**
				170	**349**
		67		171	**629**
				171	**643**
				171	**646**
				172	**934**
				172	**3171**
				171	**5446**
		69		172	**710**
				172	**1017**
18 "	201	1		178	**3**
				178	**4**
		2		178	**3059**
				178	**3060**
		3		178	**3061**
				178	**3062**
				179	**3063**
				178	**3064**
		4		179	**3082**
		5		179	**3065**
		6		179	**5447**
		7		179	**3084**
				179	**3085**
		8		180	**3088**
		9		180	**3098**
				180	**3099**
		10		180	**3071**
		11		180	**3074**
				180	**3075**
		12		181	**3076**
				181	**3077**
		13		181	**3078**
		14		181	**3079**
		15		181	**3080**
		16		182	**5293**

Date.	C.	S.	V.	P.	Sec. R.S.
18 July, 1866,	201	19	14	182	**2859**
		20		182	**3110**
		21		183	**4370**
		22		183	**3111**
				183	**3112**
				183	**3113**
		23		183	**3114**
				184	**3115**
				184	**4330**
		24		184	**4189**
		25		184	**2806**
				184	**2811**
		26		184	**3120**
		28		184	**4224**
				184	**4384**
		29		185	**2633**
				185	**2653**
		30		185	**1790**
		31		186	**3086**
		33		186	**2692**
		34		186	**2687**
		35		186	**5451**
				186	**5501**
		36		187	**3012**
		37		187	**2959**
		38		187	**2919**
		40		187	**2647**
				187	**3619**
		41		188	**3109**
		42		188	**1780**
		43		188	**4327**
23 "	208	1		199	**527**
				191	**681**
				191	**682**
				191	**683**
				202	**3601**
		2		206	**301**
		4		206	**155**
				206	**156**
				206	**157**
		5		207	**349**
				207	**351**
		6		207	**167**
		8		207	**416**
		9		208	**2737**
		12		208	**3689**
23 "	210	1		209	**684**
				209	**686**
		2		209	**604**
				209	**658**
23 "	213			212	**4136**
23 "	219	1		218	**2485**
		2		219	**2486**
		3		219	**2487**
		4		219	**2488**
		5		220	**2489**
24 "	230	1		221	**5263**
				221	**5264**
		2		221	**5266**
		3		221	**5265**
				221	**5267**
		4		222	**5268**
25 "	231	1		222	**1362**
				222	**1363**
				222	**1364**
				222	**1460**
				222	**1466**
				222	**1508**
		2		222	**1364**
		5		223	**1435**
		6		223	**1367**
		7		223	**1391**
				223	**1402**
25 "	232	1		223	**1094**
				223	**1095**
		2		223	**1096**
				223	**1097**
25 July, 1866,	233	1	14	225	**1674**
				225	**1683**
				225	**1690**
		2		226	**200**
		3		226	**1729**
				226	**1732**
25 "	242	9		241	**5**
25 "	245	1		243	**14**
				243	**15**
		2		243	**16**
				243	**17**
		3		244	**18**
				244	**19**
25 "	252			250	**2586**
				250	**2587**
26 "	255			251	**2521**
				251	**2718**
26 "	262	5		252	**2338**
		7		252	**2343**
		8		253	**2477**
		9		253	**2339**
		10		253	**2341**
		11		253	**2342**
26 "	266	2		280	**2097**
		4		280	**2128**
26 "	268			288	**1933**
26 "	269			289	**3024**
27 "	278	21		299	**5259**
27 "	280			300	**531**
				300	**551**
				300	**572**
				300	**579**
				300	**608**
				300	**658**
				300	**767**
				300	**776**
				300	**781**
27 "	281			301	**3880**
27 "	284	1		302	**2536**
				302	**2614**
				302	**2939**
		2		302	**2536**
				302	**2615**
		3		302	**2938**
				302	**2943**
		4		303	**2538**
				303	**2539**
				303	**2745**
				303	**2940**
		5		303	**2941**
		6		303	**2729**
				303	**2731**
		7		303	**2729**
		8		303	**2942**
		9		303	**2944**
		10		304	**2738**
27 "	286	1		304	**4608**
		2		304	**4608**
27 "	287	2		305	**3798**
		3		305	**429**
		4		305	**3766**
				305	**3767**
				305	**3768**
				305	**3769**
				305	**3770**
				305	**3771**
				305	**3772**
				305	**3821**
		5		306	**3773**
				306	**3774**
				306	**3775**
				306	**3776**
				306	**3777**
				306	**3778**
27 "	288			306	**639**
				306	**640**
				306	**646**

Date.	C.	S.	V.	P.	Sec. R.S.
28 July, 1866,	293	1	14	308	**2676**
	.....	.....		308	**2677**
	.....	.....		308	**2678**
	.....	2		308	**2578**
	.....	.....		308	**2579**
	.....	3		308	**2578**
	.....	.....		308	**2579**
	.....	4		308	**2697**
	.....	.....		308	**2705**
	.....	.....		308	**2721**
	.....	.....		308	**2722**
	.....	.....		308	**2728**
	.....	.....		308	**2739**
	.....	.....		308	**2746**
	.....	5		309	**2646**
	.....	6		309	**3074**
28 "	296	8		322	**1577**
	.....	.....		322	**1579**
	.....	11		322	**4083**
	.....	12		322	**3689**
	.....	17		323	**47**
28 "	297	8		327	**277**
28 "	298	1		328	**2504**
	.....	.....		328	**2804**
	.....	3		328	**336**
	.....	.....		328	**5574**
	.....	5		328	**336**
	.....	.....		328	**3005**
	.....	6		329	**336**
	.....	.....		329	**3006**
	.....	7		329	**3013**
	.....	9		330	**2907**
	.....	.....		330	**2908**
	.....	10		330	**2972**
	.....	12		330	**2500**
	.....	13		331	**263**
	.....	.....		330	**334**
	.....	.....		330	**336**
	.....	.....		330	**339**
	.....	.....		330	**340**
	.....	.....		330	**341**
	.....	.....		330	**342**
	.....	.....		331	**4177**
28 "	299	1		332	**1094**
	.....	2		332	**1099**
	.....	.....		332	**1100**
	.....	3		332	**1102**
	.....	.....		332	**1103**
	.....	.....		332	**1104**
	.....	.....		332	**1105**
	.....	4		332	**1108**
	.....	6		333	**1106**
	.....	.....		333	**1107**
	.....	.....		333	**1112**
	.....	.....		333	**1276**
	.....	7		333	**1109**
	.....	.....		333	**1111**
	.....	.....		333	**1121**
	.....	.....		333	**1122**
	.....	.....		333	**1179**
	.....	9		333	**1097**
	.....	.....		333	**1098**
	.....	10		333	**1128**
	.....	11		334	**1131**
	.....	12		334	**1198**
	.....	.....		334	**1199**
	.....	.....		334	**1200**
	.....	.....		334	**1201**
	.....	.....		334	**1342**
	.....	13		334	**1132**
	.....	14		334	**1132**
	.....	16		334	**1140**
	.....	17		334	**1168**
	.....	.....		334	**1171**
	.....	.....		335	**1180**
	.....	.....		334	**1191**
	.....	18		335	**1182**

Date.	C.	S.	V.	P.	Sec. R.S.
28 July, 1866,	299	18	14	335	**1187**
	.....	19		335	**1151**
	.....	20		335	**1152**
	.....	.....		335	**1154**
	.....	.....		335	**1156**
	.....	21		335	**1159**
	.....	.....		335	**1161**
	.....	.....		335	**1162**
	.....	22		335	**1195**
	.....	.....		335	**1196**
	.....	.....		335	**1197**
	.....	23		336	**1193**
	.....	25		336	**1144**
	.....	.....		336	**1150**
	.....	.....		336	**1299**
	.....	.....		336	**1300**
	.....	.....		336	**3618**
	.....	.....		336	**3692**
	.....	26		336	**1225**
	.....	27		336	**1231**
	.....	28		336	**1218**
	.....	30		337	**1121**
	.....	.....		337	**1122**
	.....	.....		337	**1124**
	.....	31		337	**1217**
	.....	34		337	**1226**
28 "	301	1		339	**3569**
	.....	2		340	**3570**
28 "	302			341	**3658**
28 "	304			342	**572**
	.....			342	**579**
28 "	305			342	**4791**
28 "	311			344	**2207**
	.....			344	**2213**
28 "	312	1		344	**1493**
	.....	.....		344	**1494**
	.....	.....		344	**1504**
	.....	2		345	**1593**
25 January, 1867,	15			379	**1860**
5 February,	26	1		383	**5434**
	.....	2		383	**3708**
	.....	.....		383	**5188**
	.....	3		383	**3708**
	.....	4		383	**5432**
	.....	5		384	**5433**
	.....	6		384	**5453**
	.....	7		384	**5454**
5 "	27			385	**642**
	.....			385	**646**
5 "	28	1		385	**751**
	.....	.....		385	**752**
	.....	.....		385	**753**
	.....	.....		385	**754**
	.....	.....		385	**755**
	.....	.....		385	**756**
	.....	.....		385	**757**
	.....	.....		385	**758**
	.....	.....		385	**759**
	.....	.....		385	**760**
	.....	.....		385	**761**
	.....	.....		385	**763**
	.....	.....		385	**765**
	.....	.....		385	**766**
	.....	2		386	**709**
	.....	.....		386	**710**
	.....	.....		386	**997**
	.....	.....		386	**998**
	.....	.....		386	**999**
	.....	.....		386	**1003**
	.....	.....		386	**1010**
	.....	.....		386	**1017**
5 "	32			391	**4778**
	.....			391	**4779**
	.....			391	**4780**
5 "	34	1		391	**5591**
	.....	2		391	**5590**
21 "	56	1		397	**31**

Date.	C.	S.	V.	P.	Sec. R.S.
21 February, 1867,	56	2	14	397	**32**
				397	**33**
	59	1		398	**3758**
				398	**3759**
		2		298	**3758**
				398	**3759**
				398	**3760**
22 "	60			399	**658**
22 "	61	1		399	**4877**
		2		399	**4873**
				399	**4876**
		3		400	**4881**
		4		400	**4870**
		5		400	**4871**
		6		400	**4872**
25 "	78			410	**4370**
25 "	79			410	**1200**
25 "	81	1		410	**2680**
		2		410	**2548**
				410	**2549**
				410	**2552**
				410	**2679**
25 "	82	1		411	**2555**
				411	**2772**
		2		411	**2555**
28 "	99			412	**1690**
28 "	100	2		416	**1577**
				416	**1579**
		3		416	**1309**
				416	**1337**
				416	**1339**
28 "	101	1		416	**2753**
		2		416	**2755**
28 "	103	1		417	**2541**
				417	**2543**
				417	**2544**
				417	**2696**
		2		417	**4341**
2 March,	144	2		421	**5247**
2 "	145	5		423	**1170**
		6		423	**1625**
		7		423	**1121**
				423	**1122**
				423	**1132**
				423	**1159**
				423	**1161**
				423	**1261**
2 "	146			424	**5543**
2 "	149	1		425	**4667**
		4		425	**4673**
2 "	150	1		426	**1889**
		2		426	**1932**
		4		426	**1914**
2 "	151			427	**1914**
2 "	154	1		430	**1767**
				430	**4778**
		2		430	**1768**
				430	**4778**
		3		430	**1769**
		4		431	**1770**
		5		431	**1771**
		6		431	**1772**
				431	**1773**
		7		431	**1775**
		8		431	**1774**
		9		431	**1762**
2 "	156	1		433	**606**
		2		433	**677**
				433	**680**
				433	**715**
				433	**832**
				433	**4799**
2 "	158	1		434	**440**
				434	**516**
		2		434	**517**
		3		434	**518**
		4		434	**519**

Date.	C.	S.	V.	P.	Sec. R.S.
2 March, 1867,	159	1	14	434	**1219**
				434	**1342**
		2		435	**1292**
2 "	163			439	**246**
				439	**247**
2 "	166	1		440	**527**
				440	**529**
				445	**3145**
		2		457	**1078**
2 "	167	1		464	**80**
				464	**4865**
		2		466	**519**
				466	**1797**
				466	**1800**
				466	**1821**
		4		466	**4660**
				466	**4672**
		5		466	**2726**
				466	**2732**
		7		466	**3823**
				466	**3824**
		10		467	**3786**
				467	**3826**
		12		467	**1663**
2 "	168	3		470	**3023**
		4		470	**2741**
		7		470	**2721**
		9		470	**554**
		10		471	**681**
				471	**682**
				471	**3689**
2 "	169	1		471	**3172**
				471	**3173**
		3		471	**773**
				472	**774**
				472	**3215**
		4		472	**3208**
				472	**3750**
				472	**3751**
		5		472	**3437**
		7		473	**3152**
				473	**3463**
		8		473	**3184**
				473	**3185**
				473	**3187**
		9		473	**3145**
				473	**3149**
				473	**3242**
		10		475	**563**
				475	**629**
				475	**3224**
				475	**3339**
		13		480	**3689**
		14		481	**3253**
		17		481	**3151**
		19		482	**3166**
		25		483	**563**
				483	**629**
				483	**711**
				483	**734**
		26		483	**3170**
		28		484	**5448**
		30		484	**731**
				484	**5440**
		32		484	**3406**
		33		484	**4223**
2 "	170	7		487	**3689**
2 "	172	1		490	**1413**
		3		492	**1546**
2 "	173	2		515	**2100**
		3		515	**468**
2 "	174	1		516	**1362**
				516	**1367**
				516	**1466**
		2		516	**1523**
		3		516	**1412**
				516	**1600**

Date.	C.	S.	V.	P.	Sec. R. S.
2 March, 1867,	174	4	14	516	**1527**
		5		516	**1624**
		6		516	**4756**
				516	**4757**
		7		517	**1596**
				517	**1601**
		8		517	**1513**
		9		517	**1461**
				517	**1591**
				517	**1592**
2 "	176	1		517	**563**
				517	**711**
				517	**4972**
				517	**4973**
				517	**4974**
				517	**4975**
		2		518	**630**
				518	**4979**
				518	**4986**
				518	**5057**
		3		518	**4993**
				518	**4994**
				518	**4995**
		4		519	**4996**
				519	**4998**
				519	**4999**
				519	**5000**
				519	**5007**
				519	**5008**
				519	**5009**
		5		519	**4997**
				519	**5001**
				519	**5002**
				519	**5004**
				519	**5125**
		6		520	**5010**
				520	**5011**
		7		520	**5005**
				520	**5006**
		8		520	**630**
				520	**4980**
				520	**4981**
				520	**4982**
				250	**4983**
		9		250	**4989**
		10		521	**4990**
		11		521	**5014**
				521	**5015**
				521	**5016**
				521	**5017**
				521	**5018**
				521	**5019**
				521	**5032**
		12		522	**5033**
				522	**5090**
		13		522	**5034**
				522	**5036**
		14		522	**5044**
				522	**5045**
				522	**5046**
				523	**5047**
				522	**5049**
				522	**5050**
				522	**5051**
				522	**5052**
				522	**5053**
				522	**5054**
				522	**5056**
				522	**5066**
		15		524	**5055**
				524	**5058**
				524	**5062**
		16		524	**5047**
				524	**5048**
		17		524	**5059**
				524	**5060**
				524	**5061**

Date.	C.	S.	V.	P.	Sec. R. S.
2 March, 1867,	176	17	14	524	**5094**
		18		525	**5035**
				525	**5037**
				525	**5038**
				525	**5039**
				525	**5040**
				525	**5041**
				525	**5042**
				525	**5043**
		19		525	**5067**
				525	**5068**
				525	**5069**
				525	**5070**
				525	**5071**
				525	**5072**
		20		526	**5073**
				526	**5075**
		21		526	**5074**
				526	**5105**
				526	**5106**
		22		527	**5076**
				527	**5077**
				527	**5078**
				527	**5079**
				527	**5080**
				527	**5081**
		23		528	**5083**
				528	**5084**
				528	**5085**
				528	**5095**
		24		528	**4984**
				528	**4985**
				528	**5082**
		25		528	**5063**
				528	**5065**
		26		529	**5020**
				529	**5086**
				529	**5087**
				529	**5088**
				529	**5089**
				529	**5104**
				529	**5107**
		27		529	**5091**
				529	**5092**
				529	**5102**
		28		530	**5064**
				530	**5093**
				530	**5096**
				530	**5097**
				530	**5098**
				530	**5099**
				530	**5100**
				530	**5101**
		29		531	**5108**
				531	**5109**
				531	**5110**
				531	**5113**
		30		532	**5116**
		31		532	**5111**
		32		532	**5114**
				532	**5115**
		33		533	**5117**
				533	**5118**
		34		533	**5119**
				533	**5120**
		35		534	**5128**
				534	**5129**
				534	**5130**
				534	**5131**
		36		534	**5121**
		37		535	**5122**
		38		535	**4991**
				535	**4992**
				535	**5003**
		39		536	**5021**
				536	**5023**
				536	**5128**

Date.	C.	S.	V.	P.	Sec. R.S.
2 March, 1867,	176	39	14	536	**5129**
	-----	40		536	**5024**
	-----	-----		536	**5025**
	-----	41		537	**5026**
	-----	-----		537	**5027**
	-----	42		537	**5026**
	-----	-----		537	**5028**
	-----	-----		537	**5029**
	-----	-----		537	**5030**
	-----	-----		537	**5031**
	-----	43		538	**5103**
	-----	44		539	**5132**
	-----	45		539	**5012**
	-----	46		539	**5419**
	-----	47		540	**5124**
	-----	-----		540	**5126**
	-----	-----		540	**5127**
	-----	48		540	**5013**
	-----	49		541	**4977**
	-----	-----		541	**4978**
	-----	-----		541	**4988**
2 "	177			541	**2387**
	-----			541	**2388**
	-----			541	**2389**
	-----			541	**2391**
	-----			541	**2392**
	-----			541	**2393**
2 "	178	1		542	**2535**
	-----	-----		542	**2536**
	-----	-----		542	**2619**
	-----	-----		542	**2717**
	-----	-----		542	**2816**
	-----	2		542	**2816**
	-----	3		542	**2968**
2 "	179			542	**2207**
	-----			542	**2210**
2 "	180			543	**990**
	-----			543	**991**
2 "	185	2		545	**614**
2 "	186	1		545	**2035**
	-----	2		545	**2036**
2 "	187	1		546	**1990**
	-----	-----		546	**5526**
	-----	2		546	**1991**
	-----	-----		546	**5527**
2 "	188	1		546	**3090**
	-----	-----		546	**3689**
	-----	2		547	**3091**
	-----	-----		547	**3092**
	-----	-----		547	**3093**
	-----	3		547	**2981**
2 "	193			557	**5456**
2 "	196			558	**639**
	-----			558	**646**
2 "	197	1		559	**2504**
	-----	-----		559	**2912**
	-----	-----		559	**2916**
	-----	2		561	**2504**
12 "	1		15	1	**4826**
	-----			1	**4828**
25 "	7	1		5	**531**
	-----	-----		5	**551**
	-----	-----		5	**767**
	-----	-----		5	**776**
	-----	2		5	**572**
	-----	-----		5	**604**
	-----	-----		5	**608**
	-----	4		5	**554**
26 "	8	2		6	**3412**
	-----	-----		6	**3413**
	-----	-----		6	**3414**
29 "	13	2		7	**3823**
	-----	-----		7	**3824**
	-----	-----		7	**3826**
	-----	3		8	**3825**
29 "	16			10	**2543**
30 "	20	1		11	**1822**

Date.	C.	S.	V.	P.	Sec. R.S.
30 March, 1867,	20	1	15	11	**1824**
	-----	2		12	**1820**
	-----	3		12	**1800**
	-----	-----		12	**1801**
	-----	-----		12	**1802**
30 "	24	2		13	**1816**
19 July,	28			14	**1997**
	-----			14	**4749**
3 February, 1868,	5			34	**2505**
4 "	6			34	**3582**
10 "	7			34	**5219**
12 "	8	1		35	**43**
	-----	2		36	**3678**
25 "	13			37	**860**
9 March,	22	1		40	**210**
	-----	-----		40	**3803**
	-----	2		40	**3805**
	-----	4		40	**3804**
	-----	-----		40	**3806**
	29			42	**281**
	30			42	**1327**
19 "	31	4		44	**275**
	-----	-----		44	**279**
27 "	34	1		44	**699**
	-----	2		44	**763**
30 "	36			54	**191**
30 "	38	1		57	**1690**
	-----	-----		57	**1702**
	-----	-----		57	**1733**
	-----	2		58	**1223**
	-----	-----		58	**1440**
31 "	41	5		59	**3257**
	-----	7		60	**3230**
5 June,	50			63	**2517**
	-----			63	**2578**
8 "	53			67	**2392**
	-----			67	**2394**
17 "	61	1		69	**1413**
	-----	-----		69	**1543**
	-----	2		72	**1417**
25 "	71	1		75	**707**
	-----	-----		75	**708**
	-----	2		75	**1088**
	-----	3		75	**1074**
	-----	4		75	**1078**
	-----	-----		75	**1079**
	-----	-----		75	**1080**
	-----	5		75	**351**
	-----	-----		75	**359**
	-----	6		76	**188**
	-----	7		76	**1063**
	-----	-----		76	**1064**
	-----	-----		76	**1065**
	-----	8		77	**1067**
	-----	9		77	**1057**
25 "	72			77	**3738**
	74	1		78	**2599**
	-----	2		78	**2599**
	-----	3		78	**2599**
25 "	75			78	**2543**
25 "	79			80	**572**
	-----			80	**608**
	-----			80	**658**
25 "	81			80	**675**
3 July,	118			82	**572**
11 "	139			85	**1757**
16 "	175			91	**2207**
	-----			91	**2210**
20 "	176	1		96	**155**
	-----	-----		106	**277**
	-----	-----		99	**334**
	-----	-----		92	**441**
	-----	-----		92	**516**
	-----	-----		92	**517**
	-----	-----		109	**770**
	-----	-----		94	**1825**
	-----	-----		95	**3763**

Date.	C.	S.	V.	P.	Sec. R. S.
20 July, 1868,	176	2	15	110	**3826**
	.....	4		110	**3826**
	.....	6		110	**1815**
20 "	177			110	**257**
	.....			115	**1816**
	.....			112	**2747**
	.....			111	**3786**
	.....			111	**3787**
20 "	179			121	**3596**
20 "	185			125	**1228**
20 "	186	1		125	**3244**
	.....	.....		125	**3251**
	.....	2		125	**3244**
	.....	.....		125	**3249**
	.....	.....		125	**3250**
	.....	.....		125	**3255**
	.....	4		126	**3248**
	.....	.....		126	**3251**
	.....	.....		126	**3282**
	.....	5		126	**3258**
	.....	6		126	**3259**
	.....	7		127	**3260**
	.....	8		127	**3262**
	.....	9		128	**3263**
	.....	11		130	**3244**
	.....	.....		130	**3280**
	.....	12		130	**3266**
	.....	14		130	**3265**
	.....	15		130	**3271**
	.....	16		131	**3267**
	.....	17		131	**3261**
	.....	.....		131	**3269**
	.....	18		132	**3275**
	.....	.....		132	**3279**
	.....	19		133	**3285**
	.....	.....		132	**3303**
	.....	.....		133	**3304**
	.....	.....		133	**3305**
	.....	.....		133	**3307**
	.....	20		133	**3309**
	.....	21		134	**3273**
	.....	.....		134	**3284**
	.....	.....		134	**3302**
	.....	22		134	**3310**
	.....	23		135	**3287**
	.....	.....		135	**3293**
	.....	24		136	**3294**
	.....	25		136	**3295**
	.....	.....		136	**3320**
	.....	.....		137	**3321**
	.....	.....		137	**3322**
	.....	26		137	**3238**
	.....	.....		137	**3312**
	.....	27		137	**3313**
	.....	28		138	**3314**
	.....	29		138	**3316**
	.....	30		138	**3311**
	.....	31		139	**3286**
	.....	32		139	**3276**
	.....	33		139	**3277**
	.....	34		140	**3278**
	.....	35		140	**3283**
	.....	36		140	**3296**
	.....	.....		140	**3299**
	.....	.....		140	**3333**
	.....	37		141	**3327**
	.....	38		141	**3252**
	.....	39		141	**3256**
	.....	.....		141	**3326**
	.....	40		141	**3268**
	.....	.....		141	**3306**
	.....	41		141	**3298**
	.....	42		142	**3331**
	.....	.....		142	**3332**
	.....	43		142	**3324**
	.....	.....		142	**3445**
	.....	44		142	**3242**

Date.	C.	S.	V.	P.	Sec. R. S.
20 July, 1868,	186	44	15	142	**3281**
	.....	45		143	**3318**
	.....	46		144	**3319**
	.....	47		144	**3323**
	.....	48		144	**3328**
	.....	49		144	**3159**
	.....	.....		144	**3160**
	.....	.....		144	**3163**
	.....	50		145	**3151**
	.....	.....		145	**3152**
	.....	51		145	**3163**
	.....	.....		145	**3166**
	.....	52		145	**3153**
	.....	.....		146	**3154**
	.....	.....		146	**3155**
	.....	.....		146	**3273**
	.....	.....		146	**3274**
	.....	.....		147	**3300**
	.....	.....		147	**3301**
	.....	53		147	**3156**
	.....	.....		147	**3157**
	.....	.....		147	**3291**
	.....	.....		147	**3292**
	.....	54		147	**3329**
	.....	55		148	**3330**
	.....	56		149	**3272**
	.....	57		150	**3289**
	.....	.....		149	**3320**
	.....	.....		149	**3321**
	.....	58		150	**3334**
	.....	59		151	**3243**
	.....	.....		151	**3244**
	.....	.....		151	**3247**
	.....	.....		151	**3308**
	.....	.....		151	**3317**
	.....	60		152	**3244**
	.....	.....		152	**3371**
	.....	61		152	**3368**
	.....	62		153	**3362**
	.....	63		153	**3244**
	.....	.....		153	**3355**
	.....	64		154	**3356**
	.....	65		154	**3357**
	.....	66		155	**3358**
	.....	.....		155	**3359**
	.....	67		155	**3369**
	.....	68		156	**3364**
	.....	69		156	**3372**
	.....	70		156	**3373**
	.....	71		156	**3366**
	.....	.....		156	**3374**
	.....	.....		156	**3375**
	.....	72		156	**3376**
	.....	.....		156	**3406**
	.....	73		157	**3385**
	.....	74		157	**3386**
	.....	75		158	**3370**
	.....	76		158	**3360**
	.....	77		158	**3377**
	.....	78		159	**3363**
	.....	.....		159	**3378**
	.....	79		159	**3380**
	.....	81		160	**3394**
	.....	.....		160	**3396**
	.....	82		160	**3387**
	.....	83		160	**3388**
	.....	84		161	**3389**
	.....	85		161	**3392**
	.....	86		161	**3390**
	.....	.....		162	**3391**
	.....	87		162	**3395**
	.....	88		162	**3393**
	.....	89		162	**3397**
	.....	.....		162	**3404**
	.....	.....		162	**3406**
	.....	90		163	**3398**
	.....	91		163	**3399**

Date.	C.	S.	V.	P.	Sec. R. S.
20 July, 1868,	186	92	15	163	**3400**
	.....	93		163	**3402**
	.....	94		164	**3403**
	.....	95		164	**3401**
	.....	96		164	**3456**
	.....	97		164	**3168**
	.....	98		165	**3169**
	.....	99		165	**3451**
	.....	100		165	**3444**
	.....	101		165	**3238**
	.....	.....		165	**3446**
	.....	102		166	**3229**
	.....	.....		166	**3231**
	.....	103		166	**3447**
	.....	104		166	**1**
	.....	106		167	**563**
	.....	.....		167	**629**
	.....	.....		167	**3207**
	.....	107		167	**3448**
23 "	227	1		168	**177**
	.....	2		168	**178**
	.....	.....		168	**181**
	.....	3		168	**179**
	.....	.....		168	**180**
	.....	.....		168	**182**
23 "	229	2		170	**4754**
	.....	.....		170	**4755**
25 "	233	3		177	**3733**
	.....	.....		177	**5503**
25 "	235	1		178	**1839**
	.....	.....		178	**1840**
	.....	.....		178	**1904**
	.....	2		178	**1841**
	.....	3		179	**1843**
	.....	.....		179	**1844**
	.....	4		179	**1846**
	.....	.....		179	**1847**
	.....	.....		179	**1848**
	.....	.....		179	**1849**
	.....	.....		179	**1922**
	.....	5		179	**1859**
	.....	.....		179	**1860**
	.....	6		180	**1842**
	.....	.....		180	**1851**
	.....	.....		180	**1925**
	.....	7		180	**1857**
	.....	8		180	**1854**
	.....	9		180	**702**
	.....	.....		180	**1864**
	.....	.....		180	**1865**
	.....	.....		180	**1866**
	.....	.....		180	**1867**
	.....	.....		180	**1868**
	.....	.....		180	**1869**
	.....	.....		180	**1870**
	.....	.....		180	**1871**
	.....	.....		180	**1872**
	.....	.....		180	**1883**
	.....	.....		180	**1907**
	.....	.....		180	**1909**
	.....	.....		180	**1910**
	.....	.....		180	**1912**
	.....	.....		180	**1926**
	.....	10		181	**1875**
	.....	.....		181	**1876**
	.....	.....		181	**1881**
	.....	.....		181	**1882**
	.....	11		181	**1877**
	.....	.....		181	**1878**
	.....	.....		181	**1935**
	.....	.....		181	**1939**
	.....	12		182	**1885**
	.....	.....		182	**1944**
	.....	13		182	**1862**
	.....	.....		182	**1863**
	.....	14		183	**1946**
	.....	15		183	**1873**
25 July, 1868,	235	15	15	183	**1913**
	.....	.....		183	**1918**
	.....	.....		183	**1919**
	.....	16		183	**1891**
	.....	17		183	**1948**
25 "	236			183	**1047**
27 "	246	18		197	**889**
	.....	19		197	**890**
27 "	249	1		223	**1999**
	.....	2		224	**2000**
	.....	3		224	**2001**
27 "	254			226	**2856**
27 "	255	1		226	**1000**
	.....	.....		226	**1001**
	.....	2		227	**640**
	.....	.....		227	**646**
27 "	256			227	**2377**
27 "	257			227	**2555**
27 "	258	1		227	**5112**
	.....	3		228	**5076**
	.....	.....		228	**5079**
27 "	259			228	**463**
27 "	262	2		232	**4863**
	.....	3		233	**4861**
	.....	4		233	**4864**
	.....	7		234	**4867**
27 "	264	14		237	**4787**
27 "	270			239	**572**
	.....			239	**658**
27 "	272	1		239	**1842**
	.....	2		240	**1920**
	.....	.....		240	**1921**
27 "	273	1		240	**1954**
	.....	2		240	**2591**
	.....	.....		240	**2592**
	.....	.....		240	**2681**
	.....	3		240	**2633**
	.....	.....		240	**4140**
	.....	4		241	**1955**
	.....	5		241	**4358**
	.....	6		241	**1956**
	.....	7		241	**1957**
	.....	8		242	**1958**
	.....	.....		242	**5293**
	.....	9		242	**5293**
27 "	275			242	**1916**
27 "	276	2		243	**1068**
	.....	3		243	**1059**
8 January, 1869,	7			266	**896**
23 "	15			267	**110**
9 February,	24			269	**2158**
	.....			269	**2159**
	32			270	**5207**
	33	4		271	**3592**
	.....	.....		271	**3594**
	.....	.....		271	**3639**
	34			271	**608**
	35			271	**2511**
	42	1		273	**2517**
	.....	.....		273	**2518**
	.....	2		273	**2682**
	.....	3		273	**2541**
	43			274	**572**
	.....			274	**658**
	45			274	**2504**
	47	2		275	**3689**
1 March,	48	2		280	**1570**
1 "	52	2		281	**1209**
	.....	.....		281	**1210**
	.....	.....		281	**1604**
1 "	54			282	**4231**
1 "	57			282	**3150**
3 "	121			283	**363**
	.....			292	**507**
	.....			283	**508**
	.....			292	**509**
	.....			284	**1816**

Date.	C.	S.	V.	P.	Sec. R.S.
3 March, 1869,	121		15	300	**1846**
				290	**3671**
3 "	122			301	**226**
				301	**255**
				301	**4675**
3 "	123			311	**235**
				311	**240**
				311	**241**
				311	**262**
				311	**3654**
3 "	124	2		318	**1094**
				318	**1108**
		4		318	**1119**
		5		318	**1094**
				318	**1099**
				318	**1102**
				318	**1106**
				318	**1111**
				318	**1279**
		6		318	**1128**
				318	**1129**
				318	**1131**
				318	**1151**
				318	**1159**
				318	**1168**
				318	**1194**
				318	**1208**
		7		318	**1211**
				318	**1604**
3 "	125	2		321	**1742**
		3		321	**1716**
				321	**1722**
				322	**4221**
		5		322	**1734**
		6		322	**1690**
				322	**1696**
		7		322	**1690**
				322	**1693**
				322	**4121**
3 "	128	1		324	**871**
		2		325	**872**
		3		325	**873**
		4		325	**874**
3 "	130	1		326	**5211**
				326	**5213**
		2		327	**5212**
				326	**5213**
3 "	135			335	**5208**
3 "	138			336	**2445**
3 "	141	1		337	**5275**
		2		338	**5276**
		3		338	**5277**
3 "	142			338	**1040**
18 "	1		16	1	**3693**
3 April,	9			6	**1096**
5 "	10	1		6	**1767**
				6	**4778**
		2		7	**1768**
				7	**4778**
		3		7	**1769**
6 "	11			7	**5209**
10 "	16	2		39	**2090**
				39	**2101**
		4		40	**2039**
10 "	18	1		41	**3244**
				41	**3262**
				42	**3309**
				43	**3393**
		2		43	**3429**
		3		44	**3365**
				43	**3379**
10 "	20			44	**1200**
10 "	22	1		44	**673**
				44	**719**
		2		45	**555**
				44	**582**
				44	**587**

Date.	C.	S.	V.	P.	Sec. R.S.
10 April, 1869,	22	2	16	44	**590**
				44	**591**
				44	**592**
				44	**593**
				44	**594**
				44	**607**
				44	**609**
				44	**611**
				44	**612**
				44	**616**
				45	**619**
				44	**662**
				44	**664**
				44	**671**
				44	**717**
				44	**727**
				44	**751**
				44	**752**
				44	**1015**
				44	**1016**
				44	**3637**
		3		45	**557**
				45	**620**
		4		45	**610**
		5		45	**714**
10 "	25			46	**363**
				46	**385**
10 "	28			47	**2599**
				47	**2600**
20 January, 1870,	7			61	**5246**
21 "	9	1		62	**1622**
		2		62	**1259**
1 February,	11			63	**1784**
5 "	14	2		65	**2207**
				65	**2210**
21 "	18			67	**1327**
				67	**1328**
				67	**1329**
7 March,	23			75	**183**
23 "	29	5		77	**1867**
				77	**1927**
25 "	30			77	**3481**
4 May,	73			96	**1930**
				96	**1931**
6 "	87	1		118	**2194**
		2		118	**2191**
		3		118	**2200**
6 "	92			121	**5248**
12 "	102	1		122	**2649**
		2		122	**2650**
				122	**2651**
		3		123	**2651**
31 "	114	1		140	**629**
				140	**2004**
		2		140	**629**
				140	**2005**
				140	**2006**
		3		140	**629**
				140	**2007**
				140	**2008**
		4		141	**629**
				141	**2009**
				141	**5506**
		5		141	**5507**
		6		141	**5508**
		7		141	**5509**
		8		142	**629**
				142	**1022**
		9		142	**1982**
				142	**1983**
		10		142	**1984**
				142	**1985**
				142	**5517**
		11		142	**5516**
		12		143	**1986**
				143	**1987**
		13		143	**1989**

Date.	C.	S.	V.	P.	Sec. R.S.
31 May, 1870,	114	14	16	143	**563**
				143	**629**
				143	**1786**
		15		143	**1787**
		16		144	**563**
				144	**629**
				144	**641**
				144	**699**
				144	**1977**
				144	**2164**
		17		144	**5510**
		18		144	**563**
				144	**629**
				144	**641**
				144	**699**
				144	**722**
		19		144	**5511**
		20		145	**5512**
		21		145	**5514**
		22		145	**5515**
		23		146	**563**
				146	**629**
				146	**2010**
7 June,	124			148	**1054**
14 "	127	1		150	**2586**
				150	**2587**
		2		151	**2588**
		3		151	**2589**
		4		151	**2590**
14 "	128			151	**5544**
15 "	129	1		152	**3595**
				152	**3600**
		2		152	**3598**
				152	**3599**
		4		152	**3596**
		5		152	**3606**
17 "	130			152	**1879**
17 "	132	1		153	**4787**
				153	**4788**
		2		153	**4789**
		3		153	**4790**
17 "	133	5		154	**2173**
22 "	150	1		162	**346**
		2		162	**179**
				162	**347**
				162	**348**
		3		162	**349**
				162	**350**
				162	**351**
		4		162	**358**
		5		162	**359**
				162	**367**
				162	**370**
		6		163	**356**
				163	**357**
		8		163	**161**
		9		163	**349**
		10		163	**349**
				163	**351**
		11		163	**371**
		12		164	**196**
				164	**384**
		13		164	**352**
		14		164	**360**
				164	**361**
		15		164	**368**
				164	**369**
				164	**830**
				164	**832**
				164	**833**
				164	**835**
				164	**836**
				164	**839**
				164	**840**
				164	**841**
				164	**844**
				164	**845**

Date.	C.	S.	V.	P.	Sec. R.S.
22 June, 1870,	150	15	16	164	**4647**
		16		164	**362**
				164	**363**
		17		164	**189**
				164	**362**
				164	**365**
				164	**366**
		18		165	**383**
29 "	169	1		169	**4585**
		2		169	**4587**
		3		170	**4803**
		4		170	**4803**
		5		170	**3689**
				170	**4803**
		6		170	**3689**
				170	**4802**
		7		170	**3**
29 "	170	1		170	**4214**
		2		170	**4216**
		3		170	**4217**
		4		171	**4218**
29 "	171			171	**2253**
29 "	175	1		171	**550**
				171	**576**
				171	**608**
		2		171	**572**
				171	**608**
				171	**658**
		3		171	**550**
				171	**572**
				171	**576**
				171	**608**
				171	**658**
		4		171	**581**
				171	**668**
				171	**670**
		8		172	**551**
				172	**554**
				172	**767**
				172	**770**
				172	**776**
		9		172	**623**
30 "	177	1		172	**4978**
				173	**4987**
		2		174	**4976**
30 "	178	1		174	**537**
				174	**560**
				174	**744**
				174	**768**
				174	**778**
		2		174	**572**
		3		174	**560**
				174	**744**
				174	**768**
				174	**778**
30 "	179			174	**4787**
30 "	180	1		175	**559**
				175	**572**
				175	**625**
				175	**658**
		2		175	**584**
				175	**585**
				175	**665**
				175	**670**
		3		175	**815**
		4		175	**581**
		5		175	**579**
				175	**580**
		6		175	**577**
		7		175	**559**
				175	**560**
				175	**625**
				175	**794**
				175	**796**
				176	**949**
1 July,	185	1		176	**3116**
				176	**3117**

Date.	C.	S.	V.	P.	Sec. R. S.
1 July, 1870,	185	1	16	176	**3118**
	.....	.....		177	**3119**
	.....	.....		177	**3121**
	.....	2		177	**3122**
	.....	3		177	**3123**
	.....	4		177	**3124**
	.....	5		177	**3125**
	.....	7		177	**4381**
	.....	.....		178	**4382**
	.....	9		179	**5293**
1 "	187			179	**3150**
1 "	188			180	**572**
1 "	189	1		180	**1960**
	.....	2		180	**1961**
	.....	3		180	**1962**
	.....	4		180	**1963**
	.....	.....		180	**1964**
	.....	.....		180	**1971**
	.....	5		181	**1963**
	.....	.....		181	**1965**
	.....	.....		181	**1966**
	.....	.....		181	**1967**
	.....	.....		181	**1968**
	.....	6		181	**1963**
	.....	.....		181	**1969**
	.....	.....		182	**1970**
	.....	7		182	**1957**
	.....	.....		182	**5293**
	.....	8		182	**1972**
1 "	190	1		182	**2582**
	.....	.....		182	**2824**
	.....	2		182	**2584**
1 "	193			183	**2390**
1 "	194	1		183	**4083**
	.....	.....		183	**4129**
	.....	2		183	**4128**
	.....	.....		183	**4130**
	.....	3		184	**4095**
	.....	4		184	**4092**
	.....	5		184	**4093**
	.....	6		184	**4094**
	.....	7		184	**4096**
	.....	9		184	**4122**
	.....	10		184	**4123**
1 "	196			186	**2278**
1 "	200			188	**4882**
7 "	210	4		190	**5249**
7 "	211			190	**2568**
	.....			190	**2708**
	.....			190	**2823**
7 "	214			192	**572**
	.....			192	**658**
8 "	225	1		193	**4764**
	.....	2		194	**4765**
	.....	4		194	**4766**
	.....	.....		194	**4782**
	.....	.....		194	**5487**
	.....	5		194	**4767**
	.....	6		194	**4784**
	.....	7		194	**4786**
	.....	9		195	**4768**
	.....	10		195	**4769**
8 "	226			195	**5209**
8 "	230	1		198	**440**
	.....	.....		198	**441**
	.....	.....		198	**475**
	.....	2		198	**476**
	.....	4		199	**477**
	.....	6		199	**479**
	.....	7		199	**481**
	.....	9		199	**494**
	.....	10		199	**482**
	.....	12		200	**478**
	.....	13		200	**484**
	.....	14		200	**485**
	.....	15		200	**486**
	.....	16		200	**480**

Date.	C.	S.	V.	P.	Sec. R. S.
8 July, 1870,	230	17	16	200	**487**
	.....	18		200	**488**
	.....	19		200	**483**
	.....	20		200	**489**
	.....	21		200	**4883**
	.....	22		201	**4884**
	.....	23		201	**4885**
	.....	24		201	**4886**
	.....	25		201	**4887**
	.....	26		201	**4888**
	.....	27		201	**4889**
	.....	28		201	**4890**
	.....	29		201	**4891**
	.....	30		202	**4892**
	.....	31		202	**4893**
	.....	32		202	**4894**
	.....	33		202	**4895**
	.....	34		202	**4896**
	.....	35		202	**4897**
	.....	36		203	**4898**
	.....	37		203	**4899**
	.....	38		203	**4900**
	.....	39		203	**4901**
	.....	40		203	**4902**
	.....	41		204	**4903**
	.....	42		204	**4904**
	.....	43		204	**4905**
	.....	44		204	**4906**
	.....	.....		204	**4908**
	.....	45		204	**4906**
	.....	.....		204	**4907**
	.....	.....		204	**4908**
	.....	46		204	**4909**
	.....	47		205	**4910**
	.....	48		205	**4911**
	.....	49		205	**4912**
	.....	50		205	**4914**
	.....	51		205	**4913**
	.....	52		205	**4915**
	.....	53		205	**4916**
	.....	54		206	**4917**
	.....	55		206	**629**
	.....	.....		206	**711**
	.....	.....		206	**4921**
	.....	56		207	**699**
	.....	.....		207	**711**
	.....	57		207	**892**
	.....	.....		207	**893**
	.....	58		207	**711**
	.....	.....		207	**4918**
	.....	59		207	**4919**
	.....	60		207	**973**
	.....	.....		207	**4922**
	.....	61		208	**4920**
	.....	62		208	**4923**
	.....	63		208	**4924**
	.....	64		208	**4925**
	.....	65		208	**4926**
	.....	66		209	**4927**
	.....	67		209	**4928**
	.....	68		209	**4934**
	.....	69		209	**496**
	.....	.....		209	**4935**
	.....	70		209	**4936**
	.....	71		209	**4929**
	.....	72		210	**4930**
	.....	73		210	**4931**
	.....	74		210	**4932**
	.....	75		210	**4934**
	.....	76		210	**4933**
	.....	77		210	**4937**
	.....	.....		210	**4938**
	.....	78		211	**4941**
	.....	.....		211	**4946**
	.....	79		211	**4939**
	.....	.....		211	**4942**
	.....	80		211	**4940**

Date.	C.	S.	V.	P.	Sec. R. S.
8 July, 1870,	230	81	16	211	**4947**
	.....	82		212	**4944**
	.....	83		212	**4945**
	.....	84		212	**4943**
	.....	85		212	**90**
	.....	.....		212	**4948**
	.....	.....		212	**4949**
	.....	.....		212	**4950**
	.....	.....		212	**4951**
	.....	86		212	**4952**
	.....	87		212	**4953**
	.....	88		212	**4954**
	.....	89		213	**4955**
	.....	90		213	**4956**
	.....	91		213	**4957**
	.....	92		213	**4958**
	.....	93		213	**4959**
	.....	94		213	**4960**
	.....	96		214	**4961**
	.....	97		214	**4962**
	.....	98		214	**4963**
	.....	99		214	**4964**
	.....	100		214	**4965**
	.....	101		214	**4966**
	.....	102		215	**4967**
	.....	103		215	**4971**
	.....	104		215	**4968**
	.....	105		215	**4969**
	.....	106		215	**629**
	.....	.....		215	**711**
	.....	.....		215	**4970**
	.....	107		215	**699**
	.....	108		215	**972**
	.....	111		216	**3616**
9 "	235	12		217	**2329**
	.....	.....		217	**2330**
	.....	13		217	**2332**
	.....	16		218	**2406**
	.....	17		218	**2340**
	.....	.....		218	**2344**
11 "	238			222	**3667**
	.....			222	**4755**
11 "	243	1		229	**3711**
	.....	2		229	**3712**
	.....	.....		229	**3713**
11 "	244			229	**2568**
	.....			229	**2708**
	.....			229	**2823**
11 "	246			230	**2207**
	.....			230	**2210**
12 "	251	1		230	**242**
	.....	.....		230	**3141**
	.....	.....		230	**3153**
	.....	.....		230	**3795**
	.....	2		230	**165**
	.....	3		230	**167**
	.....	.....		250	**1054**
	.....	.....		250	**3682**
	.....	4		250	**1835**
	.....	5		251	**3690**
	.....	6		251	**3691**
	.....	7		251	**3679**
	.....	8		251	**2704**
	.....	.....		251	**2719**
	.....	.....		251	**2720**
12 "	252	1		251	**5176**
	.....	.....		251	**5177**
	.....	.....		251	**5178**
	.....	3		252	**5185**
	.....	.....		253	**5186**
	.....	4		253	**5186**
	.....	5		253	**5186**
	.....	.....		253	**5196**
	.....	6		253	**5179**
	.....	.....		253	**5180**
	.....	7		254	**5181**
14 "	254	1		254	**5395**

Date.	C.	S.	V.	P.	Sec. R. S.
14 July, 1870,	254	2	16	254	**5424**
	.....	.....		254	**5425**
	.....	.....		254	**5426**
	.....	.....		254	**5427**
	.....	3		254	**5428**
	.....	4		255	**5429**
	.....	7		256	**2169**
14 "	255	1		256	**3244**
	.....	.....		256	**3319**
	.....	3		256	**3438**
	.....	.....		256	**3439**
	.....	4		257	**3423**
	.....	.....		257	**3425**
	.....	.....		257	**3430**
	.....	5		257	**3422**
	.....	18		261	**3142**
	.....	21		262	**2504**
	.....	22		265	**2505**
	.....	24		269	**3026**
	.....	25		269	**4220**
	.....	.....		269	**4223**
	.....	27		269	**3438**
	.....	.....		269	**3439**
	.....	29		270	**2990**
	.....	.....		270	**2991**
	.....	30		270	**2992**
	.....	31		270	**2993**
	.....	33		271	**2995**
	.....	.....		271	**2996**
	.....	34		271	**251**
	.....	.....		271	**2614**
	.....	.....		271	**2615**
	.....	35		271	**2532**
	.....	.....		271	**2536**
	.....	.....		271	**2544**
	.....	.....		271	**2553**
	.....	.....		271	**2565**
	.....	.....		271	**2569**
	.....	.....		271	**2598**
	.....	.....		271	**2600**
	.....	.....		271	**2602**
	.....	.....		271	**2604**
	.....	.....		271	**2997**
	.....	36		271	**2532**
	.....	.....		271	**2536**
	.....	.....		271	**2544**
	.....	.....		271	**2553**
	.....	.....		271	**2565**
	.....	.....		271	**2569**
	.....	.....		271	**2587**
	.....	.....		271	**2598**
	.....	.....		271	**2600**
	.....	.....		271	**2602**
	.....	.....		271	**2604**
	.....	.....		271	**2606**
	.....	.....		271	**2614**
	.....	.....		271	**2615**
	.....	.....		271	**2730**
	.....	37		271	**2998**
14 "	256	1		272	**3701**
	.....	2		272	**3689**
	.....	4		273	**3697**
	.....	6		273	**3688**
	.....	.....		273	**3695**
	.....	.....		273	**3696**
14 "	257			274	**5222**
	.....			274	**5223**
	259			275	**3430**
	262			276	**5113**
	268			278	**2568**
	.....			278	**2708**
	.....			278	**2823**
	269			278	**2578**
	.....			278	**2579**
	.....			278	**2821**
	271			279	**1930**
	272	2		279	**2267**

Date.	C.	S.	V.	P.	Sec.R.S.
14 July, 1870,	272	2	16	279	**2281**
15 "	292	1		291	**683**
	-----	-----		304	**2367**
	-----	-----		305	**2404**
	-----	-----		296	**3734**
	-----	-----		294	**4865**
	-----	2		308	**3828**
	-----	3		309	**2759**
	-----	-----		309	**4677**
	-----	11		310	**3689**
15 "	294	2		317	**1107**
	-----	-----		317	**1115**
	-----	-----		317	**1155**
	-----	4		317	**1243**
	-----	-----		317	**1622**
	-----	5		317	**1243**
	-----	-----		317	**1258**
	-----	6		318	**1094**
	-----	7		318	**1094**
	-----	8		318	**1094**
	-----	9		318	**1102**
	-----	10		318	**1099**
	-----	-----		318	**1100**
	-----	-----		318	**1102**
	-----	-----		318	**1103**
	-----	-----		318	**1106**
	-----	-----		318	**1107**
	-----	12		318	**1121**
	-----	-----		318	**1122**
	-----	13		319	**1333**
	-----	14		319	**1232**
	-----	16		319	**1212**
	-----	-----		319	**1604**
	-----	17		319	**1229**
	-----	-----		319	**1266**
	-----	18		319	**1222**
	-----	21		319	**1324**
	-----	-----		319	**1526**
	-----	22		319	**1113**
	-----	23		320	**1260**
	-----	24		320	**1261**
	-----	-----		320	**1262**
	-----	-----		320	**1263**
	-----	-----		320	**1265**
	-----	-----		320	**1267**
	-----	-----		320	**1268**
	-----	-----		320	**1269**
	-----	-----		320	**1270**
	-----	-----		320	**1271**
	-----	-----		320	**1273**
	-----	-----		320	**1274**
	-----	25		320	**2238**
15 "	295	1		321	**1556**
	-----	3		330	**1556**
	-----	4		332	**1558**
	-----	-----		332	**1566**
	-----	-----		332	**1585**
	-----	5		333	**1588**
	-----	-----		333	**1590**
	-----	-----		333	**1591**
	-----	-----		333	**1624**
	-----	6		333	**1445**
	-----	-----		333	**1456**
	-----	-----		333	**1624**
	-----	7		333	**1560**
	-----	-----		333	**1561**
	-----	-----		333	**1562**
	-----	-----		333	**1624**
	-----	8		333	**1505**
	-----	9		333	**1363**
	-----	10		333	**1363**
	-----	-----		334	**1490**
	-----	11		334	**1376**
	-----	-----		334	**1377**
	-----	12		334	**1512**
	-----	-----		334	**1513**
	-----	-----		334	**1521**

Date.	C.	S.	V.	P.	Sec.R.S.
15 July, 1870,	295	12	16	334	**1556**
	-----	13		334	**1411**
	-----	14		334	**1624**
	-----	15		334	**3622**
	-----	-----		334	**5491**
	-----	17		334	**1586**
	-----	-----		334	**1587**
15 "	296	2		360	**2085**
	-----	-----		360	**2086**
	-----	3		360	**2039**
	-----	-----		360	**2040**
	-----	-----		360	**2041**
	-----	-----		360	**2086**
	-----	4		360	**2098**
	-----	6		360	**2054**
15 "	298	1		363	**852**
	-----	2		363	**812**
	-----	3		363	**800**
	-----	-----		363	**801**
15 "	300	1		364	**197**
	-----	2		364	**1883**
	-----	3		364	**1834**
15 "	302	1		365	
	-----	2		365	
22 December,	6			397	**2504**
	-----			397	**2915**
10 January, 1871,	15	1		398	**1892**
	-----	2		398	**1893**
	-----	-----		398	**1894**
	-----	3		398	**1895**
20 "	23			399	**3689**
3 February,	35	1		403	**549**
	-----	2		403	**572**
	-----	-----		403	**608**
	-----	3		403	**549**
	-----	-----		403	**572**
	-----	-----		403	**608**
	-----	-----		403	**658**
	-----	4		403	**581**
	-----	-----		403	**868**
	-----	-----		403	**670**
	-----	8		404	**551**
	-----	-----		404	**554**
	-----	-----		404	**767**
	-----	-----		404	**776**
	-----	9		404	**622**
8 "	39			407	**2562**
	-----			407	**2563**
10 "	45			408	**3111**
	-----			408	**3112**
	-----			409	**3113**
14 "	50	1		411	**4732**
	-----	-----		411	**4736**
	-----	-----		411	**4738**
	-----	2		411	**4737**
	-----	3		411	**4739**
	-----	-----		411	**4740**
14 "	51	1		412	**184**
	-----	-----		412	**185**
	-----	-----		412	**186**
	-----	3		412	**187**
	-----	-----		412	**364**
15 "	53			412	**1757**
21 "	61			417	**1681**
21 "	62	1		419	**906**
	-----	41		428	**1819**
21 "	63			429	**572**
	-----			429	**658**
25 "	71	1		431	**7**
	-----	-----		431	**8**
	-----	-----		431	**9**
	-----	-----		431	**10**
	-----	2		431	**1**
	-----	3		431	**12**
	-----	4		432	**13**
25 "	72			432	**348**
28 "	99	1		433	**5512**

Date.	C.	S.	V.	P.	Sec.R.S.
28 February, 1871,	99	1	16	433	**5513**
	.....	2		433	**2011**
	.....	3		434	**2014**
	.....	4		434	**2016**
	.....	5		434	**2017**
	.....	.....		434	**2018**
	.....	6		435	**2019**
	.....	7		435	**2020**
	.....	8		436	**2021**
	.....	.....		436	**2022**
	.....	9		436	**2023**
	.....	10		436	**5522**
	.....	.....		436	**5523**
	.....	11		437	**5521**
	.....	12		437	**2024**
	.....	13		437	**2025**
	.....	.....		437	**2026**
	.....	.....		437	**2027**
	.....	14		438	**3689**
	.....	15		438	**629**
	.....	16		438	**643**
	.....	.....		438	**646**
	.....	17		439	**645**
	.....	.....		439	**950**
	.....	19		440	**27**
28 "	100	1		440	**4399**
	.....	.....		440	**4498**
	.....	.....		440	**4499**
	.....	2		440	**4470**
	.....	3		440	**4471**
	.....	4		441	**4472**
	.....	.....		441	**4473**
	.....	.....		442	**4474**
	.....	5		442	**4475**
	.....	.....		442	**4476**
	.....	6		442	**4477**
	.....	.....		442	**4478**
	.....	.....		442	**4479**
	.....	7		442	**4481**
	.....	8		443	**4482**
	.....	.....		443	**4483**
	.....	9		443	**4484**
	.....	.....		443	**4485**
	.....	.....		443	**4486**
	.....	10		443	**4480**
	.....	11		443	**4415**
	.....	.....		443	**4417**
	.....	.....		443	**4418**
	.....	.....		443	**4419**
	.....	.....		443	**4421**
	.....	.....		445	**4491**
	.....	12		445	**4422**
	.....	13		445	**4457**
	.....	14		446	**4438**
	.....	.....		446	**4463**
	.....	15		446	**4439**
	.....	16		446	**4440**
	.....	17		446	**4441**
	.....	18		447	**4442**
	.....	.....		447	**4443**
	.....	.....		447	**4446**
	.....	19		447	**4450**
	.....	.....		447	**4451**
	.....	20		447	**4452**
	.....	21		448	**4453**
	.....	.....		448	**4454**
	.....	.....		448	**4455**
	.....	22		448	**4456**
	.....	23		448	**4404**
	.....	.....		449	**4405**
	.....	24		449	**4406**
	.....	25		449	**4407**
	.....	26		449	**4408**
	.....	27		449	**4409**
	.....	28		449	**4410**
	.....	.....		449	**4411**
	.....	29		450	**4412**
	.....	.....		450	**4413**

Date.	C.	S.	V.	P.	Sec.R.S.
28 February, 1871,	100	30	16	450	**4496**
	.....	.....		450	**4497**
	.....	31		450	**4423**
	.....	.....		450	**4424**
	.....	32		450	**4425**
	.....	33		451	**4416**
	.....	35		451	**4428**
	.....	.....		451	**4429**
	.....	36		451	**4430**
	.....	37		451	**4431**
	.....	38		452	**4432**
	.....	39		452	**4433**
	.....	.....		452	**4434**
	.....	.....		452	**4435**
	.....	.....		452	**4436**
	.....	40		452	**4437**
	.....	41		453	**4400**
	.....	42		453	**4487**
	.....	43		453	**4494**
	.....	44		453	**4495**
	.....	45		453	**4179**
	.....	46		453	**4492**
	.....	47		454	**4233**
	.....	48		454	**4464**
	.....	.....		454	**4465**
	.....	.....		454	**4466**
	.....	49		454	**4467**
	.....	.....		454	**4468**
	.....	.....		454	**4469**
	.....	50		455	**4494**
	.....	.....		455	**4495**
	.....	51		455	**4401**
	.....	.....		455	**4444**
	.....	52		455	**4488**
	.....	.....		455	**4489**
	.....	53		455	**4490**
	.....	54		456	**4448**
	.....	55		456	**4449**
	.....	56		456	**4445**
	.....	.....		456	**4447**
	.....	57		456	**563**
	.....	.....		456	**629**
	.....	.....		456	**5344**
	.....	58		456	**4426**
	.....	.....		456	**4427**
	.....	60		457	**4458**
	.....	61		457	**4457**
	.....	62		457	**4404**
	.....	.....		457	**4414**
	.....	63		458	**4402**
	.....	.....		458	**4403**
	.....	64		458	**5294**
	.....	65		458	**4460**
	.....	.....		458	**4461**
	.....	.....		458	**4462**
	.....	66		458	**3689**
	.....	67		458	**4459**
	.....	68		458	**4500**
	.....	69		458	**4281**
	.....	70		459	**4234**
3 March,	106	1		471	**572**
	.....	2		472	**814**
	.....	4		472	**556**
	.....	5		472	**532**
	.....	.....		472	**554**
	.....	.....		472	**572**
	.....	.....		472	**608**
3 "	108			473	**559**
	.....			473	**625**
	.....			473	**743**
3 "	111	1		474	**899**
	.....	2		475	**900**
	.....	3		475	**901**
3 "	113	1		483	**242**
	.....	.....		479	**1790**
	.....	.....		477	**1822**
	.....	.....		485	**3594**
	.....	.....		478	**3800**

Date.	C.	S.	V.	P.	Sec.R.S.
3 March, 1871,	113	3	16	492	**416**
				494	**596**
				494	**607**
		4		495	**607**
3 "	114	1		500	**1816**
				506	**2038**
		4		514	**3689**
		9		514	**1753**
3 "	115	1		517	**3789**
		2		521	**3687**
3 "	116	5		525	**3689**
		6		525	**3689**
3 "	117	3		535	**3723**
		5		535	**1368**
				536	**1370**
				535	**1474**
				535	**1556**
		6		536	**1376**
				536	**1385**
				536	**1475**
				536	**1556**
		7		536	**1390**
				536	**1476**
		8		536	**1392**
		9		536	**1402**
				536	**1477**
				536	**1478**
				536	**1479**
		10		537	**421**
				537	**1436**
				537	**1485**
				537	**1486**
				537	**1487**
		11		537	**1481**
				537	**1482**
		12		537	**1468**
				537	**1469**
				537	**1470**
				537	**1471**
				537	**1472**
				537	**1473**
				537	**1489**
				537	**1565**
3 "	120	1		566	**2079**
				568	**2107**
		3		570	**2103**
				570	**2105**
3 "	125			580	**2496**
3 "	127			581	**2403**
3 "	130	1		583	**2582**
				583	**2583**
				583	**2698**
		2		583	**2585**
		3		583	**2583**
				583	**2698**
				583	**2824**
3 "	132			583	**4895**
3 "	136			584	**91**
2 "	1		17	1	**5579**
				1	**5580**
24 "	2	1		1	**995**
				1	**5504**
		2		1	**996**
		3		2	**798**
		4		2	**5504**
		5		2	**5505**
24 "	5	1		2	**492**
		2		3	**493**
				3	**4934**
30 "	7			3	**2518**
19 April,	16			4	**4770**
19 "	17	1		4	**2552**
		2		4	**2553**
				4	**2699**
		3		5	**2552**
20 "	21	15		10	**2600**
				10	**2990**

Date.	C.	S.	V.	P.	Sec.R.S.
20 April, 1871,	21	16	17	10	**2287**
		27		12	**4243**
				12	**4244**
20 "	22	1		13	**563**
				13	**629**
				13	**699**
				13	**1979**
		2		13	**563**
				13	**629**
				13	**699**
				13	**1980**
				13	**5336**
				13	**5406**
				13	**5407**
				13	**5518**
				13	**5519**
				13	**5520**
		3		14	**5299**
		5		15	**800**
				15	**801**
				15	**822**
		6		15	**629**
				15	**1981**
20 "	24			16	**2683**
1 February, 1872,	10			27	**572**
				27	**658**
2 "	11	1		28	**20**
		2		28	**23**
		3		28	**25**
		4		28	**26**
		6		29	**22**
2 "	12	1		29	**300**
				29	**3646**
		2		29	**300**
				29	**3647**
1 March,	22			32	**5191**
1 "	24	1		32	**2474**
		2		33	**2475**
1 "	25			33	**2568**
				33	**2569**
				33	**2700**
5 "	29			35	**2512**
5 "	30	1		35	**5543**
				35	**5545**
				35	**5546**
				35	**5547**
				35	**5549**
				35	**5550**
		2		35	**353**
5 "	31	1		35	**1973**
				35	**1974**
				35	**1975**
		3		35	**1976**
5 "	33			36	**3419**
5 "	34			36	**2990**
				36	**2997**
5 "	35			36	**597**
12 "	47			40	**1168**
18 "	56	1		40	**902**
		2		41	**903**
		3		41	**904**
18 "	57			41	**2997**
30 "	72			44	**644**
2 April,	79	3		47	**54**
2 "	80			47	**2543**
2 "	81			48	**5572**
				48	**5574**
5 "	86			50	**2994**
5 "	88	2		51	**3689**
9 "	90			51	**4250**
13 "	99			52	**572**
				52	**658**
17 "	103			53	**2578**
22 "	114			55	**3689**
30 "	129			58	**3004**
1 May,	131			59	**2505**
				59	**2775**

Date.	C.	S.	V.	P.	Sec. R.S.
1 May, 1872,	131		17	59	**2785**
	.....			59	**3689**
3 "	139			61	**237**
8 "	140	1		64	**63**
	.....	.....		66	**79**
	.....	.....		68	**256**
	.....	.....		82	**1054**
	.....	.....		65	**1799**
	.....	.....		73	**1887**
	.....	.....		73	**1939**
	.....	.....		76	**2207**
	.....	.....		76	**2208**
	.....	.....		76	**2209**
	.....	.....		76	**2210**
	.....	.....		70	**3601**
	.....	.....		71	**3608**
	.....	.....		64	**3761**
	.....	2		82	**3661**
	.....	3		83	**3762**
	.....	.....		83	**3802**
	.....	.....		83	**3821**
	.....	5		83	**313**
	.....	.....		83	**3618**
	.....	.....		83	**3672**
	.....	.....		83	**3692**
	.....	13		85	**312**
	.....	.....		85	**1049**
9 "	143			88	**572**
	.....			88	**658**
9 "	145	2		89	**3689**
9 "	146			89	**863**
	.....			89	**864**
	.....			89	**866**
9 "	147			90	**1905**
9 "	149	1		90	**2283**
	.....	3		90	**2284**
	.....	.....		90	**2285**
10 "	152	1		91	**2319**
	.....	2		91	**2320**
	.....	3		91	**2322**
	.....	4		92	**2323**
	.....	5		92	**2324**
	.....	6		92	**2325**
	.....	7		94	**2321**
	.....	.....		94	**2326**
	.....	8		94	**2327**
	.....	9		94	**2328**
	.....	10		94	**2331**
	.....	11		94	**2333**
	.....	12		95	**2238**
	.....	.....		95	**2334**
	.....	13		95	**2335**
	.....	14		96	**2336**
	.....	15		96	**2337**
	.....	16		96	**2344**
15 "	160	1		116	**1280**
	.....	2		116	**1281**
	.....	3		116	**1282**
	.....	4		117	**1283**
	.....	.....		117	**1284**
15 "	161	1		117	**1305**
	.....	2		117	**1306**
	.....	3		117	**1302**
	.....	4		117	**1307**
	.....	5		117	**1308**
15 "	162	1		117	**1117**
	.....	2		117	**1342**
17 "	169			120	**1690**
18 "	172	1		127	**268**
	.....	2		134	**3689**
	.....	3		134	**1995**
18 "	173	1		135	**4874**
	.....	2		135	**4875**
21 "	176			135	**658**
21 "	177	1		136	**2103**
	.....	2		136	**2103**
	.....	.....		136	**2104**
21 May, 1872,	177	2	17	136	**2106**
22 "	194			142	**201**
	.....			144	**504**
	.....			142	**1682**
	.....			144	**1690**
23 "	195	1		153	**1483**
	.....	.....		146	**1544**
	.....	.....		151	**1584**
	.....	2		154	**1541**
23 "	197			156	**3689**
23 "	199	1		157	**2595**
	.....	.....		157	**2596**
	.....	.....		157	**2675**
	.....	2		157	**2595**
	.....	.....		157	**2596**
23 "	201			157	**572**
23 "	202			158	**1026**
27 "	218	1		162	**3221**
	.....	2		162	**3222**
	.....	.....		162	**3223**
28 "	228	1		164	**1176**
	.....	2		164	**1177**
	.....	3		164	**1178**
29 "	233	1		186	**2042**
	.....	7		190	**445**
	.....	.....		190	**466**
30 "	239			192	**23**
	.....			192	**27**
31 "	240			192	**1399**
	.....			192	**1480**
31 "	241			192	**2254**
1 June,	254	1		196	**3702**
	.....	2		196	**3703**
1 "	255	1		196	**650**
	.....	.....		196	**651**
	.....	.....		196	**652**
	.....	.....		196	**693**
	.....	2		196	**631**
	.....	.....		196	**635**
	.....	.....		196	**636**
	.....	.....		196	**701**
	.....	.....		196	**1008**
	.....	3		197	**948**
	.....	.....		197	**1005**
	.....	4		197	**912**
	.....	.....		197	**953**
	.....	5		197	**914**
	.....	6		197	**915**
	.....	.....		197	**916**
	.....	7		197	**718**
	.....	.....		197	**719**
	.....	8		198	**1025**
	.....	9		198	**1035**
	.....	10		198	**1036**
	.....	11		198	**1007**
	.....	12		198	**1041**
	.....	13		198	**738**
	.....	.....		198	**739**
	.....	14		198	**1042**
	.....	.....		198	**5296**
	.....	16		199	**847**
1 "	256	2		201	**4029**
	.....	5		202	**190**
1 "	257			202	**4878**
3 "	279			214	**1132**
4 "	280	1		214	**2792**
	.....	2		215	**3007**
4 "	282	1		215	**543**
	.....	2		215	**572**
	.....	.....		215	**658**
	.....	3		215	**543**
	.....	4		215	**581**
	.....	.....		215	**667**
	.....	.....		215	**670**
	.....	.....		215	**816**
	.....	7		217	**767**
	.....	8		217	**551**

Date.	C.	S.	V.	P.	Sec.R.S.
4 June, 1872,	282	8	17	217	**554**
		9		217	**621**
		10		217	**898**
4 "	284	1		218	**571**
				218	**608**
		3		218	**572**
				218	**658**
4 "	286			218	**1182**
4 "	287			220	**1832**
5 "	306			226	**1561**
5 "	307			226	**1589**
6 "	315	1		230	**2504**
		3		232	**2501**
				232	**2503**
		4		232	**2504**
		5		233	**2505**
		6		237	**2917**
		9		238	**3020**
		10		238	**2513**
				238	**2514**
		11		238	**3022**
				238	**3689**
		12		241	**3152**
				241	**3154**
				241	**3159**
				241	**3160**
				241	**3163**
				240	**3242**
				239	**3244**
				238	**3245**
				239	**3249**
				238	**3251**
				239	**3260**
				239	**3264**
				239	**3266**
				239	**3267**
				239	**3270**
				239	**3271**
				239	**3280**
				240	**3281**
				243	**3289**
				240	**3293**
				240	**3305**
				240	**3307**
				240	**3310**
				240	**3313**
				240	**3314**
				243	**3320**
				243	**3321**
				240	**3323**
				240	**3328**
				241	**3329**
				242	**3330**
				240	**3332**
				240	**3445**
		13		244	**3244**
				243	**3262**
				244	**3308**
				243	**3309**
				244	**3317**
		14		244	**3153**
				244	**3157**
		15		245	**3315**
		16		245	**3335**
		17		245	**3244**
				245	**3336**
		18		245	**3339**
		19		245	**3337**
		20		246	**3338**
		21		246	**3340**
		22		246	**3341**
		23		247	**3342**
		24		247	**3343**
				247	**3344**
				248	**3345**
				247	**3346**
				247	**3347**

Date.	C.	S.	V.	P.	Sec.R.S.
6 June, 1872,	315	24	17	248	**3348**
		25		248	**3349**
		26		249	**3350**
		27		249	**3351**
		28		249	**3352**
		29		249	**3353**
		30		249	**3354**
		31		252	**3237**
				251	**3244**
				253	**3355**
				250	**3361**
				252	**3362**
				250	**3368**
				253	**3369**
				252	**3371**
				253	**3372**
				253	**3374**
				253	**3376**
				251	**3381**
				251	**3382**
				252	**3383**
				252	**3384**
				254	**3385**
				254	**3386**
				255	**3397**
				252	**3437**
				255	**3444**
		32		255	**3242**
		33		255	**3406**
		34		255	**3435**
		36		256	**3418**
		37		256	**3408**
				256	**3409**
				256	**3414**
		40		257	**3460**
				257	**3461**
		41		257	**3689**
		44		257	**3226**
				257	**3227**
				257	**3228**
6 "	316	1		261	**1672**
				261	**1673**
		2		261	**1342**
				261	**1624**
7 "	322	1		262	**4501**
		2		262	**4502**
		3		262	**4502**
				262	**4505**
				262	**4506**
		4		263	**4507**
				263	**4508**
		5		263	**4592**
		6		263	**4593**
		7		263	**4595**
		8		263	**4503**
				263	**4504**
		9		263	**4509**
				263	**4592**
		10		264	**4510**
		11		264	**4609**
		12		264	**4504**
				264	**4511**
				264	**4513**
				264	**4520**
		13		265	**4512**
		14		265	**4514**
				265	**4515**
				265	**4516**
		15		265	**4517**
				265	**4518**
				265	**4523**
		16		266	**4531**
		17		266	**4532**
		18		266	**4533**
		19		266	**4534**
		20		266	**4519**
		21		266	**4527**

Date.	C.	S.	V.	P.	Sec.R.S.
7 June, 1872,	322	22	17	266	**4549**
	.....	23		267	**4550**
	.....	24		267	**4551**
	.....	25		267	**4554**
	.....	26		267	**4555**
	.....	27		267	**4552**
	.....	28		268	**4553**
	.....	29		268	**2174**
	.....	30		268	**4524**
	.....	31		268	**4535**
	.....	32		268	**4525**
	.....	33		269	**4526**
	.....	34		269	**4528**
	.....	35		269	**4529**
	.....	36		269	**4565**
	.....	37		269	**4566**
	.....	38		269	**4567**
	.....	39		270	**4568**
	.....	40		270	**4569**
	.....	41		270	**4570**
	.....	42		270	**4571**
	.....	.....		270	**4572**
	.....	43		271	**4538**
	.....	44		271	**4539**
	.....	45		271	**4540**
	.....	46		272	**4541**
	.....	47		272	**4542**
	.....	48		272	**4543**
	.....	49		272	**4544**
	.....	50		273	**4545**
	.....	51		273	**4596**
	.....	52		274	**4597**
	.....	53		274	**4599**
	.....	54		274	**4602**
	.....	55		275	**4604**
	.....	56		275	**4600**
	.....	.....		275	**4603**
	.....	57		275	**4605**
	.....	58		275	**4290**
	.....	59		276	**4291**
	.....	60		276	**4292**
	.....	61		276	**4536**
	.....	62		276	**4606**
	.....	63		276	**4607**
	.....	64		276	**4610**
	.....	65		277	**4612**
	.....	66		277	**4594**
	.....	68		277	**4612**
8 "	332			282	**1690**
8 "	333	2		282	**819**
8 "	334	1		282	**608**
	.....	.....		282	**658**
	.....	2		283	**658**
	.....	3		283	**663**
8 "	335	1		283	**161**
	.....	.....		283	**388**
	.....	2		283	**388**
	.....	.....		284	**389**
	.....	3		284	**390**
	.....	.....		284	**393**
	.....	4		284	**393**
	.....	5		265	**395**
	.....	6		285	**396**
	.....	8		285	**413**
	.....	9		286	**3668**
	.....	10		286	**397**
	.....	12		286	**412**
	.....	13		287	**403**
	.....	14		287	**3858**
	.....	15		287	**391**
	.....	.....		287	**392**
	.....	16		287	**3832**
	.....	17		287	**5266**
	.....	18		287	**402**
	.....	19		287	**414**
	.....	20		287	**210**
	.....	.....		287	**399**

Date.	C.	S.	V.	P.	Sec.R.S.
8 June, 1872,	335	21	17	287	**276**
	.....	.....		287	**292**
	.....	22		287	**277**
	.....	.....		287	**313**
	.....	24		288	**297**
	.....	.....		288	**298**
	.....	25		288	**270**
	.....	26		288	**235**
	.....	28		289	**3836**
	.....	29		289	**405**
	.....	30		289	**400**
	.....	31		289	**4017**
	.....	32		289	**4017**
	.....	33		289	**4018**
	.....	34		289	**4019**
	.....	35		289	**4020**
	.....	36		289	**4021**
	.....	37		289	**4022**
	.....	38		290	**4023**
	.....	39		290	**4024**
	.....	40		290	**4025**
	.....	41		290	**4049**
	.....	42		290	**4050**
	.....	43		290	**4051**
	.....	44		290	**4052**
	.....	45		291	**4053**
	.....	46		291	**4054**
	.....	47		291	**3674**
	.....	48		291	**4055**
	.....	49		291	**4056**
	.....	50		291	**4057**
	.....	51		291	**4058**
	.....	52		291	**294**
	.....	53		292	**406**
	.....	54		292	**407**
	.....	55		292	**408**
	.....	56		292	**3641**
	.....	57		292	**4059**
	.....	58		292	**4060**
	.....	59		292	**4061**
	.....	60		292	**3835**
	.....	61		292	**3829**
	.....	62		292	**3829**
	.....	63		292	**3830**
	.....	64		293	**3831**
	.....	65		293	**3834**
	.....	66		293	**3837**
	.....	67		293	**3838**
	.....	68		293	**3839**
	.....	69		293	**3840**
	.....	70		293	**3841**
	.....	71		293	**3842**
	.....	72		293	**3843**
	.....	73		293	**3844**
	.....	74		293	**3845**
	.....	75		293	**3846**
	.....	76		294	**3848**
	.....	77		294	**3849**
	.....	78		294	**3850**
	.....	79		294	**3851**
	.....	80		294	**3852**
	.....	81		294	**3853**
	.....	82		294	**3854**
	.....	83		294	**3855**
	.....	84		294	**3856**
	.....	85		294	**3857**
	.....	86		295	**3859**
	.....	87		295	**3860**
	.....	88		295	**3861**
	.....	89		295	**3862**
	.....	90		296	**3863**
	.....	91		296	**3864**
	.....	92		296	**3865**
	.....	93		296	**3866**
	.....	94		296	**3867**
	.....	95		296	**3868**
	.....	96		296	**3869**

Date.	C.	S.	V.	P.	Sec. R. S.
8 June, 1872,	335	97	17	296	**3870**
	.....	98		296	**3871**
	.....	99		296	**3872**
	.....	100		296	**3873**
	.....	101		296	**3874**
	.....	102		297	**4027**
	.....	103		297	**4028**
	.....	104		297	**4029**
	.....	105		297	**4030**
	.....	106		297	**4031**
	.....	107		298	**4032**
	.....	108		298	**4033**
	.....	109		298	**4034**
	.....	110		298	**4035**
	.....	111		298	**4036**
	.....	112		298	**4037**
	.....	113		298	**4038**
	.....	114		298	**4039**
	.....	115		298	**4040**
	.....	116		298	**5463**
	.....	117		299	**4042**
	.....	118		299	**4042**
	.....	.....		299	**4043**
	.....	119		299	**4044**
	.....	120		299	**293**
	.....	121		299	**4045**
	.....	122		299	**4046**
	.....	123		300	**4047**
	.....	124		300	**4048**
	.....	126		300	**3926**
	.....	127		300	**3927**
	.....	128		300	**3928**
	.....	129		300	**3926**
	.....	130		300	**3875**
	.....	131		300	**3876**
	.....	132		300	**3877**
	.....	133		300	**3878**
	.....	134		300	**3879**
	.....	135		301	**3880**
	.....	136		301	**3881**
	.....	137		301	**3882**
	.....	138		301	**3883**
	.....	139		301	**3884**
	.....	140		301	**3885**
	.....	141		301	**3886**
	.....	142		301	**3887**
	.....	143		301	**3888**
	.....	144		301	**3889**
	.....	145		301	**3890**
	.....	146		302	**3891**
	.....	147		302	**3892**
	.....	148		302	**3893**
	.....	.....		302	**3894**
	.....	149		302	**3893**
	.....	.....		302	**3894**
	.....	150		302	**3896**
	.....	151		302	**3898**
	.....	152		302	**3898**
	.....	153		303	**3900**
	.....	154		303	**3901**
	.....	155		303	**3902**
	.....	156		303	**3903**
	.....	157		303	**3904**
	.....	158		303	**3905**
	.....	159		303	**3906**
	.....	160		303	**3907**
	.....	161		303	**3908**
	.....	162		303	**3909**
	.....	163		304	**3910**
	.....	164		304	**3911**
	.....	165		304	**3912**
	.....	166		304	**3913**
	.....	167		304	**398**
	.....	168		304	**3914**
	.....	169		304	**3915**
	.....	170		304	**3916**
	.....	171		304	**3917**
8 June, 1872,	335	172	17	304	**3918**
	.....	173		305	**3919**
	.....	174		305	**3920**
	.....	175		305	**3921**
	.....	176		305	**3922**
	.....	177		305	**3923**
	.....	178		305	**5464**
	.....	179		306	**5465**
	.....	188		307	**3930**
	.....	189		307	**3931**
	.....	190		307	**3932**
	.....	191		308	**3933**
	.....	192		308	**3934**
	.....	193		308	**3935**
	.....	194		308	**3936**
	.....	195		308	**3937**
	.....	196		308	**3938**
	.....	197		308	**401**
	.....	198		308	**3939**
	.....	199		308	**3940**
	.....	200		308	**3964**
	.....	205		309	**3964**
	.....	206		309	**3972**
	.....	207		309	**3973**
	.....	208		309	**3974**
	.....	209		309	**3975**
	.....	210		309	**3997**
	.....	211		309	**3998**
	.....	212		309	**3999**
	.....	213		309	**4000**
	.....	214		309	**4001**
	.....	215		309	**3965**
	.....	216		309	**3966**
	.....	217		310	**3967**
	.....	218		310	**3968**
	.....	219		310	**3969**
	.....	220		310	**3970**
	.....	221		310	**3971**
	.....	222		310	**3976**
	.....	223		310	**3977**
	.....	224		310	**3978**
	.....	225		310	**3979**
	.....	226		310	**3980**
	.....	227		311	**3981**
	.....	228		311	**3982**
	.....	229		311	**3983**
	.....	230		311	**3984**
	.....	231		311	**3985**
	.....	232		311	**3986**
	.....	233		311	**3987**
	.....	234		311	**3988**
	.....	235		312	**3989**
	.....	236		312	**3990**
	.....	237		312	**3991**
	.....	238		312	**3992**
	.....	239		312	**3993**
	.....	240		312	**3994**
	.....	241		312	**3995**
	.....	242		313	**3996**
	.....	243		313	**3941**
	.....	244		313	**3944**
	.....	245		313	**3945**
	.....	246		313	**3946**
	.....	247		313	**3947**
	.....	248		313	**3948**
	.....	249		313	**3949**
	.....	250		313	**3950**
	.....	251		313	**3951**
	.....	252		313	**3952**
	.....	253		313	**3953**
	.....	254		315	**3954**
	.....	255		315	**3955**
	.....	256		315	**3956**
	.....	257		315	**3957**
	.....	258		315	**3958**
	.....	259		315	**3959**
	.....	260		315	**3960**

Date.	C.	S.	V.	P.	Sec. R. S.
8 June, 1872,	335	261	17	315	**3961**
	.....	262		315	**404**
	.....	263		315	**4006**
	.....	264		316	**3943**
	.....	265		316	**3942**
	.....	266		316	**3962**
	.....	267		316	**4007**
	.....	268		316	**4008**
	.....	269		316	**4009**
	.....	270		316	**4010**
	.....	271		316	**3963**
	.....	272		316	**4011**
	.....	273		316	**4012**
	.....	274		317	**4013**
	.....	275		317	**4014**
	.....	276		317	**4015**
	.....	277		317	**4016**
	.....	278		318	**5466**
	.....	279		318	**5467**
	.....	280		318	**5468**
	.....	281		318	**5469**
	.....	283		319	**5470**
	.....	284		320	**5471**
	.....	285		320	**5472**
	.....	286		320	**5534**
	.....	287		320	**5473**
	.....	288		320	**5474**
	.....	290		320	**5475**
	.....	291		321	**5476**
	.....	292		321	**5477**
	.....	293		321	**5478**
	.....	294		321	**5479**
	.....	296		322	**3899**
	.....	297		322	**3924**
	.....	298		322	**3925**
	.....	299		322	**4026**
	.....	300		322	**3929**
	.....	.....		323	**4041**
	.....	301		323	**5480**
	.....	302		323	**3895**
	.....	303		323	**919**
	.....	305		323	**3833**
	.....	309		324	**381**
	.....	.....		324	**775**
	.....	310		324	**382**
	.....	311		324	**296**
	.....	314		324	**410**
	.....	.....		324	**411**
	.....	315		325	**295**
	.....	316		325	**409**
	.....	317		325	**4059**
8 "	336			330	**558**
	.....			330	**559**
	.....			330	**560**
	.....			330	**561**
	.....			330	**624**
	.....			330	**626**
	.....			330	**678**
	.....			330	**840**
8 "	337	9		332	**3689**
8 "	338	1		333	**2304**
	.....	.....		333	**2305**
	.....	2		333	**2306**
	.....	3		333	**2307**
	.....	4		333	**2308**
	.....	5		334	**2309**
8 "	339			334	**5045**
8 "	340			334	**2368**
	.....			334	**4979**
	.....			334	**4986**
8 '	341			334	**572**
	.....			334	**658**
8 "	344			335	**1858**
8 "	346	1		336	**5193**
	.....	2		336	**5193**
	.....	3		336	**5194**
8 "	247			336	**2688**

Date.	C.	S.	V.	P.	Sec. R. S.
8 June, 1872,	348		17	337	**3618**
	.....			337	**3692**
8 "	350			337	**770**
	.....			337	**781**
8 "	357			340	**2368**
8 "	368			345	**4877**
10 "	415	1		366	**222**
	.....	.....		362	**1831**
	.....	.....		349	**2009**
	.....	.....		348	**2011**
	.....	.....		348	**2012**
	.....	.....		348	**2013**
	.....	.....		349	**2015**
	.....	.....		349	**2028**
	.....	.....		349	**2029**
	.....	.....		349	**2030**
	.....	.....		340	**2031**
	.....	.....		366	**2032**
	.....	.....		366	**2033**
	.....	.....		366	**2038**
	.....	.....		358	**2405**
	.....	.....		352	**3684**
	.....	.....		355	**3685**
	.....	.....		366	**5266**
	.....	.....		367	**5269**
	.....	7		369	**3689**
10 "	419			378	**1254**
	.....			378	**1622**
10 "	420			378	**5404**
	.....			378	**5405**
10 "	424	2		381	**2313**
	.....	.....		381	**2314**
	.....	3		381	**2315**
	.....	4		381	**2316**
10 "	425			381	**3689**
10 "	426			382	**1151**
	.....			382	**1194**
10 "	434			390	**1889**
17 December,	4	9		400	**4420**
24 "	13	1		401	**3163**
	.....	.....		401	**3172**
	.....	.....		401	**3173**
	.....	.....		401	**3174**
	.....	.....		401	**3175**
	.....	.....		401	**3178**
	.....	.....		401	**3180**
	.....	.....		401	**3185**
	.....	.....		401	**3220**
	.....	.....		401	**3225**
	.....	.....		401	**3233**
	.....	.....		401	**3244**
	.....	.....		401	**3258**
	.....	.....		401	**3259**
	.....	.....		401	**3260**
	.....	.....		401	**3261**
	.....	.....		401	**3262**
	.....	.....		401	**3263**
	.....	.....		401	**3264**
	.....	.....		401	**3265**
	.....	.....		401	**3267**
	.....	.....		401	**3275**
	.....	.....		401	**3291**
	.....	.....		401	**3301**
	.....	.....		401	**3310**
	.....	.....		401	**3311**
	.....	.....		401	**3317**
	.....	.....		401	**3357**
	.....	.....		401	**3383**
	.....	2		402	**3176**
	.....	.....		402	**3182**
	.....	.....		402	**3184**
	.....	.....		402	**3185**
	.....	.....		402	**3191**
	.....	.....		402	**3218**
	.....	.....		402	**3253**
	.....	.....		402	**3258**
	.....	.....		402	**3415**

Date.	C.	S.	V.	P.	Sec. R.S.
24 December, 1872,	13	2	17	402	**3438**
				402	**3439**
				402	**3440**
		3		402	**3238**
				402	**3239**
				402	**3312**
		4		403	**3240**
				403	**3244**
		5		403	**3414**
		6		403	**3307**
				403	**3314**
				403	**3383**
		7		403	**3437**
		9		403	**320**
24 "	14			404	**1934**
8 January, 1873,	18			406	**1813**
9 "	21			406	**3878**
				407	**3897**
10 "	24	1		408	**107**
				408	**108**
				408	**109**
		2		408	**117**
		3		408	**108**
				408	**113**
				408	**118**
				408	**119**
				408	**124**
				408	**125**
		4		409	**127**
11 "	34			410	**4247**
				410	**4218**
15 "	35			410	**4504**
				410	**4511**
16 "	36	1		411	**748**
		2		411	**749**
17 "	39			411	**2742**
20 "	43			412	**332**
23 "	48	1		416	**1852**
		2		416	**1853**
				416	**1861**
		3		416	**1845**
		4		416	**1855**
23 "	51			417	**3689**
				417	**4825**
				417	**4826**
				417	**4827**
				417	**4828**
				417	**4829**
				417	**4830**
				417	**4831**
				417	**4832**
				417	**4833**
				417	**4834**
				417	**4835**
				417	**4836**
				417	**4837**
24 "	62			418	**1362**
24 "	63			418	**1936**
				418	**1937**
24 "	64			419	**684**
31 "	82			421	**44**
1 February,	88			422	**1287**
7 "	120	1		422	**658**
		2		422	**613**
				422	**658**
				423	**659**
12 "	131	1		424	**343**
		2		424	**345**
		3		424	**3496**
		4		424	**3503**
				424	**3504**
				424	**3506**
		5		425	**3507**
		6		425	**3508**
		7		425	**3509**
		8		425	**3510**
		9		425	**3502**
		10		425	**3500**

Date.	C.	S.	V.	P.	Sec. R.S.
12 February, 1873,	131	11	17	425	**3501**
		12		426	**344**
				426	**3498**
				426	**3499**
		13		426	**3514**
		14		426	**3505**
				426	**3511**
				426	**3512**
				426	**3585**
		15		427	**3513**
				427	**3586**
		16		427	**3515**
				427	**3587**
		17		427	**3516**
		18		427	**3517**
		19		427	**3518**
		20		427	**3519**
		21		427	**3520**
		22		428	**3521**
		23		428	**3522**
		24		428	**3523**
		25		428	**3524**
		26		428	**3525**
		27		428	**3526**
		28		428	**3527**
		29		429	**3528**
		30		429	**3529**
		31		429	**3530**
		32		429	**3531**
		33		429	**3533**
		34		429	**3534**
		35		429	**3532**
		36		430	**3535**
		37		430	**3536**
		38		430	**3537**
		39		430	**3538**
		40		430	**3539**
		41		430	**3540**
		42		431	**3541**
		43		431	**3542**
		44		431	**3543**
		45		431	**3544**
		46		431	**3546**
		47		431	**3545**
		48		432	**3547**
		49		432	**3548**
		50		432	**3549**
		51		432	**3550**
		52		432	**3551**
		53		432	**3552**
		54		433	**3553**
				433	**3554**
		55		433	**3555**
		56		433	**3556**
				433	**3557**
		57		433	**3558**
				433	**3559**
				433	**3560**
		58		433	**3560**
				433	**3561**
		60		434	**3562**
		61		434	**5457**
		62		434	**5458**
		63		434	**5459**
		64		434	**5460**
		65		434	**3497**
				435	**3592**
				435	**3594**
				435	**3595**
				435	**3596**
				435	**3600**
				435	**3615**
		66		435	**3495**
				435	**3592**
				435	**3594**
13 "	135			436	**5123**
14 "	137			437	**3680**

Date.	C.	S.	V.	P.	Sec. R.S.
14 February, 1873,	138	1	17	457	**467**
	.....	.....		437	**2046**
	.....	.....		437	**2052**
	.....	.....		438	**2053**
	.....	.....		438	**2055**
	.....	.....		437	**2070**
	.....	.....		459	**2136**
	.....	6		463	**2043**
	.....	.....		463	**2044**
	.....	.....		463	**2045**
	.....	.....		463	**2047**
	.....	7		463	**469**
	.....	.....		463	**2109**
18 "	159			465	**2345**
19 "	166			466	**333**
21 "	173			468	**3297**
22 "	184	1		471	**1675**
	.....	.....		472	**1677**
	.....	.....		472	**1678**
	.....	.....		472	**1679**
	.....	.....		473	**1690**
	.....	.....		473	**1706**
	.....	2		474	**1749**
	.....	3		474	**1717**
	.....	.....		474	**2861**
22 "	187			475	**208**
25 "	198	1		475	**2568**
	.....	.....		475	**2569**
	.....	2		476	**2568**
	.....	.....		476	**2569**
	.....	.....		476	**2665**
25 "	200	1		476	**608**
	.....	.....		476	**653**
	.....	2		476	**654**
	.....	3		476	**655**
	.....	4		476	**656**
	.....	5		477	**572**
28 "	210			479	**1336**
1 March,	213	1		482	**2506**
	.....	3		482	**2866**
	.....	4		483	**4347**
1 "	215			484	**572**
1 "	217			484	**442**
3 "	223	2		484	**608**
	.....			484	**694**
	.....	4		485	**608**
	.....	.....		485	**634**
3 "	224			485	**1142**
3 "	225	1		485	**2544**
	.....	2		485	**2736**
3 "	226	1		486	**35**
	.....	.....		486	**37**
	.....	.....		488	**38**
	.....	.....		486	**45**
	.....	.....		486	**52**
	.....	.....		486	**53**
	.....	.....		485	**130**
	.....	.....		486	**153**
	.....	.....		486	**154**
	.....	.....		486	**160**
	.....	.....		485	**176**
	.....	.....		486	**200**
	.....	.....		486	**234**
	.....	.....		492	**235**
	.....	.....		486	**237**
	.....	.....		501	**416**
	.....	.....		486	**438**
	.....	.....		502	**440**
	.....	.....		506	**522**
	.....	.....		486	**676**
	.....	.....		491	**1817**
	.....	.....		488	**1821**
	.....	.....		488	**1823**
	.....	.....		491	**1827**
	.....	.....		494	**3145**
	.....	.....		500	**3489**
	.....	.....		495	**3601**
3 March, 1873,	.....	.....	17	495	**3603**
	.....	.....		496	**3605**
	.....	.....		496	**3606**
	.....	.....		496	**3607**
	.....	.....		496	**3608**
	.....	.....		496	**3609**
	.....	.....		496	**3610**
	.....	.....		496	**3611**
	.....	.....		496	**3612**
	.....	2		508	**5260**
	.....	.....		508	**5261**
	.....	3		508	**201**
	.....	.....		508	**276**
	.....	.....		508	**316**
	.....	.....		508	**349**
	.....	.....		508	**389**
	.....	.....		508	**393**
	.....	.....		508	**446**
	.....	.....		508	**470**
	.....	.....		508	**521**
	.....	4		509	**5256**
	.....	.....		509	**5262**
3 "	227			510	**78**
	.....			511	**223**
	.....			510	**227**
	.....	.....		.....	.....
3 "	228	5		543	**3595**
	.....	.....		543	**3600**
	.....	8		543	**3596**
	.....	9		543	**3611**
	.....	.....		543	**3612**
3 "	229			546	**1173**
	.....			545	**4877**
3 "	230	1		556	**1444**
	.....	.....		547	**1462**
	.....	.....		547	**1463**
	.....	.....		555	**1484**
	.....	.....		555	**1495**
	.....	.....		555	**1520**
	.....	.....		555	**1524**
	.....	.....		555	**1556**
	.....	.....		555	**1588**
	.....	.....		555	**1589**
	.....	2		556	**1006**
	.....	.....		556	**1009**
	.....	.....		556	**4636**
3 "	231			557	**394**
	.....			557	**3827**
	.....			557	**3865**
	.....			558	**4002**
	.....			558	**4003**
	.....			558	**4004**
	.....			558	**4005**
3 "	232	4		559	**2913**
	.....	5		560	**3330**
3 "	233			563	**5255**
3 "	234	1		566	**4692**
	.....	.....		566	**4693**
	.....	.....		567	**4694**
	.....	2		567	**4695**
	.....	.....		567	**4696**
	.....	3		568	**4697**
	.....	4		569	**4698**
	.....	.....		569	**4698½**
	.....	5		569	**4699**
	.....	6		569	**4700**
	.....	7		569	**4701**
	.....	8		569	**4702**
	.....	.....		570	**4722**
	.....	9		570	**4703**
	.....	10		570	**4704**
	.....	11		570	**4705**
	.....	12		570	**4706**
	.....	13		571	**4707**
	.....	14		571	**4708**
	.....	15		572	**4709**
	.....	16		572	**4710**

Date.	C.	S.	V.	P.	Sec. R.S.
3 March, 1873,	234	17	17	572	**4711**
	-----	18		572	**4712**
	-----	-----		572	**4731**
	-----	19		573	**4713**
	-----	20		573	**4715**
	-----	21		573	**4714**
	-----	22		573	**4748**
	-----	23		573	**4716**
	-----	24		573	**4717**
	-----	25		574	**4718**
	-----	26		574	**4719**
	-----	27		574	**4720**
	-----	28		574	**4721**
	-----	29		575	**472**
	-----	30		575	**474**
	-----	-----		575	**4744**
	-----	31		575	**4783**
	-----	-----		575	**4785**
	-----	-----		575	**5485**
	-----	-----		575	**5486**
	-----	32		575	**4745**
	-----	33		575	**4746**
	-----	-----		575	**4747**
	-----	34		576	**4771**
	-----	-----		576	**4772**
	-----	35		576	**4777**
	-----	36		576	**4774**
	-----	37		576	**4775**
	-----	38		577	**4776**
3 "	235			577	**5045**
3 "	238	1		578	**384**
	-----	2		578	**386**
	-----	-----		578	**498**
	-----	3		578	**387**
3 "	239			578	**24**
3 "	240			579	**2871**
3 "	243			580	**4580**
3 "	244			581	**838**
	-----			580	**3084**
	-----			581	**3085**
	-----			580	**3164**
3 "	245	1		581	**4071**
	-----	2		581	**4072**
3 "	248			582	**224**
3 "	249	1		582	**1344**
	-----	2		582	**1345**
	-----	-----		582	**4124**
	-----	3		583	**1346**
	-----	4		583	**1347**
	-----	5		583	**1348**
	-----	6		583	**1349**
	-----	-----		583	**1350**
	-----	-----		583	**1351**
	-----	-----		583	**1352**
	-----	-----		583	**1353**
	-----	-----		583	**1354**
	-----	-----		583	**1355**
	-----	7		584	**1356**
	-----	8		584	**1357**
	-----	9		584	**1358**
	-----	10		584	**1359**
	-----	11		584	**1360**
	-----	12		584	**1361**

Date.	C.	S.	V.	P.	Sec. R.S.
3 March, 1873,	251		17	584	**2568**
	-----			584	**2718**
3 "	252	1		584	**4386**
	-----	-----		585	**4387**
	-----	-----		585	**4388**
	-----	2		585	**4389**
	-----	3		585	**4390**
3 "	253	1		585	**2582**
	-----	-----		585	**2583**
	-----	-----		585	**2607**
	-----	-----		585	**2684**
	-----	2		586	**2582**
	-----	-----		586	**2583**
	-----	-----		586	**2607**
	-----	-----		586	**2735**
3 "	254			586	**3339**
3 "	258	1		598	**2491**
	-----	-----		598	**5389**
	-----	2		599	**3893**
	-----	3		599	**2491**
	-----	4		599	**1785**
	-----	5		599	**2492**
	259			600	**4414**
	262			601	**4723**
	263			601	**572**
	264	1		601	**2586**
	-----	-----		601	**2587**
	-----	2		601	**2586**
	-----	-----		601	**2587**
	-----	3		601	**2685**
	-----	-----		602	**2702**
	265			602	**4548**
	266			602	**2288**
	267			602	**4879**
	-----			602	**4880**
	268	1		602	**3564**
	-----	2		603	**3565**
	269	1		603	**5205**
	-----	3		603	**5243**
	-----	4		603	**5174**
	270			604	**1326**
	271			604	**2631**
	272			604	**3847**
	-----			604	**4046**
	273			604	**2701**
	276			605	**4878**
	277	1		605	**2464**
	-----	2		606	**2465**
	-----	-----		606	**2466**
	-----	3		606	**2467**
	-----	4		606	**2317**
	-----	5		606	**2468**
	-----	6		606	**2238**
	278			606	**5254**
	279	1		607	**2347**
	-----	2		607	**2348**
	-----	3		607	**2349**
	-----	4		607	**2350**
	-----	5		607	**2351**
	-----	6		607	**2352**
	282			608	**1670**
	283			609	**2274**
	307			619	**2449**

PRIVATE ACTS AND RESOLUTIONS.

PRIVATE ACTS.

Date.	Chap.	Sec.	Vol.	Page.	Sec. R.S.
1 July, 1870,	202	3	16	646	**3689**
12 April, 1871,	12	1	17	641	**3689**
	.....	2		642	**3689**

RESOLUTIONS.

Date.	No.	Sec.	Vol.	Page.	Sec. R.S.
23 September, 1789,	3		1	97	**206**
2 March, 1812,	1		2	786	**94**
27 December, 1813,	1		3	140	**98**
	.....			140	**503**
	.....			140	**3798**
21 October, 1814,	3			246	**80**
3 March, 1815,	11			249	**65**
	.....			249	**66**
	.....			249	**67**
	.....			249	**68**
27 April, 1816,	6	1		342	**198**
	.....	.....		342	**510**
	.....	.....		342	**3800**
	.....	2		342	**510**
	.....	3		342	**511**
3 March, 1821,	2			646	**5536**
	.....			646	**5537**
	.....			646	**5538**
1 March, 1823,	1			789	**61**
13 January, 1830,	2		4	429	**94**
14 July, 1832,	11			608	**198**
	.....			608	**510**
20 July, 1840,	5		5	409	**98**
	.....			409	**503**
	.....			409	**3799**
11 September, 1841,	6			468	**355**
3 March, 1843,	7			650	**2443**
30 April, 1844,	5			717	**3798**
15 June,	16			719	**259**
	.....			719	**334**
	.....			719	**335**
3 March, 1845,	15			801	**2576**
7 January, 1846,	2		9	108	**3669**
1 July, 1848,	13			336	**4743**
11 August,	26			340	**94**
3 March, 1849,	17	2		419	**285**
14 February, 1850,	4	1		560	**2954**
14 May, 1856,	9		11	144	**251**
	.....			144	**338**
18 August,	18			145	**167**
28 January, 1857,	5	2		253	**3798**
	.....	3		253	**501**
	.....	5		253	**97**
3 March,	14			255	**55**
3 March, 1859,	14	1		442	**49**
	.....	.....		442	**50**
23 June, 1860,	25	2	12	117	**3760**
	.....	.....		117	**3761**
	.....	.....		117	**3763**
	.....	.....		117	**3783**
	.....	.....		117	**3819**
23 June, 1860,	25	2	12	117	**3821**
	.....	3		118	**3760**
	.....	.....		118	**3815**
	.....	.....		118	**3816**
	.....	.....		118	**3817**
	.....	4		118	**3783**
	.....	5		118	**3785**
	.....	.....		118	**3786**
	.....	6		118	**3760**
	.....	7		119	**3820**
	.....	8		119	**3779**
	.....	9		119	**3814**
	.....	.....		119	**3821**
	.....	10		119	**3765**
	.....	11		119	**3784**
16 April, 1862,	28			617	**1816**
18 June,	36			620	**1802**
21 "	37			620	**1116**
	.....			620	**1120**
12 July,	54			624	**51**
17 "	68	2		628	**41**
17 "	70			629	**4781**
6 January, 1863,	2	1		822	**3781**
17 "	9			822	**3571**
	.....			823	**3588**
3 March,	27	3		826	**265**
	.....	.....		826	**3798**
	.....	.....		826	**3812**
3 "	32	2		828	**3722**
3 February, 1864,	11		13	402	**3791**
17 March,	20			404	**3699**
30 June,	56			412	**1818**
1 July,	60			414	**2402**
	.....			414	**3689**
1 "	62			414	**4753**
2 "	67			416	**1330**
2 "	68			416	**1111**
4 "	75			416	**1277**
30 January, 1865,	10			567	**2346**
14 February,	15			568	**77**
	.....			568	**3801**
3 March,	27	1		571	**1754**
	.....	2		571	**1755**
3 "	29			571	**2037**
3 "	32			572	**3821**
12 January, 1866,	2	1	14	347	**3759**
10 March,	12			350	**531**
16 June,	49	1		359	**1317**
	.....	.....		359	**1318**
	.....	.....		359	**1319**
25 July,	77			365	**80**
26 "	80			366	**427**
27 "	90			369	**608**
	.....			369	**658**
5 February, 1867,	11	1		565	**3254**
25 "	28	4		568	**3689**
28 "	30	2		569	**170**
2 March,	46			571	**3480**
2 "	47	2		571	**2510**
2 "	48			571	**3622**
	.....			571	**5491**
2 "	49			572	**5218**
22 "	8		15	21	**2504**
25 "	11			22	**2504**
27 "	15			23	**1688**
29 "	18			24	**39**
29 "	19			24	**2504**

Date.	No.	S.	V.	P.	Sec. R. S.
29 March, 1867,	22		15	25	**278**
29 "	27			28	**5253**
31 January, 1868,	8			246	**3710**
				246	**3735**
2 March,	16	1		249	**4676**
12 "	19			250	**1298**
8 June,	32			253	**4837**
13 July,	55			257	**5248**
				257	**5250**
20 "	64			260	**4222**
25 "	72			260	**3792**
				260	**3796**
25 "	73			261	**1227**
27 "	76			262	**231**
15 December,	1			343	**525**
3 March, 1869,	22			348	**1959**
29 "	5		16	52	**3153**
10 April,	11			53	**1129**
10 "	15	2		55	**183**
3 February, 1870,	8			368	**212**
9 "	12			369	**221**
6 April,	32			372	**1259**
4 May,	40			373	**1225**
4 "	42			374	**282**
15 "	62	3		377	**2102**
27 "	66	1		378	**349**
21 June,	75			380	**3755**
1 July, 1870,	96	1	16	384	**1509**
				384	**1510**
1 "	97			384	**2680**
11 "	106			387	**1608**
15 "	131			391	**1826**
22 December,	2			589	**800**
				589	**801**
11 January, 1871,	5			590	**490**
				590	**491**
				590	**492**
				590	**894**
9 February,	22	1		594	**4395**
		2		594	**4396**
		3		594	**4397**
		4		594	**4398**
10 "	27	1		595	**4585**
				595	**4587**
				595	**4804**
		2		595	**2793**
				595	**4382**
17 "	36			597	**505**
21 "	40			598	**5252**
28 "	45			599	**4832**
3 March,	49			600	**3704**
				600	**3705**
3 "	52			601	**2267**
3 "	53			601	**3282**

INDEX.

A.

Section.

ABANDONED PROPERTY,
Secretary of Treasury may contract for preservation, sale, or collection of wrecked, abandoned, or derelict property 3755
provisions relating to captured property (see *Captured or Abandoned Property*) 1059, 3689, 5313
abandoned public land entered for homestead, when to revert to government. 2297

ABATEMENT,
of suits, not allowed by reason of altering terms of courts 573, 660
nor by nonjoinder, as defendants, of parties not inhabitants of district 737
nor for defects of form, but amendments allowed 954
rulings upon, not to be reversed on writ of error in Supreme Court, except, &c.. 1011
in bankruptcy matters, suits not abated by death or removal of assignee 5048
proceedings not abated by death of debtor. 5090
pending suits and processes against debtor abated by proof of claim by creditor 5105
of duties, when may be made on goods destroyed by accident 2984
permanent appropriation for refunds. p. 726, 3689
of internal-revenue taxes (see *Refunds, Remissions*), power of Commissioner as to 3220
on distilled spirits destroyed by casualty. 3221

ABSENCE,
of heads of departments, chiefs of bureaus, and other departmental officers, provisions for performance of their duties 177–181, 1132
of the Attorney-General, the Solicitor-General to perform his duties 347
of Senators, Representatives, and Delegates, deductions of pay on account of 40, 41
of diplomatic and consular officers, not permitted for more than ten days without leave 1741
salary in case of absence 1742
of Territorial officers, salary not to be paid unless good cause of absence be shown to the President 1884
in **Army,** pay of officers on leave of 1265
forfeiture of pay, when dropped for 1266
leave of, to officers at Military Academy. 1330
certificates of, at muster ..... p. 231, art. 12, 1342
penalty for false, of ..... p. 232, art. 13, 1342
without leave ..... p. 233, art. 32, 1342
from parade, &c ..... p. 233, art. 33, 1342
one mile from camp, of soldiers for ..... p. 233, art. 34, 1342
before acceptance of resignation ..... p. 234, art. 49, 1342

Section.

ABSENCE—Continued.
in **Navy,** without leave, from station or duty ..... p. 278, art. 8, 1624
from command ..... p. 278, art. 9, 1624
before acceptance of resignation ..... p. 278, art. 10, 1624
of member of general court-martial ..... p. 283, art. 46, 1624
in internal-revenue matters, of persons who fail to make returns required for taxation, how further time may be allowed 3176
of stamp on tobacco and snuff to be notice and evidence of non-payment of tax. 3373
and on cigars 3398

ABSCONDING OR ABSENT DEBTOR,
claim of United States against, entitled to preference 3466

ACCESSORIES,
of murder, robbery, and piracy, before and after the fact, who deemed such 5323, 5324
punishment of those after the fact of murder, &c 5533
of robbery of mail-carrier, mail-agent, or mail 5334
of stealing, &c., letter, inclosures, mail-matter, &c 5535

ACCOUNTING OFFICERS, (See *Auditors, Comptrollers.*)
certified balances by, how far conclusive ... 191
duties of, as to allowing salaries of Territorial officers while absent 1884
evidence in settling accounts for Territorial expenses 1886
may allow payment of certain judgments against property of government 3754
not to allow accounts for fuel purchased in District Columbia without being measured, &c 3712, 3713
not to allow charges for commissions or inquiries, except military or naval, without special appropriation 3681
to audit certain accounts of district attorneys 845
withholding credits in set off to debts due United States, to report to Solicitor of Treasury 1766
to return officers' and soldiers' discharges after settlement of accounts 282

ACCOUNTS, (See *Auditors, Comptrollers.*)
by and against United States, where settled. 236
of members of Congress to be passed as public, and paid out of Treasury 46
certified balances by comptrollers, how far conclusive 191
of public expenditures to be settled within fiscal year, except, &c 250
for compensation of Members of Congress to be passed as public accounts, &c.. 46–48
for advance bounties paid by paymasters in Army, how allowed 279

Section.

ACCOUNTS—Continued.
of purser, on lost or captured vessels 289
of disbursements by commanding officers of Navy 285
of commanding officers of company, how settled upon, affidavit, &c 225
relating to foreign intercourse 291
of War and Navy Departments to be laid before Congress 260
separate, for different classes of receipts ... 239
for contingent expenses of Treasury 240
for furniture in same 241
of officers, &c., receiving public money to disburse, monthly 3622, 3623
failing to render account, as required, of money received 3624, 5491
making or using false, by persons in military service, to obtain approval of claims, &c., how punished ....p. 235, art. 60, 1347
by persons in naval service..p. 278, art. 14, 1624
not in military or naval service 3490
of disbursements for government, in Territories 1886
for expenses incurred in relief of refugees and freedmen 2034
of freedmen's hospital, supervision of 2038
annual settlement of, by officers disbursing to Indians 2091
of clerks, &c., employed in customs revenue, to be verified 2693
of collectors and assessors of internal revenue 3145–3147, 3212–3217
by collectors of internal revenue of stamps for distilled spirits 3314
for stamps, &c., for fermented liquors ... 3341
for tobacco and snuff 3369
for cigars 3395
of goods in bond, monthly 3444
of mints and assay-offices, how kept, &c., 3504, 3562
of naval paymasters, on foreign stations, consular certificates to accompany .. 3723
of Congressional Printer, for purchases, printing, and binding 3815
of the Post-Office Department (see *Post-Office Department*) 270, 277, 292–298
for receipts and disbursements by Congressional Printer, how settled 3817
in bankruptcy proceedings (see *Bankruptcy*) 4998, 5050, 5058, 5092, 5096, 5121
of receipts and expenditures of consular courts 4120
for rent of prisons, &c., in foreign countries 4121–4123
for fuel for government in District of Columbia not to be allowed unless vouchers show inspection, &c 3713
of the postal service 4049–4061
reference of, to Court of Claims and proceedings thereon 1063–1065
for quartermaster and subsistence stores furnished Army by loyal citizens during rebellion, how settled 300
of district attorneys in cases in which United States are interested but not parties 299
of customs officers to be rendered quarterly 2645, 2647
how settled of persons in military service.. 282
of officers of Marine Corps 290

ACIDS (chemical),
provisions respecting packing for shipment, and restrictions as to transportation of 4472, 4475, 4476

ACKNOWLEDGMENTS,
may be taken before notaries public and commissioners of circuit courts 1778

Section.

ACKNOWLEDGMENTS—Continued.
before judges and clerks of Court of Claims 1071
mortgages and conveyances of vessels not to be recorded by collectors of customs without 4193

ACTING ASSISTANT SURGEONS,
in Navy, appointment of 1411
in Army, when to have pension 4693
rate of total-disability pension to 4695
pension to dependent relative of 4710

ACTIONS, (See also *Suits.*)
removal of, from State court, against alien or between citizens of different States.. 639
by alien against citizen who is officer, &c. 644
against corporation, under law of United States, &c., or member thereof 640
against person denied equal civil rights, or against officer for any arrest, &c.. 641
against officer for acts done under revenue laws, or laws relative to elective franchise 643
not to abate by change of time of holding courts 573, 660, 684
ruling in, on plea of abatement, not to be reversed on writs of error except, &c. 1011
costs in only one of several, against persons who might be joined, unless, &c 977
consolidation of, when of like nature 921
one only to be brought when several things of same person are seized under revenue laws 920
in States, &c., all persons to have equal rights of 1977
jurisdiction of, against citizens in United States courts (see *Supreme Court, Circuit Courts, District Courts*) 737, 738, 745
in Indiana, Iowa, Kentucky 743–745
for deprivation and abridgement of civil rights 1979
for conspiracy to deprive, injure, &c., officers or persons 1980
for neglect to prevent commission of unlawful acts 1981
against officers of election refusing equal opportunities, &c 2006
for refusing vote, obstructing, hindering, &c., voter 2008, 2009
for recovery of office when right of voting denied to citizen 2010
for recovery of penalties under laws relating to Indians 2124
for forfeiture of vessel for false swearing by agent, &c 4163
on bonds of deputy surveyors of public lands 2232
for taxes, fines, &c., under internal-revenue laws, in name of United States 3213
not to be commenced without sanction of Commissioner of Internal Revenue.. 3214
United States not subject to costs in 3214
certain, commenced, &c., not affected by Revised Statutes 5597
in bankruptcy cases, by and against assignee, concurrent jurisdiction in 4979
limitation of 5057
upon assignee's bond, who may bring ... 5036
prosecution and defense of, by assignee.. 5047
by assignee, not abated by death or removal 5048
against assignee not to be maintained without notice 5056
against bankrupt, when deemed waived. 5105
stay of, pending proceedings in bankruptcy 5106
when creditors may continue pending... 5106

Section.

ACTIONS—Continued.
discharge in bankruptcy to bar 5119
to annul discharge, how brought..... 5111
under internal-revenue laws, rules observed by officers, district attorneys 3215
for restraining, assessing, and collecting taxes, not to be maintained..... 3224
for recovery back, of taxes, not to be maintained until appeal made to Commissioner 3226
when to be brought..... 3227
compromise of..... 3229
continuance of..... 3231
in foreign countries between American citizens (see *Consular Courts*) 4071–4130
upon bond of marshal of consular court, how brought 4114
to recover money due from public officers regulated..... 3624
for recovery of taxes paid on second assessment on allegations of fraud, burden of proof 3225
under postal laws may be prosecuted before State courts and magistrates.... 3833
to recover fraudulent, erroneous, or wrongful payments in postal service 4057
for recovery of duties illegally collected upon protest and appeal..... 3011
not maintainable unless bill of particulars served on defendants 3012
officers of internal revenue may maintain, for damages done to them while acting under provisions of law..... 3171
for making false claims on government .3490–3493
limitation of time for bringing 3494
in civil actions either party may give notice for trial 950
proceedings on death of party to.....955, 956
not to abate for defects of form, but processes may be amended 954
removal of, from State courts.....639–647

ACTS OF CONGRESS, (See *Laws, Revised Statutes.*)
enacting clause of..... 7, 9
each section to be numbered and to contain single proposition..... 10
title of appropriation acts..... 11
repeal of, not to revive former acts repealed 12
not to release penalties and liabilities incurred 13
not to be published in newspapers 79
approved or passed without approval to be received and preserved by Secretary of State 204
definition of use of certain words in (see *Definitions*) 1–6
subsequent to December, 1873, as affected by Revised Statutes..... 5601
copies of, to be furnished Congressional Printer by Secretary of State 3803
to be printed 3805–3808
repeal and effect of repeal of, by enactment of Revised Statutes.....5595–5601
table of sections of acts incorporated in Revised Statutes, with references to place where incorporated. *Appendix*, pp 1101–1162
contract for publication of, by Little & Brown terminated.....p. 1090
existing provisions for annual publication, distribution, and sale of..p. 1090, 1091
printed copies to be evidence.....p. 1091

ADJOURNMENT,
of courts in case of prevalence of epidemic disease..... 4799
of taking testimony in contested elections 124

Section.

ADJOURNMENT—Continued.
of Supreme Court for want of quorum... 685
of circuit court in case of non-attendance of judges 671
by written order of either judge 672
from time to time, of special sessions held for criminal cases 662
in Missouri, how ordered and advertised. 663
of district courts, monthly, for trial of criminal causes 578
from time to time in Indiana, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, Texas..... 579
by marshal, by written order of judge... 583
by clerk, in case of non-attendance of judge in Alabama, California, Georgia, Indiana, Iowa, Kentucky, North Carolina, Tennessee, West Virginia.. 584
in Kentucky and Indiana by order of judge 577, 580, 585
in New Mexico and Arizona by judge... 1915
of supreme court of Arizona 1934
of bankruptcy proceedings.5009,5026,5033, 5083

ADJUTANT-GENERAL,
appointment of..... 1193
annual return by, in each State to President; instruction by Secretary of War as to. 1636
to receive and record evidence in certain pension cases..... 4717
to be a member of board of commissioners for Soldiers' Home..... 4815
in militia appointment and duties..... 1634
assistant adjutants-general to perform duty in Inspector-General's Department 1130
department of 1094
organization of, and rank in..... 1128
vacancies of grade of major, how filled.. 1129
appointment and promotion in, suspended until, &c 1194

ADJUTANTS,
number, for artillery regiment..... 1099
for cavalry regiment 1102
for infantry regiment..... 1106
pay of..... 1261
forage allowed to, of regiments 1271
in regiments of militia, when called into service of United States, rank of 1646

ADMINISTRATORS,
when excluded as witnesses 858
when made party to suit 955
may sell homestead for benefit of infant children, when 2292
when to make oath to invoices in customs cases..... 2846
when liable for debts due United States ... 3467
granting patent to; oath..... 4896
register in bankruptcy not to be, &c., when. 4996
of assignee in bankruptcy, to execute what instruments 5043
holding national-bank stock not to be individually liable..... 5152

ADMIRALS,
Admiral and number of Vice-Admirals.... 1363
grade of, to cease, when..... 1362
allowed secretaries..... 1367
secretaries' pay .....p. 267, 1556
rear-admirals, number of..... 1363
pay of 1556

ADMIRALTY,
jurisdiction in, of district courts ....par. 8, 563
issues of fact to be tried by juries in certain cases..... 566
courts of, for what purpose always open... 574
in Florida and Wisconsin 575, 576
during disability of district judge, when required to be held by circuit judge. 589

Section.

ADMIRALTY—Continued.
what preparatory proceedings in, may be taken by clerk of district court during disability of judge 590
circuit courts no jurisdiction in civil causes of, arising under laws providing revenue from imports or tonnage..par. 4, 629
appeal from district to circuit court in causes of, except prize causes..... 631
what copies may, in cases of, be certified up to appellate court..... 632
limitation of time for taking 635
writ of prohibition to district courts, as courts of, issued by Supreme Court.. 688
new evidence in causes of, received in Supreme Court, on appeal 698
courts of United States to have exclusive jurisdiction of all civil causes of, saving, &c.....par. 3, 711
final record in causes of, what to contain .. 750
mode of proof in causes of..... 862
forms of mesne process and modes of proceeding in causes of, in circuit and district courts..... 913
power of Supreme Court to prescribe forms of process, &c., in circuit and district courts..... 917
power of marshal to stay or release arrest of property, in causes of, except seizures for forfeitures..... 941
law of, extended over citizens of United States in certain countries 4086
condemnations in, of property taken as prize on account of use, &c., in aid of rebellion.....5309–5311

ADULTERATION,
of distilled spirits before tax paid, penalty. 3252
of imported drugs, medicines, medicinal and chemical preparations, to be noted on invoice by examiners 2935, 2936
articles may be exported, and if not may be destroyed 2937

AD-VALOREM DUTIES,
invoice of goods subject to, to be made out in currency of country from which exported 2838
to be verified by oath of purchaser...2843, 2844
by oath of manufacturer in certain cases, 2845
when representative may make oath to.. 2846
when, may be admitted without.....2847, 2848
oath when one of owners resides abroad. 2849
what to be collected in addition to entries of merchandise, &c..... 2900
to be levied on true market value of merchandise at time of exportation..2904–2906
merchandise subject to, &c., when to be accompanied by copy from invoice of cost, &c 3034
equipment and repair of vessels in foreign ports liable to payment of, in certain cases.....3114, 3115

ADVANCEMENT,
of Navy officers for distinguished conduct.. 1506
although grade may be full.....1364, 1507
of line officers, receiving vote of thanks 1508

ADVANCES OF MONEY,
to persons in naval service..... 1563
when may be made to disbursing-officers .. 3648
what to be made to Congressional Printer.. 3816
may be made to certain postal agents..... 4055
for seamen's wages to be in presence of shipping-commissioner..... 4532

ADVERTISEMENTS,
required for stationery for Congress 65–68
of public-land sales 2359
of notice of sale on distraint for internal-revenue taxes..... 3190

Section.

ADVERTISEMENTS—Continued.
of notice of sale of real estate for internal-revenue taxes 3197
of notice of seizure under internal-revenue laws .....par. 4, 3460
for proposals, to be made before contract for supplies, &c 3709
for quartermaster's supplies, what to contain and where published 3716
for naval supplies, provisions concerning, 3718, 3721, 3724, 3726, 3729
purchase of bunting may be made without. 3721, 3729
butter, cheese, &c., for Navy may be purchased without 3721, 3726
to be delivered abroad, where and how made 3723
for proposals to furnish paper for Government Printing Office, where to be made, &c.....3767, 3768
for lithographing and engraving 492
for new proposals for paper, &c., in case of default of contractor 3775
for engraving of maps, &c., to illustrate documents ordered by Congress..... 3780
what, to be published in papers selected in certain States by Clerk of House of Representatives.....3823, 3824
rates of publishing public.....3823, 3825
laws not to be published in newspapers ... 79
what, to be published in papers of District of Columbia 3826
repealed in part, note after 3826
of what mail-routes to be made in papers of District of Columbia..... 3827
for Executive Departments to be published only on authority of head of department..... 3828
for proposals for carrying mail..... 3941
by railways, not required 3942
by steamboats, not required 3943
through foreign countries 4006
to foreign countries 4007
of notice of seizure of vessel, what to specify. 4379
of prize-sales by United States marshal.... 4628
no contract for erection of light-house to be made, except after advertisement ... 4667
of notice in bankruptcy, how made..... 5019
of assignee's appointment, where made.... 5054
in likeness of national-bank notes prohibited, penalty 5188
for carrying mail in case of error or omission as to any route previously advertised. 3957
of mail lettings for Maryland, Virginia, and district of Columbia limited, note after 3826
of unclaimed letters in post-offices 3930
may be in foreign languages in certain cases..... 3931
compensation for 3934
to be charged with additional postage ... 3935
by posting lists 3933

AFFIDAVITS,
Commissioner of circuit court may take, in civil causes..... 945
making or using, by persons in military service, of false, to obtain payment of claim.....p. 235, art. 60, 1342
by persons in naval service.p. 278, art. 14, 1624
of settler on land subject to private entry.. 2264
of homestead applicant, how made..... 2290
in military service 2268, 2293
may be made before clerk of county court, when 2294
of widow or heirs of homestead settler 2291
of purchaser of public land, to correct mistake in entry 2372

Section.

AFFIDAVITS—Continued.
by whom made, in proof of citizenship under mining laws ... 2321
to be filed by applicant for patent to mining claim, of notice having been posted ... 2325
by claimant of mineral land, after publication of notice ... 2325
under mining laws, by whom verified ... 2335
by applicant to enter land for cultivation of timber ... 2465
making or using, by persons not in military duty or naval service, of false, to obtain payment of claim; civil liability for ... 3490
penalty for procuring, &c., false, in pension cases ... 4746
Commissioner of Patents may prescribe rules for taking, in cases pending in Patent Office ... 4905
false swearing to, by bankrupt, to bar discharge ... 5110
falsely making, altering, forging, &c.; uttering or publishing as true any false, &c ... 5418
making or using by any person, of any false, to obtain payment of claim against United States; criminal punishment ... 5438

AFFIRMATION,
included in oath ... 1, 5013

AGENTS, (See *Special Agents.*)
of United States not to be agents of banks, firms, &c., having business with government ... 1783
diplomatic, shall be deemed diplomatic officers; salaries ... 1674, 1675
naval, to pay Navy on foreign station ... 1550
none to be employed as internal-revenue agents, except, &c ... 3152
of Treasury Department, for management of seal-fisheries in Alaska ... 1973
for searching vessels ... 3059, 3060
special, for disbursing public money ... 3614, 3658
special, local, and route, of Post-Office Department ... 4017–4026
for sale of postage-stamps, may buy stamps and envelopes at discount ... 3919
may enter homesteads for soldiers and sailors, when ... 2309
for entry of merchandise to give bond for account by owner ... 2787
residing abroad, of firm in United States, may register vessel in certain cases ... 4133
of owner of vessel may obtain certificate of registry, how ... 4161
oath to be taken by ... 4161
surrender of old certificate by ... 4162
forfeiture of vessel for false swearing by ... 4163
for owner of recorded vessel to countersign certificate of measurement, when ... 4181
of vessels to furnish collectors copy of consular receipts ... 4213
claims in bankruptcy may be verified by ... 5078

AGRICULTURE,
report of signal-officers for benefit of ... 222
schedules for enumeration of production ... 2206
lands reserved as mineral may be separated and opened to pre-emption, when ... 2342
adverse claims of pre-emptors on same subdivision of, how decided ... 2274
college scrip, commission to be paid for locating ... par. 5, 2238
receivable in payment of pre-emption claims ... 2278
limit of land which may be entered within one township ... 2377

Section.

AGRICULTURAL DEPARTMENT,
provisions respecting ... 520–529
design and duties of ... 520
Commissioner of Agriculture, appointment, salary, and duties ... 521–526
clerks and employés in, salaries, &c., of ... 522
chief clerk, appointment, salary, duties ... 523
bonds of Commissioner and chief clerk ... 524
custody of property, records, &c., of ... 525
purchase and distribution of seed, &c., by ... 527
annual reports of Commissioner ... 528, 529
expenditure of appropriations for ... 3677

AIDS-DE-CAMP,
to General ... 1096
to Lieutenant-General ... 1097
to major and brigadier generals ... 1098
to major and brigadier generals, pay of ... 1261
number of, to each division of militia as organized by each State ... 1631
to each brigade ... 1631
in each division of militia when called into service of United States ... 1647
in each brigade ... 1648

AILANTUS TREES,
planting in public grounds, prohibited ... 1830

ALABAMA,
clearance from ports in, of vessels laden with live-oak timber ... 2463, 4205
collection district, port of entry and delivery in, what to comprise (see *Collection Districts, Ports of Entry*) ... 2564, 2565
Tennessee, Coosa, Cahawba, and Black Warrior Rivers, free of tolls, except, &c ... 5244
may impose tolls for use of canal at Muscle and Colbert's Shoals on Tennessee River, &c ... 5245
United States courts in (see *Circuit Court, District Court*) ... 532, 552, 572, 584, 608, 634, 658, 694, 767, 776
boundaries of land-districts in ... p. 396, 2256
public lands in, to be disposed of only under homestead laws (*repealed, and lands required to be offered for sale*) ... 2303

ALASKA TERRITORY,
laws of United States extended over ... 1954
provisions common to all Territories (see *Territories*) ... 1839–1895
regulation of trade in arms, ammunition, and spirits ... 1955
killing of fur-bearing animals prohibited, except, &c ... 1956
offenses committed in, where may be prosecuted ... 1957
arrest of persons and seizure of vessels ... 1957
jurisdiction, &c., of courts ... 1957
remission of fines, penalties, and forfeitures ... 1958
islands of Saint Paul and Saint George made special reservation ... 1959
landing or remaining on islands without authority prohibited, &c ... 1959
Secretary of War to carry provisions into effect ... 1959
when, &c., fur-seal may be killed ... 1960
use of fire-arms prohibited ... 1960
killing of female seal, &c., prohibited, when ... 1961
limit to number of seal which may be killed ... 1962
penalty for violations ... 1962
lease of islands to take fur-seal &c ... 1963, 1966, 1970, 1972
bond of lessees ... 1964
who may lease, &c ... 1965
foreign vessels not to be engaged in taking skins ... 1965
revenue officers to seize and destroy spirits found upon islands ... 1966
to make reports of such seizures, &c ... 1966

Section.

ALASKA TERRITORY—Continued.
penalty and forfeiture for killing seal without permission 1967
for molesting lessees..... 1967
for killing greater number of seal than prescribed by law..... 1968
revenue-tax upon fur-seal skins 1969
Secretary of Treasury to make regulations, &c 1969
certified copies of lease to be furnished masters of vessels, &c 1971
appointment of agents to manage seal fisheries 1973
compensation and expenses of agents.... 1974
agents not to be interested in lease, &c .. 1975
power of agents to administer oaths and take testimony..... 1976
collection-district and port of entry in, what to comprise, &c 2591, 2592
nationalization of vessels owned by residents of 4140
regulation of coasting trade with 4358
power of Secretary of Treasury to remit fines, &c., in certain cases, in collection-district of..... 5293

ALBANY, N. Y.,
foreign merchandise for, by Hudson River, where to be entered..... 2816
warehouse privileges may be extended to.. 2968
port of delivery 2535, 2536

ALCOHOL, (See *Distilled Spirits.*)
definition of 3248
quantity of, in proof-spirits..... 3249
may be withdrawn from bond for scientific purposes without paying tax 3297

ALE. (See *Fermented Liquors.*)

ALIENS,
jurisdiction of district courts by, of suits by, for torts in violation of laws of nations or treaty.....par. 16, 563
of circuit courts in suits at common law, or in equity, where alien is party to.....par. 1, 629
suits against, may be removed from State to United States courts.....par. 1, 639
when allowed to prosecute claim in Court of Claims..... 1068
may be admitted citizens of United States, how (see *Naturalization*).....2165–2174
limitation on 2169–2171
alien enemies, who may be deemed, in time of war..... 4067
may be apprehended, restrained, secured, and removed 4067
President may direct conduct to be observed toward, &c..... 4067
may establish other regulations concerning..... 4067
time allowed for removal of certain, in treaty cases..... 4068
when no treaty exists, time to be allowed 4068
arrest of, upon complaint..... 4069
procedure upon examination, hearing, &c 4069
orders for removal of, how issued, executed, &c 4070
not be admitted to citizenship 2171

ALLEGIANCE,
of naturalized citizens to foreign powers.. 1992
to foreign powers, &c., renounced by applicants for admission to citizenship.... 2165

ALLOTMENT OF WAGES,
of seamen shall be inserted in agreement .. 4531

ALLOY,
for gold coins, to be of copper, or copper and silver 3514

Section.

ALLOY—Continued.
of siver coins, to be of copper..... 3514
of five and three cent pieces, to be of copper and nickel 3515
of one cent-pieces, to be of copper, tin, and zinc..... 3515

AMBASSADORS. (See *Diplomatic Officers.*)

AMENDMENTS,
to Constitution, when adopted, to be promulgated, &c 205
of processes returnable in circuit and district courts 948
general power of courts to allow..... 954
Supreme Court may allow in writs of error. 1005
of appeals in prize cases 1006

AMERICAN CITIZENS. (See *Citizens and Citizenship.*)

AMERICAN COLONIZATION SOCIETY,
vessels of, subject to laws relating to carriage of passengers 4271

AMERICAN MANUFACTURES,
preference to be given for, in making purchases.....69, 3725, 3728
for manufactures on Pacific coast in selecting military supplies for that coast .. 3716
exported, when may be reimported free of duty .....p. 483, 2505
empty barrels of, &c., may be reimported free of duty in certain cases...p. 483, 2505

AMERICAN SEAMEN,
provisions relating to (see *Merchant Seamen*).....4501–4612

AMERICAN VESSELS,
sailed under foreign flag during rebellion, not to be registered, except, &c 4135
(See *Vessels, Merchant Vessels.*)

ANIMALS,
brought into country for exhibition or for breeding purposes and teams of emigrants admitted free of duty ..p. 482, 2505
regulations to be observed in transportation of 4386–4390
not to be confined more than twenty-eight hours without unloading 4386
to be fed and watered 4387
penalties for neglect of provisions relating to 4388, 4389
companies to have lien for food furnished, and how may enforce same 4385, 4390

ANNUITIES,
to Indians payable in coin 2081
may be commuted 2082
rules concerning 2083–2091
appropriations not be used to pay for depredations..... 2098
punishment for false personation of person entitled to, in receiving money.. 5435
endeavoring to obtain, by forged power of attorney..... 5436

ANTI-SCORBUTICS,
shall be served on merchant-vessels 4569
penalty for neglect to serve 4570

APOTHECARIES,
special tax not imposed upon, in certain cases. 3246

APPEALS, (See *Writs of Error.*)
from circuit court or district court acting as such, to Supreme Court 692
from decrees on certificate of division of opinion 693
transcripts, copies, &c., to be transmitted to and received in Supreme Court... 698
same may be used when both parties appeal 1013
in what cases allowed, without regard to amount, &c..... 699
must be taken within two years after judgment..... 1008

Section.

APPEALS—Continued.
from circuit court—Continued.
subject to same rules as writs of error... 1011
from decisions in habeas corpus cases.... 764
Supreme Court to prescribe regulations for..... 765
bond on, when and how required..... 1000
none required, when appeal taken by United States, or by direction of department..... 1001
from district courts.....631, 633, 635
in prize cases (see *Prize*).....695, 4636–4638
in cases transferred to, on Territory becoming State..... 704
from Court of Claims.....707, 708
from supreme court of District of Columbia.....705, 706
from supreme court of Territory..... 702
from territorial court, when Territory admitted as State.....703, 1909, 1911
from district court, in cases transferred from territorial court on Territory becoming State.....567, 704
to circuit courts from district, in what cases allowed..... 631
what copies may be certified up to appellate court..... 632
limitation of time for taking..... 635
district judge not to vote in cases appealed from his decision..... 614
when costs not allowed to libellant on his own appeal..... 968
in courts of Territories, from district to supreme courts.....1869, 1910, 1911
in Colorado, from probate to district court. 1932
in Montana, from probate to district court..... 1932
in bankruptcy proceedings, from district to circuit courts..... 4980
how taken; notice and bond..... 4981
when to be entered..... 4982
proceedings upon waiver of..... 4983
how entered, filed, &c..... 4984
final judgment of circuit court conclusive, costs..... 4985
from circuit courts to Supreme Court, amount required for..... 4989
regulations of practice and procedure upon..... 4990
from decision of judge on questions submitted by agreement..... 5011
in customs revenue cases, from appraisement in cases of wrecked and damaged imports..... 2928
from appraisement of imports, notice of, to whom given, proceedings..... 2930
from collector of customs as to duties on imports and tonnage; decision of collector final, unless protest made, appeal taken, and suit brought..... 2931
from collectors of customs as to fees, charges, and exactions, final unless suit brought..... 2932
from examiner's return of imported drugs, medicines, &c..... 2936
customs duties, how refunded in cases of failure to comply with requirements of..... 3013
in consular courts, from consul to minister, in criminal cases..... 4089
in civil cases, regulation of..... 4107
security to be given in, how prescribed.. 4117
ministers to hear and decide appeals..... 4091
further hearing, new trials, &c., when and how allowed..... 4091
from consular court in China or Japan to minister..... 4092

Section.

APPEALS—Continued.
in consular courts—Continued.
to circuit court of California..... 4093
from minister in China or Japan to circuit court, in civil cases..... 4094
in criminal cases..... 4095
not to operate as stay of proceedings, unless, &c..... 4094
circuit court of California to hear and determine appeals, &c..... 4095
in habeas corpus cases, from any judge or court.....763–765
in Indian affairs, to Commissioner of Indian Affairs, from revocation of trading-license by Indian superintendent. 2131
inspection of steam-vessels, from local to supervising inspectors of steam-vessels, on refusal or suspension, &c., of license..... 4452
internal revenue, to Commissioner of Internal Revenue before suit in case of alleged illegal taxes..... 3226
land-office, of pre-emptor from register and receiver to Commissioner of General Land-Office..... 2273
from Commissioner to Secretary of Interior..... 2273
in patent proceedings, from primary examiner to board of examiners-in-chief..... 4909
from examiners-in-chief to Commissioner of Patents..... 4910
from Commissioner of Patents to supreme court of District of Columbia..... 4911
notice, &c., to Commissioner of Patents of appeal..... 4912
proceedings on appeal from Commissioner of Patents..... 4913
action of court on appeal from Commissioner of Patents, &c..... 4914
in prize cases..... 695
proceedings after.....565, 4637
bond for costs may be required..... 4638
amendments of.....1006, 4636
within what time and on what notice to be taken.....1009, 4636
when order of sale not prevented by..... 4627

APPLES,
brandy made from, or from peaches, or grapes, may be exempt from laws respecting distilled spirits..... 3255

APPENDIX,
act of 1866, for appointment of commissioners to revise the Statutes.....p. 1089.
act of 1874, providing for publication of the Revised Statutes.....p. 1090.
act of 1877, to provide for preparation and publication of this edition...p. 1092.
act of 1878 amending same.....p. 1093.
act of 1874, repealing law of 1873 increasing salaries.....p. 1093.
schedules showing reduction of salaries by repeal of act of 1874, with list of officers affected, and salaries before and after repeal.....pp. 1093–1097.
table of sections of acts incorporated into Revised Statutes, with references to places where incorporated..pp. 1001–1162.

APPOINTMENTS,
to fill vacancies during recess of Senate to receive no salary until confirmed, when. 1761
penalty for accepting, contrary to law..... 1771
for making, contrary to law..... 1772
President to notify Secretary of Treasury of appointments made without advice, of Senate..... 1774

Section.

APPOINTMENTS—Continued.
original, of persons specially appointed to make searches, &c., under revenue laws, when filed ... 3060
APPORTIONMENT,
of Representatives, table of ... 20
for new States ... 21
reduced under fourteenth amendment ... 22
of representation in Territories ... 1847
readjustment of ... 1849
APPRAISAL OF IMPORTS, (See also *Appraisers.*)
power of Secretary of Treasury to prescribe regulations, &c ... 252, 2949
when collector to appoint merchants to make ... 2609
penalty for not assisting at ... 2610
of merchandise returned on account of incorrect invoice ... 2840
provisions relating to ... 2899–2953
no delivery of imported merchandise without ... 2899
how made in addition to entries of imported goods ... 2900
who to designate imported packages for, number, examination, forfeiture, remission ... 2901
mode of, in estimating value, &c., of imported goods; of manufactures of wool in an unfinished condition ... 2902
when duties to be levied on market value of imports, &c ... 2904
of merchandise subject to ad valorem duty, &c., and of parcels not manufactured in country, &c ... 2905
in certain cases according to value of goods at time of exportation ... 2906
what to be added to market value to obtain dutiable value ... 2907
in certain cases exceeding 10 per centum of invoice value (*repealed*) ... 2909
of different values invoiced at an average price, &c ... 2910
of certain imported articles of different quality in same package ... 2911
of wool of different qualities in same bale ... 2912
of kid and other imported gloves ... 2913
grades of sugar ... 2914
sampling of sugar ... 2915
samples of wool ... 2916
standard of vinegar ... 2917
hydrometers for ascertaining proof of liquors ... 2918
in estimating duties on grain, how bushel is determined ... 2919
expense of weighing, measuring, or gauging ... 2920
deficiency to be certified and allowed ... 2921
of imports, when final ... 2923
examination of owners and others ... 2922–2924
owner may be required to give bond to produce proof to enable collector to ascertain classes, or rates of duty ... 2925
storing goods with, in complete manifests ... 2926
damaged goods ... 2927
goods damaged and taken from wrecks, appeals ... 2928
revision of report of, by whom made, &c ... 2929
when owner, &c., dissatisfied with ... 2930
appeal from collector ... 2931–2932
of drugs, medicines, &c ... 2933–2938
of imports at New York ... 2939
Secretary of the Treasury may make special regulations for ... 2939
officers, &c., employed in, not to engage in mercantile business ... 2941
certain, to be made by assistant appraiser ... 2943

Section.

APPRAISAL OF IMPORTS—Continued.
extra hours to be devoted by officers ... 2944
assistant examiners at ... 2940
of imported goods at ports where no appraiser, how made ... 2946
what customs-officers may lease or hire buildings for purpose of ... 2953
certain merchandise imported for immediate transportation, &c., not subject to, at port of arrival, &c ... 2991
when and by whom, to be made of property seized under customs laws ... 3074
additions made to entered value to be regarded as part of actual value and additional duties thereon ... 2908
appraiser's certificate ... 2950
definition of words "ton," "value," and "valued," in relation to ... 2951, 2952
by merchant appraisers, their appointment, &c ... 2609, 2973
penalty for not assisting by ... 2610, 2945
APPRAISERS (of customs),
for Alabama ... 2565
at Baltimore, Md ... 2549
at Boston, Mass., and Charlestown ... 2529
clerks, &c., in office of ... 2530
at Charleston, S. C ... 2558
for Indiana and Illinois ... 2602
for Louisiana ... 2569
for Maine ... 2518
for Michigan ... 2600
for New York ... 2726
salaries of ... 2729
examiners may be appointed to assist ... 2940
officers and employés, how appointed ... 2538, 2539
for Ohio ... 2604
at Portland, Oreg ... 2587
at Philadelphia, Pa ... 2544
clerks and employés in office of ... 2545
for Rhode Island ... 2532
at San Francisco, Cal ... 2583
at Savannah, Ga ... 2560
for Virginia ... 2553
for Wisconsin ... 2598
at other places ... 2730
at Savannah and Charleston ... 2724
merchant, appointment, duties, and compensation of ... 2609, 2610, 2725, 2945, 2973
penalty for not serving ... 2610, 2945
four to be appointed by President, with certain prescribed duties ... 2608
expenses and salary of four general, (*repealed.*) 2727
in any district may be required by Secretary of Treasury to attend in other districts ... 2947
local and general, at Boston, Philadelphia, Baltimore, and New Orleans ... 2728
oath of, and of merchant appraisers ... 2615
at New York, and revision of assistant appraiser's report by ... 2614, 2615
additional compensation of, at San Francisco ... 2746
duties of, when imported articles omitted in entry ... 2901
duty of, in estimating value and quantity of imports and manufactures of wool in unfinished condition ... 2902
when to adopt best article in package as fixing value ... 2911
wool of different qualities in same bale, &c., how appraised by ... 2912
how to certify deficiency in package, &c., to collector ... 2921
to examine owners, &c., as to value of merchandise and require papers ... 2922
to certify rate of percentage of damage on goods ... 2927

Section.

APPRAISERS, (of customs)—Continued.
to revise report of assistants, &c., reappraisement by, how ordered 2929
at New York not to engage in mercantile business 2941
what provisions to apply to 2942
to revise, &c., report of assistant appraiser to inspect damaged goods 2943
when, to direct extra labor of officers ... 2944
when, to attend in other districts 2947
what deemed to be certificate of 2950
powers of, to lease or hire buildings, &c ... 2953
certain buildings to be leased for use of 2955
to appraise merchandise remaining in public store beyond one year preparatory to sale 2973
certain merchandise entitled to drawback when to be inspected by 3034
duties of, in case of property seized, &c., per-diem compensation of 3074
when, to certify deterioration, &c., of articles seized 3080

APPRAISERS (in special cases),
of goods taken on *fieri facias*, under authority of State 993
of property exempt from distraint for internal-revenue taxes 3187
of value of seized distillery, &c., in case of bond given for release before judgment 3331
of goods seized under revenue laws 3459, 3460
in prize cases, where property cannot be sent into port for adjudication 4615
of property taken for use of United States. 4624
of property delivered on stipulation 4626
of real estate taken for national cemeteries. 4871
appointment of commissioners to swear, in certain cases of seizures 570
of vessels, goods, &c., delivered to claimant, in cases of seizure under customs laws, &c 938
may be appointed by judge in vacation 940
in bankruptcy cases, restrictions on register. 4996

APPRENTICES (to sea-service),
shipping-commissioners to procure, &c 4509
indentures of, to be produced, &c., to commissioners 4510
shipping-articles of vessels in coasting-trade not to be signed by 4520
wages of, not to depend on freight-earnings. 4525
not to be subject to attachment, &c 4536
disposal of effects of deceased 4538, 4541
when unclaimed 4545
payment of wages, &c., on death of, in United States 4542
delivery, &c., of wages, &c., of deceased, to circuit court 4543, 4544
fees for shipping, &c 4592
schedules of C. D .....p. 896.
who shall pay fee for shipping, &c 4593
penalty for taking illegal fee for shipping, &c 4595
offenses and punishment of 4596
arrest of, for desertion 4599
penalty for drunkenness and neglect 4602
enforcement of forfeitures of 4603
wages to pay for expense of conviction 4605
form of account of .....p. 895, after 4612

APPROPRIATIONS,
style and title of acts for 11
for members, officers, and contingent expenses of the Senate, how paid and disbursed 56
statements of, by Secretary of Senate and Clerk of House 64
Secretary of War to make report to Congress concerning certain 228

Section.

APPROPRIATIONS—Continued.
general provisions concerning 3660–3692
annual, for arms and equipments in militia. 1661
for public buildings and grounds in District of Columbia, &c 1798
for Washington aqueduct and public works in District of Columbia 1802
for support of government in Territories, how disbursed 1886
for legislative expenses in Territories ..1888, 1939, 1940
for contingent expenses in Territories ..1935, 1938
for Indian service, supervision of expenditure of, by commissioners 2041
not to be used to pay depredation claims 2098
for Indian treaties not to be transferred, &c 2097
restrictions on, for education of Indians. 2099
to fulfill treaties not to be paid to tribes at war, &c 2100
for collecting revenue, when incidental expenses of collectors to be paid out of. 2692
accounts of disbursements to be rendered according to 3623
manner of communicating estimates of .3660, 3672
accounts of warrants on, to be kept by register, &c 3675
shall only be expended for objects for which made 3678
expenditures shall not exceed 3679
embezzlement, &c 5483
buildings in District of Columbia not to be rented for government without previous appropriation therefor. *Note after* 3679
knowingly contracting to pay, for erecting, &c., public buildings, &c., amount larger than appropriated .3733, 5503
for contingent expenses, &c., not to be used for compensation of clerks, &c 3682
for public buildings, available immediately. 3684
for publishing foreign hydrographic surveys, restrictions on 3686
limit as to use of balances of annual 3690
dispos l of balances of, after two years 3691
to pay judgment against certain property of United States 3754
moneys deposited to credit of, from sales of extra copies of documents and of paper-shavings, &c 3818
for postal service shall be out of the postal revenues 4054
for salaries of steamboat-inspection officers. 4461
of fund for sick and disabled and destitute seamen 4545
Light-House Board to purchase site for light-houses when appropriation is made .. 4660
for light-houses, how long available 3685
expense of light-houses on pile foundations to be from annual appropriation for repairs, &c., of light-ships, &c 4668
for coast survey, how to be expended 4683
expenses of examination of plates, dies, &c., of national-bank notes, and destruction of certain plates 5174
expenditure for water-gauges on Lower Mississippi River and tributaries, from appropriation for rivers and harbors. 5252
no part of, to be paid to telegraph companies which neglect to transmit telegrams 5266
officer paying sum less and requiring receipt for more than paid, guilty of 3676
for Navy Department to be expended by direction of Secretary of Navy 3676
for each bureau to be kept separate 3676

Section.

APPROPRIATIONS—Continued.
for Government Hospital for Insane to be drawn by Secretary of Interior. 4858
for Agricultural Department to be expended under direction of Commissioner.... 3677
not repealed by incorporation of part of acts into Revised Statutes..... 5596
permanent, (see *Permanent Appropriations*) 1661, 3048, 3670, 3687–3689

ARBITRATION,
between citizens of United States, &c., in China and Japan..... 4098
assignee in bankruptcy may submit controversies to..... 5061

ARCHITECT OF CAPITOL,
to direct and supervise improvements and repairs..... 1816
to control electrical apparatus jointly with Chief of Engineers..... 1817
with Sergeants-at-Arms to appoint and may suspend Capitol police 1821–1823
certain statements to be furnished to..... 1832
to keep inventories of public property..... 1833
annual reports of 1833
not to apply to library nor to stationery and fuel..... 1834

ARCHITECT OF TREASURY DEPARTMENT. (See *Supervising Architect.*)

ARIZONA TERRITORY,
provisions common to all Territories, (see *Territories*) 839–1895
establishment and boundaries of..... 1901
judicial power in, how vested..... 1908
jurisdiction of courts in, how limited..... 1866
writs of error and appeals in, to Supreme Court 1909
district courts in, jurisdiction, &c., of, in certain cases..... 1910
judicial districts in, &c 1913
terms of courts in 1915
adjourned terms of supreme court in, &c... 1934
assignment of judges in..... 1918
number of members of council and house of representatives of..... 1922
jurisdiction of justices of the peace in..... 1927
contingent expenses of executive department, annual appropriation for..... 1935
legislative expenses of, provisions for..... 1939
mileage of members of legislative assembly of..... 1942
seat of government in, how changed..... 1944
land districts in.....p. 414, 2256
reservation of public lands for school purposes in 1946
appointment of Indian superintendent for tribes in 2046
appointment of surveyor-general for, authorized..... 2207
salary of 2210
fifty per cent. additional to certain fees of registers and receivers in 2238

ARKANSAS,
boundaries of land-districts in.....p. 397, 2256
public lands in, to be disposed of only under homestead laws, repealed, and lands required to be offered at public sale.. 2303
judicial districts in..... 533
district courts in 572
clerks of, for western district of..... 556
juries, how summoned to attend 814
circuit court for eastern district of..... 608
terms of.....p. 120, 658

ARMED VESSELS,
owners of those, of citizens of United States before clearing to give bond not to commit hostilities against friendly state.. 5289

Section.

ARMORIES,
money not to be expended on site for, until Attorney-General approves title and State gives consent to purchase 355
ordnance storekeepers may act as paymasters at..... 1161
one to be established at each arsenal 1662
pay of ordnance officer, inspectors, clerks, and officers at 1663, 1664
bond of storekeepers and paymasters at.... 1664
annual account of expenses of, and of arms made and repaired in 1665
enticing or harboring artificer or workman of, penalty..... 1668
wanton destruction of tools, &c., by artificer, workman, &c., penalty for..... 1669
artificers and workmen at, exempt from service as jurors..... 1671

ARMS,
rules for prohibiting sale of, in territory occupied by uncivilized Indians..... 467
report of damages to, &c., to be made 1220
issue of, to colleges, &c..... 1225
not to be bartered away by soldiers, &c..1242, 3748
persons improperly in possession of 1242, 3748
payment for damages to, by persons in the Army 1303
accountability for .....p. 231, art. 10, 1342
what, to be kept by persons enrolled in militia, exemptions, &c 1628
returns of actual condition of, by officers of militia 1635
inspections and returns of, by brigade inspector of militia..... 1640
annual appropriations for, in militia..... 1661
account of, at armories, to be submitted to Congress..... 1665
distribution of, to States and Territories for militia..... 1667
to States not having received quota, &c., no discrimination on account of race, color, &c..... 1670
importation of, into Territory of Alaska, how regulated 1955
for personal use, exempt from distraint.... 3187
of soldiers not to be sold, &c..... 3748
exemption of, from operation of bankrupt law 5045

ARMY,
organization 1094–1242
retirement 1243–1260
pay and allowances.....1261–1308
Military Academy 1309–1341
Articles of War.....pp. 229-242, 1342, 1343
military prison.....1344–1361
officers and composition of Army 1094
General, one only..... 1094
title of 1095
pay of..... 1261
staff of 1096
Lieutenant-General, aids and secretary.... 1097
aids of major and brigadier generals..... 1098
artillery regiments and batteries 1099–1101
cavalry regiments, &c 1102–1105
infantry regiments, &c 1106–1108
ordnance-sergeants.....1109–1110
bands..... 1111
Indian scouts..... 1112
trading establishments 1113
brigades and divisions, what to constitute.. 1114
number of enlisted men in..... 1115
qualifications of enlisted men in 1116
enlistment of minors, &c.....1117, 1118
term of enlistment in..... 1119
premium for bringing recruits, &c..... 1120
chaplains, post and regimental..... 1094
number and appointment of..... 1121

Section.

ARMY—Continued.
rank, tenure of office, &c ... 1122
qualifications of ... 1123
duties of ... 1124
as clergymen ... 1125
monthly reports to be made by ... 1126
facilities to be extended to ... 1127
pay of ... 1261
forage allowed to ... 1271
when entitled to bounty-lands ... 2425–2427
pension to dependent relative of ... 4710
corps of adjutants-general, &c ... 1128–1130
corps of inspectors-general, &c ... 1131
Quartermaster's Department, &c ... 1132–1139
Subsistence Department, &c ... 1140–1150
Engineers, Corps of ... 1151–1153
battalion of ... 1154–1157
limits of duty of ... 1158
Ordnance Department, officers, enlisted men, supplies, depots, &c ... 1159–1167
Medical Department, &c ... 1168–1174
sick-diet in hospital ... 1175
trusses, to whom furnished, &c ... 1176–1178
hospital-stewards ... 1179–1181
Pay Department ... 1182–1188
periods of payment to ... 1189
paymasters' clerks ... 1190
bonds of disbursing officers in ... 1191, 1192
chiefs of corps and departments in ... 1193
appointments and promotions in staff corps and departments ... 1194
Signal Service, rank of Chief ... 1195
details for signal-duty ... 1196
when mounted ... 1197
Bureau of Military Justice, &c ... 1198–1203
reporter for courts-martial ... 1203
promotion in staff corps and departments ... 1194
in line and staff ... 1204
transfer of officers from line to staff ... 1205
in Engineer Corps ... 1206
after fourteen years' service ... 1207
in Ordnance Department ... 1208
of non-commissioned officers ... 1214, 1215
brevet, conferring of, for gallantry ... 1209
date of ... 1210
assignment of duty and rank ... 1211
uniform and title of ... 1212
of cadet graduates of Military Academy, while awaiting promotion ... 1213, 1215
of non-commissioned officers, passed examination, awaiting promotion ... 1214, 1215
not to entitle officers to increased pay ... 1264
of officers of Marine Corps ... 1604
certificates of merit to private soldiers for distinguished service ... 1216
general provisions of organization ... 1217
ineligibility of persons serving in rebellion ... 1218
time of actual service considered in fixing rank ... 1219
returns of ordnance, damages ... 1220
alteration and fitting of clothing to privates, and deduction from pay therefor ... 1220
returns of clothing and camp equipage ... 1221
officers in, accepting civil office ... 1222
accepting diplomatic or consular office ... 1223
not to be employed on public works in certain cases, nor in civil employments ... 1224
nor to act as disbursing agents for Indians in certain cases ... 1224
may be employed as Indian agents ... 2062
restoration of dismissed ... 1228
dropped for desertion ... 1229
dismissed by President may demand trial ... 1230
officers and arms for colleges ... 1225
privileges on account of volunteer service ... 1226

Section.

ARMY—Continued.
army-corps badges ... 1227
post and garrison schools ... 1231
enlisted men not to be used as servants ... 1232
company cooks, how detailed ... 1233
superintendence of cooking by line officers ... 1234
labor detail ... 1235
special-service detail from forces in field ... 1236
enlisted men exempt from arrest ... 1237
female nurses, how employed ... 1238
matrons, how employed ... 1239
laundresses ... 1240
sales of military stores ... 1241
arms and accouterments in possession of persons not soldiers ... 1242, 3748
retirement of officers (see *Retired Officers*) ... 1243–1260
retiring board ... 1246–1253
pay and allowances (see *Pay of Army*) ... 1261–1308
officers and soldiers honorably discharged, to receive transportation home ... 1289, 1290
to receive pay for service on account of distance from home ... 2433
same pay and allowances to volunteers as to regulars ... 1292
Military Academy (see *Military Academy*) ... 1309–1342
Articles of war ... 1342
spies, how tried and punished ... 1343
military prisons (see *Military Prisons*) 1344–1361
miscellaneous provisions,
settlement of accounts ... 278, 281
may be employed for protection of timber-land reservations ... 2460
in Indian country ... 2150–2152
employment of, in execution of judicial process in civil-rights cases ... 1984, 1989
restriction upon use of troops at places of election ... 2002
officers of, not to fix qualifications of voters, &c ... 2003
officers, &c., of, may be employed in taking census, where ... 2190
officers, soldiers, &c., of, entitled to bounty-land (see *Bounty Land*) ... 2414–2446
persons belonging to, not entitled to vote in Territories, unless &c ... 1860
not to hold civil office in Territory, when, 1860
persons in, not liable to sentence to penitentiary except in certain specified cases ... p. 239, art. 97, 1342
enlisted men of, may be transferred to Navy ... 1421
allowance to soldier for time of services on account of distance from home to place of muster or discharge ... 2433
soldier of, who has lost land-warrant, may have patent, when ... 2439
omissions in discharge from, how provided for to entitle soldier to land-warrant ... 2440
Light-House Board, appointments from Engineer Corps for ... 4653
preliminary surveys on Northwestern lakes for, by Engineer Corps of ... 4663
details from Engineer Corps to superintend construction and renovation ... 4664
plans, drawings, &c., to be made by officer of Engineer Corps for ... 4665
works of construction, &c., for, to be made under superintendence of officer of Engineer Corps of ... 4666
officer of, may be assigned to each light-house district as inspector, &c ... 4671
Coast-Survey service, employment of officers for ... 4684, 4687
employment of men for ... 4685

Section.

ARMY—Continued.
miscellaneous provisions—Continued.
subsistence of officers and men of, employed on 4688
pensions not to be drawn by persons in 4724
officers, &c., disabled in Mexican war, to have 4730
widows of soldiers killed in war of 1812, and Indian wars, to have 4732
officers, &c., of, in the war of 1812, to have 4736
what soldiers of, entitled to benefits of the Soldiers' Home 4814, 4821
officers to be taken from, for government of Soldiers' Home 4816
insane persons belonging to, how received in Government Hospital 4843
authority of President to employ, in enforcement of neutrality laws 5287
to compel departure of foreign vessels, when forbidden by laws of nations or treaty to remain 5288
in aid of collection of duties 5316
officers, &c., interfering with elections in States, penalties 5528–5532
subsistence of, provisions of contracts for 3715
officers prescribing qualification of voters or interfering with elections, punishment of 5530–5532

ARRAIGNMENT,
standing mute upon; entry of plea 1032

ARREARS,
no money to be paid to person in arrears to the United States, until, &c 1766
of pensions, when and how paid; no fees to agents 4711

ARREST,
not to be made in one district for trial in another, in civil action, &c., except .. 739
discharge from, in civil actions, according to State laws 991
for crimes or offenses, by whom and how made 1014
enlisted men in the Army exempt from, for debt 1237
duty of officers put under, in the Army .... p. 236, art. 65, 1342
report of persons under, by officer in charge of prisoners ..... p. 237, art. 68, 1342
serving of charges and trial of officers under ..... p. 237, art. 71, 1342
marines exempt from personal, for debt 1610
punishment in the Navy by .. p. 281, art. 24, 1624
for violation of revenue laws, &c., in Alaska 1957
officers of customs, when to board vessels and make, &c 3059
customs officers, when to demand assistance in making; penalty for refusal 3071
of foreign ministers or their domestics, process for, void 4063
penalty for suing out or executing such process 4064
provisions not applicable to ministers' servants except &c 4066
of alien enemies, when authorized 4065
when, to be made on complaint 4067
of foreign seamen, in case of disputes, on application of consul (see *Seamen*) . 4079–4081
in case of desertion (see *Seamen*) 5280
in bankruptcy cases, remaining in, when act of bankruptcy 5021
debtor liable to, when 5024
not liable to, what, pending proceedings. 5107
of witness in, court may order 5087

Section.

ARREST—Continued.
of vessels arriving in and departing from port before report or entry 2773
of seamen's wages illegal 4536
of fugitives from justice 5270–5279

ARSENALS,
money not to be expended on sites for until title approved by Attorney-General and consent of State is given to purchase 355
ordnance storekeepers may act as paymasters at 1161
armory at each, officers and workmen therein 1662
when, may be abolished by Secretary of War 1666
enticing or harboring workmen, &c., of 1668
wanton destruction of tools, &c., by artificer or workman at, penalty for 1669
artificers and workmen at, exempt from service as jurors 1671
assent of State to purchase of land for 1838
punishment for various offenses at 5339–5391

ARSON,
by persons in the Army, in time of war, &c., p. 235, art. 58, 1342
in forts, dock-yards, navy-yards, &c., of dwelling-house, store, stable, barn, &c 5385
of arsenal, magazine, ship-house, vessel, materials, military or naval stores, &c .. 5386
of vessel of war of United States afloat 5387

ART, WORKS OF,
by United States artists, how imported free of duty ..... p. 489, 2505
for presentation to national institutions or municipal corporations imported free of duty ..... p. 489, 2505
imported for exhibition free of duty 2512

ARTICLES FOR GOV'T OF NAVY,
provisions of, synopsis ..... p. 274, 1624
to be hung up and read ..... p. 280, art. 20, par. 10, 1624

ARTICLES OF WAR,
provisions of 1342
armies to be governed by 1342
synopsis of ..... p. 239, 1342
to be published once every six months to every garrison, regiment, troop, or company ..... p. 242, art. 128, 1342
officers to subscribe ..... p. 230, art. 1, 1342
to be read to recruits ..... p. 230, art. 2, 1342
troops in pay of United States to be governed by ..... p. 236, art. 64, 1342
prisoners in military prisons subject to 1361
militia subject to, when, &c 1644
persons in Soldiers' Home to be subject to. 4824
inmates of National Home for disabled Volunteer Soldiers to be subject to .. 4835
military prison for punishment in, of offenders against 1344–1361

ARTIFICERS,
for battery of artillery 1100
enlistment of (repealed) and provision made for enlisting sergeants, corporals, and privates 1162
detail of, to regiments, &c 1163
of working-parties of soldiers as 1235
in arsenal or armory, penalty for enticing in, to depart, &c 1668
wanton destruction of tools, or breach of contract by 1669
exempted from service as juror 1671
pensions to dependent relatives of 4710

ARTIFICIAL LIMBS,
who shall have 4787
transportation to obtain 4791

Section.

ARTIFICIAL LIMBS—Continued.
money-commutation for 4788, 4789, 4790
pension to persons disabled who cannot use. 4698
ARTILLERY,
regiments, number, &c 1094, 1099
batteries, number, &c 1099, 1100
light batteries of 1101
companies of, how formed in militia, and how armed and provided 1632
corps of, in States, not incorporated with militia 1641
when and how organized in militia 1646
ASSAULT,
punishment for, in Navy ..... p. 277, art. 8, 1624
on person of public minister 4062
on high seas, &c., with dangerous weapon, or with intent to commit felony 5346
by person in Army, in time of war, &c., p. 235, art. 58, 1342
upon superior officer in Army ..... p. 231, art. 21, 1342
on letter-carrier 3869
on officers by seamen 4596
on officer, or other person authorized, in executing process 5398
on customs officer, &c., in execution of duty 5447
ASSAY,
commission of, appointment, duties, &c 3547
standard weights to be tested 3549
offices of, (see *Mints.*)
titles and location of 3495
temporary appointments in absence of officers 3502
monthly statement of expenses of 3504
expenses of, how provided for 3552
mint laws, &c., extended to 3555, 3562
acting as assistant treasurers to give bonds 3600
fraudulently defacing, increasing or diminishing weights used at 5460
embezzling metals, coins, medals, &c., at .. 5460
at Boise City to be place of deposit of public money 3592
superintendent of, to be assistant treasurer 3594
and Denver mint, as assay offices, confined to receipt of gold and silver bullion for melting and assaying, to be returned in bars 3558
appointment of officers at 3559
duties of officers and compensation of employés 3560
bonds and oath of officers and clerks. 3561
at Charlotte, N. C 3495
at New York City, legal designation of. 3495
shall exchange silver for gold at par ... 3527
business of, defined, &c 3553
superintendent, assayer, melter, and refiner, appointment of 3554
duties, oaths, bonds, salaries 3555, 3556
assistants, &c., at salaries, &c., of 3557
assayers, salaries, oath, bond of .. 3496, 3498, 3500, 3501
power to nominate subordinates 3504
to verify and countersign bullion-deposit certificates 3506
duties of 3507
to determine fitness of bullion to be received for deposits 3521
to report quality of bullion 3523
to verify calculations, &c 3525
duty as to ingots 3531
as to bars for payment of deposits 3534
as to trial pieces 3539
as to testing weights 3549
as to working dies 3550
at New York 3554

Section.

ASSAY—Continued.
assayers—Continued.
duties, &c., of 3555
salary of 3556
at certain other assay offices 3559, 3560
powers and duties of 3560
oath and bonds of 3561
ASSESSMENTS (Internal Revenue),
no suit to be maintained for restraining 3224
on spirits removed without deposit in warehouse as required by law 3253
on distillers for deficiency 3309
on tobacco, snuff, and cigars, sold or removed without being properly stamped 3371
Commissioner may make assessments of taxes and penalties when taxes have not been paid as provided by law 3182
within fifteen months of first list, may make monthly or special list, entering omissions, &c 3182
when record is made on account of first being founded on false return or statement no abatement or remission to be allowed 3220
in case of neglect to make return by person liable to pay taxes, Commissioner may make assessments and add fifty per cent. penalty 3176
ASSIGNMENTS,
of pay by persons in Army void 1291
of wages in Navy, how made to be valid ... 1576
of Indian contracts, restriction upon 2106
of pre-emption rights, prior to issue of patent void 2263
of claims on government made before warrant issued void 3477
of pensions not valid 4745
of national banks after acts of insolvency void 5242
of land-warrants, after issue, allowed 2414
before issue all sales, mortgages, and assignments void 2436
of disloyal contractors, certain, may be recognized 3480
of mail contracts prohibited 3963
of wages, not to prevent payment to seamen 4536
of prize or bounty money by persons in naval service, when void 1430, 4643
of patent, or interest in patent, how made; recording of 4898
of copyrights, how made; recording of 4955
of money-orders, once only recognized 4037
of debentures, permitted and endorsers liable as upon bills of exchange 3039, 3040
of notes and choses in action confers no jurisdiction on circuit court which it did not have between original parties ..... cl. 1, 629
of debtor's estate in bankruptcy proceedings (see *Bankruptcy*) 5044
ASSISTANT APPRAISERS OF CUSTOMS, (See *Appraisers, Appraisals.*)
at Boston and Charlestown, Mass 2529
in Maine 2518
in New York 2536
at Philadelphia, Pa 2544
at San Francisco, Cal 2583
oaths of 2615
reports of, at New York 2615
salary of, at New York 2731
at Boston, Philadelphia, Baltimore, New Orleans, Portland, and San Francisco 2732
at New York to perform duties of special examiner of drugs, &c 2938

Section.

ASSISTANT APPRAISERS OF CUSTOMS—Continued.
to inspect and appraise damaged goods 2943
not to engage in mercantile business..... 2941
when to labor beyond usual hours, &c 2944
ASSISTANT ATTORNEYS-GENERAL,
appointment, duties, and salaries of..... 348
for Post-Office Department 390
ASSISTANT CASHIER,
in office of United States Treasurer..... 235
ASSISTANT COLLECTORS OF CUSTOMS, (See *Deputy Collectors.*)
in New York 2536, 2694
at Jersey City under collector at New York 2535, 2695
in Pennsylvania to reside at Camden, N. J 2544, 2696
ASSISTANT COMMISSARIES-GENERAL OF SUBSISTENCE,
number and rank of..... 1149
ASSISTANT COMMISSIONER OF PATENTS,
appointment of and salary.....476, 477
ASSISTANT DISTRICT ATTORNEYS. (See *District Attorneys.*)
ASSISTANT DOORKEEPERS,
of Senate..... 52
of House of Representatives 53
ASSISTANT ENGINEERS,
in Navy (see *Engineers*) 1390–1393
relative rank of..... 1476
pay of..... 1556
cadet-graduates of Naval Academy may be appointed as second assistant 1394
in Treasury Department, salary of..... 235
ASSISTANT INSPECTORS OF STEAM-VESSELS,
appointment, salaries, &c..... 4414
permanent appropriation for salary of..... 4461
ASSISTANT LIBRARIANS,
in Library of Congress 91
ASSISTANT MARSHALS, (See *Census.*)
for taking census.....2179, 2181, 2182
duties of, how to be performed 2187, 2188
returns by.....2192, 2193
compensation of 2198, 2200
ASSISTANT MEDICAL PURVEYORS,
of Army, number and rank of 1168
assignment of, to duty as surgeons 1171
to give bonds..... 1191
ASSISTANT NAVAL CONSTRUCTORS,
appointment of cadet-engineers as..... 1403
relative rank of, on the active-list..... 1477
pay of..... 1556
ASSISTANT PAYMASTERS-GENERAL,
number and rank of..... 1182
ASSISTANT PAYMASTERS,
of Navy, number of, on the active-list.... 1376
appointment of, suspended 1377
qualifications, bonds 1379–1383
clerks to 1388
relative rank of, on active-list..... 1475
pay of..... 1556
passed assistant..... 1556
ASSISTANT POSTMASTER,
of Senate, salary 52
to House of Repesentatives, salary 53
not to be contractors for carrying the mail 3850
ASSISTANT POSTMASTERS-GENERAL,
number, appointment, salary, &c., of 389
to be present at opening bids for carrying mail 3944
may be employed as special agents..... 4619

Section.

ASSISTANT QUARTERMASTER,
one for each brigade of militia called into service of the United States..... 1647
ASSISTANT REGISTER (of Treasury),
appointment, salary, duties.....314, 315
ASSISTANT SECRETARY,
of Interior, appointment, duties, salary of.....438, 439
to President, salary of 155
ASSISTANT SECRETARIES,
of State, appointment and salaries of..... 200
of Treasury, appointment, duties, salaries of.....234, 245
delegation of, to sign warrants 246, 247
ASSISTANT SOLICTOR (of Treasury),
appointment and salary of..... 349
ASSISTANT SURGEON-GENERAL,
of Army, rank of 1168
ASSISTANT SURGEONS,
in Army, allowance to regiments of cavalry..... 1102
number and rank of..... 1168
vacancies in, how filled 1168
credit for volunteer service in promotion. 1170
qualifications for appointment of..... 1172
in Navy, number of, on the active-list ... 1368
qualifications for appointment of..... 1370
rank of, after delayed examination..... 1372
relative rank of, on active-list..... 1474
pay of..... 1556
entitled to promotion 1556
passed assistant..... 1556
in Militia, two to each regiment when called into service..... 1646
ASSISTANT SUPERVISING ARCHITECT,
of Treasury Department, salary of..... 235
ASSISTANT TELLERS,
in office of Treasurer, salary of 235
ASSISTANT TREASURERS,
in Treasury Department..... 303
may act as Treasurer, when..... 304
to report outstanding liabilities 310
how silver coins shall be sent to 3527
how may redeem copper, &c., coins..... 3529
to exchange notes for fractional currency.. 3574
at Carson and Denver mints 3594
at Boston, New York, Philadelphia, Baltimore (*Charleston repealed*), New Orleans, Saint Louis, San Francisco, Cincinnati, Chicago 3595
rooms, &c., of 3598
salaries of 3596, 3597
shall have charge of rooms, &c 3599
shall give bond 3600
subordinate officers of, at Boston..... 3601
at New York 3602–3604
at Philadelphia 3605
at Baltimore..... 3606
at Saint Louis..... 3607
at Charleston 3608
office abolished.....*See note after* 3595
at New Orleans 3609
at San Francisco 3610
at Chicago..... 3611
at Cincinnati 3612
deputies to act in case of sickness or absence 3613
collectors and receivers of public money in New York, Philadelphia, New Orleans, San Francisco, Baltimore (*Charleston repealed*), and Saint Louis, to pay all public money to, without deductions. 3615, 3617, 3619
postmasters of their cities to deposit with .. 3848
duties respecting public money 3639–3659
failure to keep safely, how punished 5489

Section.

ASSISTANT TREASURERS—Continued.
keep account of Post-Office Department money separate 3642
to render accounts of receipts and payments 3644
to pay duplicate checks 3646, 4770
examination of money, &c., in hands of .. 3649, 3650
naval officer and surveyor shall examine books, &c., of 3650
to keep special account of money-order fund 4045

ASSOCIATE JUSTICES (of Supreme Court),
number of 673
order of precedence of 674
when duties of Chief Justice devolve upon .. 675
salaries of 676
allotment of, to circuits 606
not to act as counsel 713
salary after resignation 714
may arrest and bail offenders 1014
(See *Judges.*)

ASTORIA,
collector of port of 2586, 2587
duty of, as to vessels to and from Portland 2588, 2589

ASYLUMS AND HOSPITALS, (See *the several subjects.*)
hospitals for relief of seamen 4801–4813
Soldiers' Home 4814–4824
National Home for Disabled Volunteers . 4825–4837
Government Hospital for Insane 4838–4858
Columbia Institute for Deaf and Dumb . 4859–4869
Naval Asylum at Philadelphia ... p. 268, 1556, 4756

ATTACHMENTS,
none of pensions or seamen's wages 4536, 4747
nor of goods of foreign ministers 4063, 4065
priority of debts due United States 3466
of property in which United States claim interest; release 3753, 3754
to remain in force on removal of suit from State courts 646
remedies by, in United States courts same as by laws of States, &c 915
to be dissolved in courts of United States same as in State courts 933
proceedings by, against marshals failing to pay militia fines 1660
against persons disobeying summons of collector of internal revenue 3175
against postmasters, contractors, &c 924–932
against national banks not to issue from State courts, before, &c 5242
in bankruptcy matters,
fraudulent procurement of, an act of bankruptcy 5021
effect upon, proceedings 5044
procurement of, by debtor to bar discharge 5110
fraudulently made to be void 5128

ATTORNEY-GENERAL, (See *Department of Justice.*)
to be head of Department of Justice 346
provisions common to all executive departments 158–198
salary of 160
reduced. (*Appendix*, p. 1093.)
to be member of Smithonian Institution ... 5579
in case of absence, disability, or vacancy, duties of, to be performed by Solicitor-General 347
to have control of solicitors, &c 350
to give advice on law to President 354
to approve title to land for public buildings, forts, arsenals, light-houses, and other public purposes, before money is expended thereon 355
opinion of, on questions of law may be required by heads of departments 356

Section.

ATTORNEY-GENERAL—Continued.
certain questions of law arising in War and Navy Departments to be sent to 357
may be referred to subordinates, and effect of their opinions when approved 358
argument of cases by 359
to require services from solicitors 360
superintendence by, of district attorneys and marshals 362
may retain counsel to aid district attorneys 363
to provide counsel in examinations of claims on application of department 364
to furnish professional service to departments 187, 189
to be furnished by departments with information as to cases in Court of Claims 188
to have copies of papers from Sixth Auditor relating to suits 296
counsel-fees to other than district attorneys, how allowed 365
commissions to counsel specially retained .. 366
may send officers to any State, &c., to attend to suits 367
supervision of accounts of marshals, district attorneys, clerks, &c 368
requisitions for payment of moneys to be signed by 369
designation of disbursing clerk by 371
publication, &c., of opinions by 383
annual reports to Congress by 384, 385
to prescribe rules for government of Territorial penitentiaries 1893
to fix compensation of marshals, &c 1893
with other officers to form rules for deciding suspended land cases 2450
with Secretary of Interior, to approve adjudication of suspended land cases . 2450–2457
recommendation of, necessary in cases of compromise after suit 3229
written permission necessary to discontinuance or *nolle prosequi* of prosecution of distiller for fraud 3230
proceedings for condemnation of insurrectionary property captured 5311
to allow marshal and warden of jail in District of Columbia only actual reasonable cost of subsisting prisoners 5545
to designate and may change penitentiaries for execution of sentences of convicts 5546
payment of expenses of transportation and subsistence of such convicts 5546
to contract for subsistence of convicts 5547
to designate house of refuge for confinement of juvenile offenders 5449
in such case to contract for their subsistence and give notice to courts of places designated 5550

ATTORNEYS, (See *District Attorneys.*)
officers of United States and persons connected with departments not to be, nor to assist in prosecution or support of claims, nor receive shares or gratuities 5498
not to be employed by heads of departments 189
may charge clients additional compensation 823
fees to be taxed and allowed to, in courts .. 824
to satisfy costs excessively taxed 982
prosecuting claims in departments to make oath 34 8, 3479
suing out process against public minister, &c., punishable 4064
in bankruptcy cases, register not to be .. 4996

Section.

ATTORNEYS—Continued.
in **bankruptcy cases**—Continued.
claims may be verified by 5078
creditors may be represented by 5095
in **pension cases**, drawing money to make oath that they have no interest therein 4745
agreements of, for amount of fees to be filed 4786
to be forwarded to pension agent with certificate; fee to be ten dollars where no agreement is made 4768
pension agent to deduct attorney's fees .. 4769
not to demand or receive compensation for prosecuting pension or bounty land cases beyond amount directed by Commissioner 4785
demanding, receiving, or contracting for larger fee than allowed by law, how punished 5485

AUCTION, (See *Sales.*)
in prize sales regulated 4628, 4650
sale on distraint for internal-revenue taxes. 3190–3197
of forfeited boilers, stills, machinery, materials 3450
of property forfeited or seized under internal-revenue laws 3459, 3460
of effects of seamen who die on voyage 4538

AUDITORS,
number, salaries, duties 276–300
clerks in offices of 235
method of keeping accounts by, of War and Navy Departments 283
to report to Secretaries of War and Navy .. 283
empowered to administer oaths, when 297
reference of accounts to Court of Claims. 1063, 1064
duties of, as to balances of appropriations.. 3691
to be furnished with copy of appointment of inspector, weigher and measurer of fuel for District of Columbia 3712
First, appointment, salary, duties 276–299
not to engage in certain business 243
to certify accounts to First Comptroller.. 269
immediate settlement by, of particular accounts 271
Second, appointment, salary, duties 276–299
to certify accounts to Second Comptroller. 273
to settle Army accounts 277, 278, 280
accounts of line officers unable by accident to account for property 278
may detail clerk to sign bounty certificates 279
accounts of War of 1812 may be assigned to 277
duty as to requisitions of War Department 3673
reports of to be laid before Congress 260
Third, appointment, salary, duties 276–300
reports to be laid before Congress 260
how to keep accounts of War Department 283
to certify accounts to Second Comptroller. 273
accounts of War of 1812 may be assigned to 277
claims of loyal citizens for quartermasters and subsistence stores furnished Army during rebellion to be reported to ..... 300 A, 300 B
may take testimony in case of claims for property lost in military service 3488
duty as to requisitions of War Department 3673
Fourth, appointment, salary, duties 276–299
to certify accounts to Second Comptroller. 273
duty as to requisitions of Navy Department 3673

Section.

AUDITORS—Continued.
Fourth—Continued.
reports of, to be laid before Congress 260
how to keep accounts of Navy Department 283
Fifth, appointment, salary, duties 276–299
to certify accounts to First Comptroller.. 269
immediate settlement by, of particular accounts 271
Sixth, appointment, duties, salary 276–299
appeals from settlements by, to First Comptroller 270
to superintend collection of debts due Post-Office Department 292
accounts of money-order business 293
quarterly statement of moneys paid by postmasters 294
how to compromise judgments for debts. 295
to furnish copies of papers to Department of Justice, in suits 296
oaths in settlements of accounts 297, 298
copies of contracts for carrying mail to be delivered to 40-
orders of Postmaster-General, affecting claims or accounts, to be certified to 405
warrants on quarterly statement by, of moneys paid by postmasters 406
for deposits to be countersigned by 408
proceedings by, for remission of fines, &c., compromise of debts 409
statement to, by marshals, of executions for moneys due 792
copies of papers pertaining to accounts in office of, when evidence 889
duty of, as to warrants on Treasury 3674
accounts of Post-Office Department, how to be kept 4049, 4050
new post-offices shall be certified to 3829
appointments, &c., of postmasters to be notified to 3830
bonds of postmasters, in case of death, resignation, or removal, to be delivered to 3834
application of payments by postmasters after giving new bonds 3835
to be notified of change of postmasters .. 3836
to be notified of change, &c., in salaries of postmasters 3856
to audit accounts of deductions by postmasters 3862
discontinuance of post-office to be certified to 3864
how to charge salaries, &c., of special agents 4020
payments on account of postal service to be certified by 4055
Commissioner of General Land Office to audit accounts relating to public lands and certify to First Comptroller 456

B.

BADGES,
of the army corps, by whom they may be worn 1227
BAGGAGE,
allowance in Navy for transportation of 1566
of persons arriving in country, what free of duty ..... p. 489, 2505
entry, examination, &c., of passengers from foreign countries 2799, 2800–2803
concealing dutiable articles in 2802
of passengers from contiguous foreign countries 3100, 3101
in transit to foreign country 2803

Section.

BAGGAGE—Continued.
searches of, under regulations of Secretary of Treasury, and appointment of female inspectors therefor 3064
BAIL,
security for, in removal of suit from State court on account of alienage, &c.... 639
in State court to continue in force on removal, against persons denied civil rights or against officer, &c..... 641
on removal of suits against officers under revenue or election laws, &c.... 643
where defendant on bail in one district is arrested and committed in another. 943, 944
commissioner of circuit court may take.... 945
calling party who has given, in Kentucky. 946
when may be required, in suits for recovery of duties or pecuniary penalties..... 942
recognizance of special, may be taken de bene esse by clerks of circuit and district courts in absence or disability of judges 947
of offenders against United States; general provisions 1014
for offenses not punishable by death 1015
for offenses punishable by death..... 1016
in cases removed from State court by writ of error 1017
surrender by, of party charged..... 1018
when insufficient, new bail or commitment. 1019
officers of revenue-cutter service, when admitted to..... 2765
in suits for making false claims 3492
not to be accepted of seamen committed on refusal to sail, &c 4558
in bankruptcy, liability of debtor as, how provable 5069
for bankrupt, how provable 5070, 5091
acknowledging, &c., in name of another not consenting to same, penalty 5394
form of, in consular courts..... 4117
BAND,
at Military Academy..... 1094
composition and station of..... 1111
pay of leader of..... 1278
musicians in, for brigade of militia called into service..... 1647
BANKRUPTCY,
Courts of, their jurisdiction, organization, and powers.....4972–5013
Voluntary 5014–5020
Involuntary 5021–5031
Proceedings to realize estates.....5032–5103
Protection and discharge of bankrupt, 5104–5120
Of partnerships and corporations...5121–5123
Fees and costs 5124–5127
Prohibited and fraudulent transfers.5128–5132
accounts, how kept, and when to be submitted, &c.....4998, 5058–5060, 5096
commissions, &c.....5099, 5100
in partnership estates 5121
appeals, from district to circuit courts.4980, 4981
when to be entered 4982
waiver of..... 4983
from decision allowing or rejecting claim. 4984
on questions referred by agreement of parties 5011
from circuit to Supreme Court..... 4989
from Supreme to circuit courts..... 4989
writ of error from circuit to district courts..... 4980
regulations to be complied with..... 4981
no execution against assignee..... 4984
final judgment of circuit court conclusive..... 4985
cost in such cases 4985

Section.

BANKRUPTCY—Continued.
assignee, choice of, how made..... 5034
additional assignees, appointment of 5034
judge may order new election for 5034
preferred creditor not eligible as assignee nor entitled to vote for assignees.... 5035
assignee's conveyance of property not impaired by ineligibility..... 5035
bond of 5036
when punishable as for contempt 5037
resignation and discharge of 5038
removal of.....5036, 5039
resignation or removal of, effect of 5040
vacancies in office of, how filled 5041
estate vested in remaining..... 5042
former assignee, duties of..... 5043
how to secure fulfillment of duties of.... 5043
what property, rights, &c., vest in...5044–5046
right of action of 5047
prosecution and defense of suits 5047
suits not abated by death or removal of.. 5048
copy of assignment evidence of assignee's title..... 5049
right to bankrupt's books of account.... 5050
debtor to execute necessary instruments. 5051
chattel mortgages, effect of assignment upon..... 5052
trust property, not to pass by assignment. 5053
notice of appointment of 5054
record of assignment..... 5054
to receive assigned estate 5055
actions against, notice of..... 5056
limitation of suits between assignee and adverse claimants..... 5057
assignee's accounts, how kept, &c..... 5058
deposit of funds by..... 5059
assigned property to be kept separate... 5059
temporary investment, &c., of funds.... 5060
assignee may submit controversies to arbitration 5061
claims may be compounded 5061
accounts of assignees.....4998, 5058–5060, 5096
commissions.....5099, 5100
may compound claims..... 5061
to sell unincumbered property..... 5062
sale of disputed property by..... 5063
may sell uncollectible claims..... 5064
sale of perishable property by..... 5065
may discharge incumbrances..... 5066
may sell subject to incumbrances 5066
may release right of redemption 5075
may sell, subject to creditors' claim..... 5075
execution not to be awarded against..... 4984
costs recovered against, how allowed.... 4985
register not to be an, in what cases..... 4996
copies of orders and schedules to be furnished to..... 4998
accounts of, register to audit and pass.... 4998
penalty upon, for receiving illegal compensation, &c..... 5012
word, used in singular number, what to include..... 5013
may recover property fraudulently conveyed.....5021, 5128
when to make schedule and inventory.. 5031
proof of debts to be sent to..... 5080
to examine and compare proofs..... 5080
to register names of creditors, &c..... 5080
investigation of claims by..... 5083
may apply for examination of bankrupt. 5081, 5086
second meeting of creditors to be called at request of..... 5092
what reports and exhibits to be submitted 5092
determination of dividend by, when.... 5092
third meeting, proceedings of..... 5093

Section.

BANKRUPTCY—Continued.
assignee—Continued.
subsequent proceedings of 5093
to give notice of all meetings 5094
settlement of accounts of, prior to final dividend 5096
discharge of, from liability, when..... 5096
may retain funds for expenses and compensation 5099
commissions allowed to 5100
need not proceed till expenses secured .. 5100
to pay dividends to creditors 5102
to convey estates to trustees, when..... 5103
in partnership proceedings, by whom chosen 5121
in case of bankrupt corporations..... 5122
payment by, of fees to messenger 5126
recovery by, of property, or value conveyed in preference 5128
of property, or value, fraudulently transferred..... 5129
of penalty from creditors illegally secured 5131
suits by and against, concurrent jurisdiction of circuit courts in..... 4979
may appeal from decision allowing claim. 4980
to have notice of appeals to circuit court. 4981
to plead or answer in appeals from decision allowing or rejecting claim..... 4984
execution not to be awarded against 4984
costs against, how allowed..... 4985
register not to be 4996
copies of orders and schedules to be furnished to..... 4998
receiving illegal fees 5012
bankrupt, petition for benefit of, by 5014
may be required to attend and submit to examination.....5086–5089
subject to order of court, and to execute instruments 5104
waiver of suits against, by proof of debt.. 5105
discharge of proceedings..... 5105
surrender of judgments..... 5105
stay of suits and execution against 5106
exemption from arrest unless..... 5107
to file schedules 5014–5017, 5030, 5031
may amend schedules..... 5020
penalties for fraudulent acts by, enumerated 5132
clerks of courts to keep record and docket of proceedings.....4992, 5000
duties of, as to withdrawal of papers..... 5082
penalties for violations of law by..... 5012
compounding claims..... 5061
corporations, proceedings in bankruptcy of 5122
to what companies provisions apply..... 5122
petition of corporation or creditors..... 5122
officers of, provisions relating to requirements of debtors apply to 5122
fraudulent preferences and conveyances by 5122
distribution of assets 5122
discharge not granted to, &c..... 5122
prior proceedings against, in State courts. 5123
courts, organization, jurisdiction, &c ..4972–5013
original jurisdiction of district courts, par. 18, 563
district courts to be always open 4973
judge in chambers, powers of..... 4973
sessions, time and place of, how designated 4974
courts of United States to have exclusive jurisdiction of matters in .....par. 6, 711
jurisdiction of circuit courts 630
circuit courts to have certain concurrent jurisdiction.....4979, 4986

Section.

BANKRUPTCY—Continued.
courts—Continued.
in Territories..... 4987
in districts not in organized circuits, district judge to exercise powers of circuit court..... 4988
authority to compel obedience to orders and decrees..... 4975
circuit judge, powers of, in absence, &c., of district judge..... 4976
in District of Columbia, jurisdiction of supreme court..... 4977
in Territories, jurisdiction of supreme courts..... 4978
proceedings on appeals (see *Appeals* above) 4980–4989, 5011
general orders, what may be followed... 4990
Supreme Court may rescind, vary, or frame, &c 4990
to be reported to Congress..... 4990
what deemed commencement of proceedings 4991
proceedings to be deemed of record 4992
docket of proceedings 4992
to be open to public inspection 4992
copies of records to be evidence..... 4992
minute-book of proceedings by register to be kept by clerk of court..... 5000
how evidence may be taken 5003
court may direct reference to take, &c... 5003
production of books and papers.....5002, 5003
court may compel attendance of witnesses, &c.....5003, 5005
proceedings in case of witness refusing to answer before register..... 5006
issues contested before register, to be in writing and decided by judge..... 5009
any party may take opinion of district judge, on what matters..... 5010
submission of questions to judge by agreement in special cases 5011
penalty on officers of court receiving illegal fees, &c..... 5012
debts provable against estate, how proved, 5067–5085
due estate, provisions for collection of.5047–5066
bankrupt and others may be required to attend and submit to examinations concerning 5086–5089
definition, of "assignee," "creditor," "marshal," "person," "oath," as used in bankruptcy 5013
number of days when referred to in law, how reckoned 5013
discharge, application for 5108
notice to creditors 5109
grounds for opposing or annulling 5110
specifications by creditor opposing, and trial 5111
assets, amount of required for..... 5112
what majority of creditors may assent to. 5112
final oath of bankrupt..... 5113
when to be granted 5114
form of certificate of 5115
in case of second bankruptcy 5116
liability of other persons not released ... 5118
effect of discharge in release of debts.... 5119
debts created by fraud, embezzlement, or defalcation as public officer, not released by..... 5117
certificate of discharge conclusive 5119
not to be granted to corporations..... 5122
proceedings for contesting validity, and for annulment of 5120
distribution and dividends, assignees to compute 4998
in case of distinct liabilities..... 5074

Section.

BANKRUPTCY—Continued.
distributian and dividends—Continued.
in case of preferences 5084
partnership debts 5121, 5122
fiduciary debts 5117
creditors to share pro rata 5091–5093
priority and preferences prohibited..... 5091
what debts entitled to priority..... 5101
final, how ordered..... 5096
prior dividends not disturbed by subsequent proof of debts..... 5097
creditors subsequently proving entitled to dividends, how..... 5097
notice of dividends, how given 5102
examinations, of bankrupt..... 5086
of witnesses 5087
of bankrupt's wife 5088
of imprisoned or disabled bankrupt 5089
fees and costs, register's fees 5124
to have priority of payment 5124
petitioner to deposit security for 5124
when assets insufficient, petitioner to pay 5124
execution against petitioner for..... 5124
traveling and incidental expenses of register, &c..... 5125
marshal's fees as messenger..... 5126
fees for other services, how prescribed... 5127
justices of Supreme Court may change tariff of fees 5127
fraudulent transfers and other frauds, preferences, assignments, &c., void, and assignee may recover property, &c..... 5128
fraudulent sale, transfer, void, &c., assignee may recover property, &c.... 5129
presumptive evidence of fraud, what is.. 5130
fraudulent security of creditor 5131
creditor receiving, to forfeit share of estate; other penalties 5131
penalties for certain fraudulent acts..... 5132
involuntary bankruptcy, who may be adjudged bankrupts and acts of 5021
recovery of property by assignee..... 5021
preferred creditor not allowed to prove debt 5021
prior acts of bankruptcy, effects of..... 5022
petition of creditors 5023
proceedings upon petition..... 5024
service of petition..... 5025
proceedings upon return-day 5026
proceedings when petitioning creditor fails to appear, &c 5026
dismissal of proceedings, when..... 5027
respondent to recover costs..... 5027
adjudgment of bankruptcy upon hearing 5028
issue of warrant to take possession of estate..... 5028
assignment and distribution of property . 5029
order of adjudication to require what.... 5030
schedule and inventory, how made, &c.. 5030
when debtor fails to appear, copy of adjudication, how served..... 5031
in absence of bankrupt, schedule and inventory, how made 5031
meetings of creditors, first meeting, for proof of debts and choice of assignee 5032, 5103
second meeting..... 5092
third meeting..... 5093
no further meetings except, &c 5093
general provisions; notices, how given .. 5094
right of creditor to act by attorney..... 5095
when second or third meetings not held at proper time, court may order 5098
effect and validity of meetings so held .. 5098

Section.

BANKRUPTCY—Continued.
meeting of creditors—Continued.
organization of; marshal's return of warrant, &c..... 5033
adjournment of, and new notice 5033
partnerships, proceedings in bankruptcy of..... 5121
warrant, how may issue..... 5121
joint and separate estate to be taken 5121
creditors of partnership and separate creditors may prove debts..... 5121
assignee, by whom chosen..... 5121
accounts of joint and individual property kept separate..... 5121
proceeds of the several estates, how applied..... 5121
certificate of discharge, to whom granted or refused 5121
when partners reside in different districts, court in which petition first filed to retain jurisdiction 5121
penalties against bankrupt for various acts of fraud, concealment, &c..... 5132
petitions by debtors for benefit of act 5014
by creditors in case of involuntary bankruptcy 5023
proceeding to continue if debtor dies after issue of warrant..... 5090
priority of debts, &c 5066, 5068, 5091, 5101
proof of debts, what debts provable...5067–5071
set-offs, how allowed and regulated..... 5073
distinct liabilities, provisions concerning. 5074
secured debts..... 5075
by creditors residing in district..... 5076
by creditors residing out of district..... 5076
revision by register, when..... 5076
verification of claims, what to set forth.. 5077
oath to, by whom to be made 5078
before whom taken 5079
in foreign countries 5079
court may require additional evidence.5078–5080
proof to be sent to register..... 5079
register to send proof to assignee..... 5080
examination of proof by assignee 5080
names of creditors to be registered 5080
record of creditors and claims, how kept . 5080
books to be open to inspection of all creditors 5080
examination by court into proof..... 5081
rejection of claims 5081
withdrawal of notes and papers after proof 5082
postponement of proof of claims 5083
surrender of preferences required 5084
party preferred not to prove debts 5084
allowance of debts proved..... 5085
list to be made and certified..... 5085
register, appointment and general duty of. 4993
who to be eligible as..... 4994
bond and oath..... 4995
not to be of counsel, or executor, assignee, &c., in what cases 4996
removal of 4997
powers of..... 4998
limitations upon powers of..... 4999
to keep docket of proceedings and forward memorandum to clerk 5000
attendance of, when..... 5001
summons and examination of witnesses by 5002
may require production of books and papers 5002
mode of taking evidence before..... 5003
depositions and acts of, to be in writing and filed 5004
compulsory attendance of parties and witnesses before 5005, 5087

Section.

BANKRUPTCY—Continued.
register—Continued.
contempt before, how punished 5006
may act for each other 5007
to adjourn contested issues into court ... 5009
to certify points for opinion of judge 5010
petitioners' oaths may be taken before ... 5017, 5018
may issue warrant in involuntary bankruptcy 5019
to preside at first meeting of creditors ... 5033
assignees to be chosen in presence of 5034
to appoint assignee, when 5034
may fill vacancy, when 5034
to approve bond of assignee, when 5036
to make assignment of bankrupt's estate 5044
to approve temporary investments 5060
proof of debts before, where taken ... 5076–5078
before commissioner subject to revision by 5076
claimants' oath may be taken before 5079
proof to be satisfactory to 5080
may deliver original papers after proof .. 5082
may postpone proof of claim, when 5083
to make and certify list of debts allowed .. 5085
to make list of creditors entitled to dividend 5102
to send notice of dividend to creditors ... 5102
fees of 5124
how and by whom paid 5008, 5124
traveling and incidental expenses of, how allowed and paid 5125
penalty upon, for receiving illegal fees, &c 5012
justices of Supreme Court may reduce fees of 5127
sale of unincumbered property, how made. 5062
of disputed property, how ordered 5063
action for recovery, when maintained .. 5063
of uncollectible assets, how authorized .. 5064
of perishable property, when ordered 5065
redemption from mortgages and other liens, or sale of property subject to, by assignee 5066
schedules to be filed by debtor 5014–5017
may be amended 5020
copies to be furnished assignees 4998
in case of involuntary proceedings 5030, 5031
swearing falsely to, avoids discharge 5110
trustees, when and how appointed 5103
conveyance of property to 5103
proceedings by 5103
discharge of bankrupt under 5103
resumption of proceedings in bankruptcy, when 5103
Union Pacific Railway Company not subject to provisions of bankrupt law 5256
voluntary bankruptcy, who may apply for adjudication in 5014
petition and adjudication 5014
schedule and inventory to be annexed ... 5014
schedule of debts 5015
inventory of property 5016
oath to schedules and inventory 5017
oath of allegiance by petitioner 5018
warrant to marshal and publication 5019
service of notice to creditors 5019
amendment of schedules and inventory .. 5020

BANKS AND BANKERS,
not to use word "national" in title of firm 5243
bankers and others receiving public money on deposit, loan, or for use, from public officers unlawfully, deemed guilty of embezzlement 5497

Section.

BANKS AND BANKERS—Continued.
internal-revenue taxes on, other than of national banks 3407–3417
what banks and bankers included therein. 3407
rates and amount of 3408
when payable 3409
capital of those ceasing to exist or becoming national, what held to be for taxation 3410
on circulation 3411, 3412
to apply to certain evidences of indebtedness ..... *act of* 1875, *ch.* 167, *after* 3412
returns by 3414–3416
tax or stamps on checks of 3418
jurisdiction of suits by or against those established under United States laws ..... par. 11, 629
suspension of payment by, an act of bankruptcy 5021
national banks, (See *National Banks.*)
organization and power 5133–5156
obtaining and issuing circulating notes .. 5157–5189
regulation of business 5190–5219
dissolution and receivership 5220–5243
organization of State, as national banks .. 5154, 5155
liability of shareholders in such case .. 5151
certain provisions as to taxation of bankers and State banks, to apply to 3417
BARGES (passenger),
in tow of steamers; provision for security of life on 4492
BARRACKS,
permanent, for Army not to be constructed until estimates submitted 1136
BATTALIONS,
in State militia, companies of 1630
commander of 1631
companies of grenadiers, light infantry, or riflemen in 1632
of engineers in Army, (See *Engineers.*)
composition of 1094, 1154
companies and enlisted men of 1155
how officered 1156
duties of 1157
officers of, not to be ordered on duty beyond line of profession except by special order of President 1158
may be transferred from one corps to another 1158
detail of enlisted men from, for signal duty 1196
promotions in, after examination 1206
after fourteen years' service 1207
superintendent and commandant of cadets to have local rank of colonel and lieutenant-colonel of 1310
detail of officers from, to superintend construction, &c., of light-houses 4664
BATTERIES,
of artillery, number to regiment 1099
composition of 1100
light artillery to a regiment 1101
BAYOU SAINT JOHN,
port of delivery in Louisiana 2568, 2569
vessels bound for, what to do 2570
to unlade at, after making report, &c 2571
departing from, for foreign ports, how cleared 2575
BAYPORT, FLA.,
port of delivery in Florida 2562, 2563
merchandise for, where entered 2819
BEACONS,
none to be erected until cession of jurisdiction over site to United States 4661
when cession deemed sufficient 4662

Section.

BEACONS—Continued.
preliminary surveys for, to be made..... 4663
materials for construction or repair of 4666
BEER. (See *Fermented Liquors.*)
BEET-SUGAR,
machinery for manufacture of, to be exempt from customs duties..... 2510
BENEFIT OF CLERGY,
not allowed, upon conviction of crime..... 5329
BENZINE AND BENZOLE,
steam passenger-vessels not to carry....4472, 4476
how packed and marked for shipment..... 4475
BERRIES,
grown in United States, wines, &c., made from, exempt from tax..... 3328
BERTHS,
for vessels carrying passengers, dimensions and regulation of 4255
BIDS FOR PUBLIC CONTRACTS, (See *Contracts.*)
for furnishing supplies to be advertised for..... 3709
opening, notice of, and who may be present. 3710
record of all, to be kept 3710
for contracts to furnish illuminating apparatus or constructing buildings for light-house service, by whom to be accepted 4665
falsely making, altering, forging, &c.; uttering as true any false, &c.....5418, 5479
for carrying mails.....3942–3944
when to be opened and how may be withdrawn 3944
to be accompanied with guarantee...3945–3947, 3953
and oath 3946
to be recorded..... 3948
contract to be awarded on lowest 3949
combinations respecting, how punished.. 3950
additional cost of intermediate service to be charged to defaulting bidders 3951
when release from, authorized..... 3952
failure to enter into contract awarded upon, proceedings..... 3954
BIENNIAL REGISTER,
list of officers for, how furnished..... 198
by whom to be compiled 508
contents..... 510
distribution 511
number of, to be printed and bound..... 3800
BIGAMY,
when and how punished 5352
BILLS,
Congressional, what number to be printed. 3791
motions to print extra copies of..... 3793
of Territorial legislatures to be presented to governor, &c..... 1842
not returned by governor within, &c., to become laws, when 1842
of exchange, jurisdiction of circuit court of suit in favor of assignee of foreign. 629
national banks not limited as to certain.. 5200
may take, at current discount and interest..... 5197
may be liable for, in excess of capital.. 5202
of lading, when to be produced to collectors of customs 2785
when entry of merchandise imperfect for want of 2789
of distilled spirits exported for drawback. 3329
of sale, by marshal, of property of delinquent collector of internal revenue.. 3217
of vessel to recite certificate of registry .. 4170
not valid except, unless recorded, &c.. 4192, 4193
certificates discharging, to be recorded. 4193
what record of, to be kept in books ... 4193

Section.

BILLS—Continued.
of sale—Continued.
collectors to keep index of such records. 4194
index and record open to inspection... 4194
collectors to furnish certificate relating to 4194
fee for furnishing copy of record 4195
interest of each owner to be named in. 4196
fees for recording, &c 4382
BINDING (at Government Printing Office),
foreman of, appointment and salary..... 3761
not to be interested in newspaper, printing, binding, &c 3765
to make estimates of material, &c., and file requisitions, &c 3783
what to be done, and what not to be done.3785, 3786
on whose order done for either House..... 3789
form of, for departments, by whom determined 3790
what may be done at Treasury Department..... 3787
BIRTHS,
on vessel to be recorded in log-book..par. 7, 4290
BLACK WARRIOR RIVER,
in State of Alabama, free of tolls, except, &c. 5244
BLASTING-OIL,
not to be shipped on passenger vessel or vehicle..... 4278
how packed and marked for shipment 4279
State regulations of traffic in, or transportation of, not affected 280
BLIND,
permanent appropriation for instruction of certain indigent children.....p. 728 689
provision for education of certain indigent persons 4869
BOARDING VESSELS,
boarding officers to report violations of provisions respecting crew-lists, &c..... 575
crew-list and crew to be produced to boarding officers and examined, &c..... 4576
by unauthorized persons prohibited..... 4606
BOATS,
small open, when to be employed by collectors of customs..... 2763
of revenue-cutters, how distinguished 2764
not of revenue-cutter service carrying ensign of, penalty..... 2764
provisions respecting (see *Revenue Marine*). 2747–2765
ferry-boats not required to enter and clear at custom-house 2792
canal-boats licensed not subject to libel for wages 4251
steam, exempted from provisions regulating steam-vessels..... 4400
lighters not masted or employed in harbors exempt from certain regulations respecting vessels..... 4385
propelled by steam to have boilers and hulls inspected..... 4426
tug-boats, towing-boats, freight-boats, and yachts so propelled to be inspected..4426, 4427
BOATSWAINS (in Navy),
number and appointment of 1405
to be known as warrant-officers..... 1406
assimilated rank to 1491
pay of .....p. 267, 1556
BOILERS,
distillery, forfeited, to be sold at auction.. 3450
manufacturer of, to give notice before removing from place of manufacture .. 3265
not to be set up without permit of collector 3265
not to be used for distilling purposes on certain premises 3266

Section.

BOILERS—Continued.
distillery—Continued.
used in generating steam, &c., in distillery, where may be located 3266
of steam-vessels, inspectors of, appointment and salaries of 4414
qualification of inspectors 4415
what persons not eligible 4416
inspection of, and duties of inspectors therein 4418
control of safety-valve and steam-registers 4419
pressure on, allowed on freight and tow boats on Mississippi River, &c 4420
certificate of inspection 4421
punishment for certifying falsely by inspector 4425
of ferry and canal boats and yachts, how inspected 4426
of tug-boats, tow-boats, and freight-boats 4427
to be constructed of stamped plates 4428
penalty for construction of plates not inspected and stamped, &c 4429
not constructed of riveted iron or steel plates may be used, when 4429
inspection of plates 4430
stamping plates 4431
penalty for counterfeiting, &c., stamps .. 4432
pressure allowed 4433
thickness of plates of, and space between internal flues 4434
feed and connecting pipes 4435
safety-valves, fusible plugs, gauge-cocks, low-water indicators, and Banca-tin, plugs of 4436
penalty for obstructing safety-valves, water-gauges, &c 4437

BONDED WAREHOUSES, (See *Warehouses, Distillery.*)
provisions concerning 2954–3008
medicines, preparations, &c., may be manufactured in, for exportation 3433
removal from, to Pacific coast 3434
collector to render account of articles in ... 3444

BONDS,
forms of, required by revenue laws, &c 251
taken by Post-Office Department 403
when original to be produced in suits upon. 886
to United States, paid by surety of insolvent debtor, priority of surety 3468
under admiralty jurisdiction 941
of manufacturers of tobacco and snuff 3355
of cigars 3387
of distillers to be given before business is commenced 3260, 3262, 3280, 3281
for withdrawal of, and payment of tax on distilled spirits 3293
for return of seamen by masters of vessels on foreign voyages or in whale fisheries. 4576
in custom matters, when masters of vessels having on board goods for foreign ports to give bond not to land them without payment of duties 2776, 2777
when and by whom to be put in suit 2778
to collector of customs on entry of goods by agent, factor, or person not owner. 2787
exportation bonds, how given when goods are exported with right of drawback. 3043
how discharged 3044–3047
by masters of vessels arriving with goods for different ports, and before proceeding from port of entry to other ports. 2782–2784
for production of invoices of imported goods of absent owner 2842
in other cases 2847, 2848

Section.

BONDS—Continued.
in custom matters—Continued.
for payment of duties when vessels enter at certain ports with goods for other ports named 2825–2831
by claimants of goods seized for violation of internal-revenue laws 3459, 3460
on writs of error, or appeal 1000
none required on appeal by United States. 1001
in what time given to obtain supersedeas. 1007
in bankruptcy proceedings 4981
indemnity, to remain in force, &c., on removal of suit from State court 646
for lost bonds required 3703–3705
navigation, for registry of vessels 4145
conditions of 4146
cancellation of, on surrender of certificate. 4175
for passport for vessel in foreign commerce 4306
by alien owner, in United States, for enrollment and license of river, &c., steamboat 4317
to secure license for vessel to engage in coasting-trade or fisheries 4320
for enrollment or license, or renewal, of vessel in another district 4328
for satisfaction of judgment against owner or master of steam-vessel for carrying more than lawful number of passengers, or failing to keep list of passengers 4469
official, of certain assay officers and clerks. 3561
of assistant treasurers and certain officers. 3600
authorized to act as such 3600
to cover acts of persons acting for 3613
of clerks of courts 795
of collectors of customs, naval officers, and surveyors 2619, 2620
of commandant of military prison 1349
Commissioner and chief clerk of Patents. 479
of Congressional Printer 3759
of consular officers 1697, 1698
of disbursing officers 3614
of designated depositaries to cover acts of persons acting for 3613
of marshals of consular courts 4113
suit on, how brought 4114
original to be produced in suit, when .. 4115
officers employed in Indian affairs may be required by President to give additional 2075
of inspectors of steam-vessels 4459
of internal-revenue, collectors 3143
as disbursing agents 3144
of inspectors of cigars 3151
storekeepers 3153
gaugers 3156
of letter-carriers 3870
of Librarian of Congress 4950
of marshal, amount, how given and approved, and where to be filed 783
suits upon, by whom may be brought .. 784
to remain until exhausted by suits, &c. 785
limitation of suits upon 786
of consular courts 4113–4115
of pension agents 4779
of postmasters 3834–3838
of proprietors of warehouses 2961
of United States Treasurer 302
of shipping commissioners 4502
of surveyor-general of public lands 2215
President may require new, of 2216
of deputy surveyor 2230
in Army, by whom to be given 1191
renewal of, by disbursing officers 1192
in Navy, of officers of Pay-Corps 1383
when new bond to be given by 1384

Section.

BONDS—Continued.
official—Continued.
new commissions not to affect 1385
of officers acting as naval storekeepers on foreign stations 1439
commencement of pay of officers who are required to give 1560
of indebtedness of States, held by United States, and non-paying, to be protected 3481
of indebtedness of United States, faith pledged for payment in coin 3693
permanent appropriation of amount of interest on sinking-fund for payment of for payment of interest on, and on bonds to Pacific Railroads ..... p. 725, 3689
portraits of living persons not to be on .. 3576
premiums on, to be accounted for 3652
trust-funds, to be invested in 3659
not to be redeemed before maturity unless known as five-twenties may be redeemed. 3693
when redeemed, &c., to be canceled 3697
exempt from taxation 3695
provisions concerning issue of duplicates. 3701
3702–3705
imitating, or printing, &c., on, punishable included in words, "obligations or other securities of United States," in laws relating to crimes 3708
falsely personating holder of 5413
secreting, or embezzling implements used in printing, and other offenses relating to paper and printing of, punishable. 5435
deposited by national banks as security for circulation, &c., provisions concerning (see *National Banks*) 5153, 5158–5167, 5171, 5180, 5185, 5214–5217, 5224, 5227–5238, 5242

BOOKS,
received by members and Delegates in Congress, how paid for 42
courts may require production of 724
kept in public office of State, &c., how proved 906
blank, and stationery furnished to customs officers, how paid 2646
school, exempt from distraint 3187
of trade, &c., exempt from distraint 3187
to be third-class mail-matter 3878
Congressional, weight of, in mail 3879
obscene, &c., not mailable 3893
of distillery warehouse, to be kept by storekeeper 3301, 3302–3305
kept by distiller 3303, 3304
by rectifiers and wholesale liquor dealers. 3318
by brewer 3337, 3338
by tobacco and snuff manufacturers 3358
by dealer in leaf-tobacco 3360
by cigar manufacturers 3390
by retail dealer in leaf-tobacco ..art. 7, p. 624, 3244
seizure of, in customs cases 3091–3093
in bankruptcy, production of, may be required 5002, 5003
of bankrupt, to pass to assignee 5044
concealment and falsification of, to bar discharge 5110
no lien upon as against assignee 5050
penalty upon bankrupt, falsifying 5132

BOTANICAL GARDEN,
supervision over by Capitol police 1826
superintendents and laborers in 1827
annual statement of property in 1832, 1833

BOUNTIES,
certificates of, may be signed by clerk in Auditor's and Comptroller's offices. 275, 279
allowance to paymasters for payments of, in advance 280

Section.

BOUNTIES—Continued.
commanding officers to discourage sale of 1430
upon enlistment in the Navy 1569
assignments of naval, when void 4643
to marines, for re-enlisting 1612
due colored soldiers and sailors 2032
to soldiers, permanent appropriation to pay, p. 726, 3689
to persons on board vessels of enemy destroyed 4635
awarded to vessels, how distributed 4642
to colored soldiers enrolled as slaves 4723
fund for certain colored soldiers, custody, investment, &c 2035, 2036
for negroes taken from slave-ships, by commissioned vessels, &c 5562
bounty lands 2414–2446
laws of, extended to Indians 2434
for soldiers of certain wars, or their widows, &c 2418, 2419
for militia between 1812 and 1852 .... 2420, 2421
time soldiers are held as prisoners of war counted as time of service 2422
warrant or patent for, to issue, when .. 2423
marriage of widow subsequent to application not to impair her right 2424
additional to certain officers and soldiers 2425–2427
widows and children of persons entitled to 2428
subsequent marriage of widow not to impair her rights 2429
who considered minors 2430
proof of service, how made 2431
what evidence of right to, to be received. 2432, 2435
allowance of time for distance from home to place of muster or discharge 2433
sales, &c., prior to warrant, void 2436
not subject to prior debts, &c 2436
warrants for, to be located by Commissioner of General Land Office, &c ... 2437
may be signed by person by him appointed 473
deserters not entitled to 2438
patent to soldiers of Regular Army, when warrant lost 2439
certain omissions in discharge, not to deprive soldier of right to 2440
new warrants to issue in place of lost 2441, 2442
patents in name of heirs of revolutionary and war of 1812 soldiers 2443
where claimant dies after proof, but before issue of warrant, title to vest how 2444
proofs may be filed by legal representatives 2445
relocation by settler in case of error 2446
instructions to claimants, &c., notice of issue of warrant 4748
limit of fee for prosecuting claim for .. 4785, 4786
penalty for demanding or receiving illegal fee by attorneys (see *Attorneys*) 5485
agreement for prosecuting claim to be filed 4786
demanding, &c., greater compensation than allowed by law punishable 5485
wrongfully withholding land warrant by person prosecuting claim 5485
warrants and locations may be assigned .. 2414
may be located, where and how 2415
claim under certain acts, how located ... 2416, 2417
falsely altering warrants, how punished 5420

Section.

BRANDING,
forbidden in military service..p. 233, art. 38, and p. 239, art. 98, 1342
at military prison 1354
in Navy ..... p. 284, art. 49, 1624
BRANCH POST-OFFICES,
Postmaster-General may establish 3871
expenses of, how limited 3874
provisions relating to 3865–3874
money-order business at 4029
account of receipts from, to be rendered ... 3843
BRANDS,
on new packages of distilled spirits containing not less than ten gallons 3323
to be effaced, &c., at the time of emptying casks for distilled spirits 3324
changing, &c., on cask of spirits 3326
on packages of fermented liquor 3349
on cigar-boxes 3397
on articles sold under distraint and forfeiture, &c 3458
BRANDY, (See *Distilled Spirits.*)
from apples, peaches, or grapes, may be exempted from certain provisions of internal-revenue law 3255
BRAZOS HARBOR (Texas.)
transshipment of merchandise from, to Brownsville 2581
BREAKING AND ENTERING,
vessels, with intent to commit felony 5362
BREECH-LOADING SYSTEM,
for carbines and muskets for military 1672
royalty not to be paid to officers or employés of United States for patent for 1673
BREVETS,
conferring of, in Army, for gallantry 1209
date of 1210
assignment of duty, rank, &c 1211
uniform and title of 1212
cadet-graduates of Military Academy, and non-commissioned officers after examination, may be brevetted second lieutenants, awaiting promotion..1213, 1215
not to entitle officers to increased pay 1264
to officers of Marine Corps 1604
BREWERS,
who are deemed 3244
special tax on 3244
notice of commencement of business 3335
bond of 3336
to keep books, open at all times, render monthly statement, &c 3337
entries in books of, verified by oath 3338
fraudulently failing to make entry, &c., or making false entry 3340
evasion of tax by 3340
neglecting to keep books or refusing to furnish account 3340
to obtain stamps and affix same, &c 3342
neglecting to affix or cancel stamps, or affixing false, &c 3342
selling, removing, packages without stamp, &c., or with false 3343
drawing from packages without stamp, or with false, &c., or without defacing. 3344
when to stamp liquor removed under permit 3345
may sell and remove liquor becoming sour or damaged 3347
selling at retail at brewery 3348
monthly statement of sales at brewery 3348
to brand packages of liquor 3349
permit to conduct business at another place on account of accident, &c 3350
unfermented worts, when sold by one to another brewer, how taxed 3351

Section.

BREWERS—Continued.
bottling on premises of, and bottling fermented liquors from unstamped packages forbidden 3354
BRIBERY,
of judge to obtain judgment 5449, 5499
of member of Congress 5450, 5500
of officers, &c., to influence action 5451, 5501
acceptance of bribe a disqualification for office 5502
BRIDGES,
allowed across Iowa and Maquoketa Rivers in Iowa 5248, 5250
BRIGADES,
constitution of, in Army 1114
in State militia 1630, 1631
when called into service, how organized. 1647
one inspector for each of the, his duties, 1631, 1640
BRIGADIER-GENERALS,
number, and pay of 1094, 1261
aids to, and pay of 1098–1261
the command of 1114
allowance of forage to 1271
for militia as organized by States 1631
when called into service 1647
BRITISH PROVINCES, ETC.,
consular fees for certifying certain invoices in 1721
entry of merchandise destined for export to, according to treaty stipulation ... 2866
merchandise for, arriving at certain ports, how entered and conveyed 3005
certain imports and products, &c., how transported over territory of 3006
merchandise exported to, not to be landed in United States 3008
imports from, at certain ports, to what ports transported for drawback, &c 3053
imports exported from warehouse and transported to, &c 3054
what imports may be exported to 3056
provisions concerning lading and unlading of vessels from 3129
BRITISH VESSELS,
may engage in coasting-trade on Saint Lawrence and Great Lakes, when ... 4347
BROKERS,
suspension of payment by, an act of bankruptcy 5021
not to use word "national" in title of firm. 5243
BROWNSVILLE (Texas),
port of entry 2578, 2579
transshipment of merchandise to, by Brazos Harbor 2581
imported goods entered, bonded, or warehoused at, may be withdrawn for exportation to Mexico without payment of duties 3002
arriving at, by vessel, how may be transported to Mexico without payment of duties 3005
BULKHEADS,
water-tight required in passenger-steamers 4490
BURGLARY,
in Army in time of war ..... p. 235, art. 58, 1342
BUILDINGS, PUBLIC. (See *Public Buildings and Grounds.*)
BULLION,
gold may be received at Treasury and certificates issued 254
for assay or coinage to be received at mints. 3506
certain may be refused 3519
may be deposited for coinage 3519, 3520
true weight, how ascertained, &c 3521
part to be delivered assayers 3522

Section.

BULLION—Continued.
quality and fineness to be determined 3523
charge for coinage *repealed as to gold by act of* 1875 ..... *note after*.. 3524
assayer to certify calculation of value of ... 3525
transfer of, for coin ingots 3530
disposing of clippings of 3540
unparted, may be exchanged at mints for fine bars 3546
at assay office at New York, where coined.. 3553
to be conveyed for United States in vessels of citizens 4204
shipper to notify carrier, &c 4281
deposits of, to be reported to director, by superintendents of mints 3503
bullion fund, to be provided 3545
may be used to purchase silver bullion .. 3526
BUNTING,
purchases of, for Navy, not subject to provisions as to advertising, &c 3721
of American manufacture may be contracted for 3729
BUOYS,
materials for construction, &c., of, how procured 4666
on coasts, bays, &c., how to be colored and numbered 4678
BURDEN OF PROOF,
when on claimant, in cases of seizure under impost or tonnage laws, &c 909
on white person, in trial of rights of property between Indians and whites.... 2126
in case of seizure of distilled spirits 3333
on plaintiff in actions for recovery of taxes collected on second assessments made on alleged fraud 3225
BUREAU (See *respective titles of.*)
of Education, in Interior Department...516–519
of Military Justice, in Army, authorized. 1094
organization of 1198–1203
of the Mint, establishment of; what embraced in 343
Director of, appointment, term of office.. 343
salary and expenses of 344
clerks in, how appointed 345
of National Currency 324–333
Comptroller of Currency to be chief of.. 324
expenses of, how paid 5173
of Navy Department, designation of each 419
to have custody of certain books, &c 420
chiefs of, how appointed 421
who eligible for 421–426
estimates for, to be furnished to Secretary by chiefs 430
staff officers who have been chiefs of, exempt from duty 1436
title and relative rank of chiefs of 1471
relative rank of chief of, when line officer below rank of commodore 1472
of officers retired from chief of 1473
pay of chiefs of 1565
of Statistics, establishing 334
purpose of 335
annual report of commerce and navigation by Chief of 336
quarterly returns to, by collectors of customs, of facts relating to commerce and navigation 337
annual report on commerce and navigation, by Chief of, what to contain as to coastwise trade 338
monthly reports of exports and imports to be published by Chief of 339
annual statement of vessels, by Chief of. 340
annual statement of merchandise, by Chief of 341

Section.

BUREAU—Continued.
of Statistics—Continued.
statistics of manufactures of United States to be prepared by Chief of 342
BURLINGTON, N. J.,
masters of vessels bound for, to deposit manifest with collector at Philadelphia .. 2834
BUSINESS,
certain officers restricted as to engaging in. 243, 1788, 1789, 2638, 2941
BUSINESS CARDS,
penalty for printing, &c., in imitation of or upon bank notes 5188
for imitating United States securities on . 3708
BUSHEL,
what to constitute, in grain imports 2919

C.

CADETS, (See *Military Academy, Naval Academy.*)
at Military Academy 1309–1341
corps of, part of Army 1094
assignment of, to corps 1213
may be brevetted second lieutenants after graduation, awaiting promotion..1213–1215
at Naval Academy, cadet-engineers, appointment as second engineers 1394
as assistant constructors 1403
classes, appointment, studies 1522–1525
pay of 1526
cadet midshipmen, number of 1512, 1513
appointment, studies, promotion 1514–1526
pay of 1556
CAHAWBA RIVER,
in Alabama to be free from toll 5244
CALIFORNIA,
election of Representatives in 1874 24
judicial district of 531
district court in, terms of 572
adjournment of, by clerk in case of non-attendance of judge 584
intermediate term of, in case of failure to hold regular term 586
circuit court in, terms of 658
special sessions, appointment and notice of 664
district attorney for, salary of 770
fees allowed to clerk of circuit and district courts in 840
jurisdiction of district courts of, over certain cases in Alaska 1957
Indian superintendent for tribes in 2046
Indian agents in 2052
persons to be included in census 2188
surveyor-general for 2207
salary of 2210, 2211
books and records in office of, and authentication of copies 2229
transcript from records of, under seal, to be evidence 2224
punishment for altering, destroying maps, &c., in, or fraudulently placing maps, &c., among archives of 5411, 5412
additional fees of registers and receivers in ..... par. 12, 2238
boundaries of land districts in 2256
public lands in, withdrawn from private entry, how opened to entry 2367
rates for survey of certain public lands in. 2405
geodetic surveys in, may be continued 2409
departure from rectangular mode of surveying in 2410
surveying in, may be paid for by day, when. 2411
limitation upon grant of swamp-lands to State of 2479
certain lands selected by, confirmed to 2485
restriction upon grants to, for school purposes 2485

Section.

CALIFORNIA—Continued.
certain selections of surveyed lands to be certified to 2486, 2487
provisions concerning swamp-lands certified to 2488
lists of all selections of lands by, to be forwarded to General Land Office 2489
collection districts, ports of entry and delivery in 2582, 2583
appeals from consular courts in China and Japan to circuit court for 4093–4096
Secretary of Treasury may remit fines and penalties in collection district of 5293
punishment for altering, counterfeiting, falsely dating, or fraudulently presenting, &c., instruments relating to land-titles in 2471–2473
California Volunteers, permanent appropriation for traveling expenses of..p. 727, 3689

CAMP,
punishment for being away from, &c..p. 233, arts. 31, 34, 1324
violence to persons bringing provisions to .....p. 235, art. 56, 1342
retainers of, subject to rules..p. 236, art. 63, 1342
equipage, report of issues of 1221
allowance of to militia in service..... 1650

CAMPHENE,
steam passenger-vessels not to carry....4472, 4476
how packed and marked for shipment 4475

CANADA,
tonnage-fees not to be collected from vessels touching at ports of 1722, 4222
nor from certain vessels on inland waters. 4221
certain fish and oil from, admitted duty free 2506
entry of merchandise destined for export to, under treaty stipulations 2866
merchandise from, in steamers on Lake Champlain, where may be landed... 3128
lading and unlading vessels from, may be regulated..... 3129
vessels of, in coasting-trade on lakes, &c... 4347
mail, when may be carried through States.. 4012

CANALS,
when to be post-roads 3964
contracts for carrying the mails on 3967
rights of way of, over public lands for certain purposes confirmed, &c 2339
Alabama may impose tolls for use of canals around Muscle and Colbert's Shoals on Tennessee River 5245
Secretary of Treasury to assume management of Louisville and Portland Canal 5255
vessels for Bayou Saint John may unload at Carondelet Canal 2571
for foreign ports from said canal, how cleared..... 2575
canal-boats, licensed, &c., not subject to libel for wages..... 4251
steam, exempted from provisions regulating steam-vessels..... 4400
propelled by steam to have hull and boilers inspected 4426
persons employed on, not entitled to marine-hospital fund..... 4804

CAPITAL OFFENSES, TRIALS AND PUNISHMENTS,
copy of indictment, &c., to be delivered to persons indicted 1033
right of defense by counsel, and to compel witnesses..... 1034
limitation of time for finding indictment of, except murder..... 1043
challenges of jurors in.....819, 1031

Section.

CAPITAL OFFENSES, TRIALS AND PUNISHMENTS—Continued.
indictments for, in district courts to be transmitted to circuit court..... 1039
in cases carried to Supreme Court, judgment suspended until affirmed 1040
bail, how taken..... 1016
benefit of clergy not allowed..... 5329
trial by diplomatic officers in certain countries 4090, 4102, 4103
penalty for rescuing prisoners indicted for capital offenses, before conviction ... 5401
or while going to, or at execution 5400
or body after execution 5402
manner of inflicting capital punishment ... 5325
body of offender to be delivered for dissection..... 5340
offenses punishable with death,
treason..... 5332
aiding, abetting, &c., to commit murder, robbery, or piracy on high seas 5323
murder in places under exclusive jurisdiction of United States or on high seas, &c., or malicious wounding, &c., causing death..... 5339
rape, in fort, &c., or upon high seas 5345
corrupt casting away, &c., of vessels on high seas, by owner..... 5365
corrupt casting away of vessel on high seas by person not owner..... 5366
piracy on high seas, as defined by law of nations..... 5368
laying violent hands by seamen upon commander to prevent defense of vessel . 5569
robbery on high seas, on vessel, &c 5370
robbery on shore, by crew landing from piratical vessel, &c..... 5371
offenses on high seas, or in harbor, bay, &c., out of jurisdiction of State, which, on land, would be punishable by death 5372
murder, robbery, or act of hostility against United States, &c., under color of commission from foreign state, &c 5373
making war on United States on high seas, or cruising against vessels of, contrary to treaty defining piracy ... 5374
forcibly confining on vessel, negro, &c., with intent to make him slave, or offering to sell negro as slave, &c 5375
landing from vessel, and, on foreign shore, seizing negro, &c., with intent to make him a slave 5376
maliciously burning, in fort, dock-yard, &c., dwelling-house, barn, &c 5385
burning vessel of war afloat on high seas..... 5387
rescuing by force persons found guilty of capital crime 5400
offenses in Army, punishable with death by Articles of War..... 1342
disobeying or striking superior officer, p. 232, art. 21, 1342
mutiny .....p. 232, art. 22, 1342
failing to resist.....p. 232, art. 23, 1342
sleeping on post.....p. 233, art. 39, 1342
occasioning false alarm ....p. 233, art. 41, 1342
misbehavior before enemy .p. 233, art. 42, 1342
compelling surrender.....p. 234, art. 43, 1342
disclosing watch-word .....p. 234, art. 44, 1342
relieving enemy with money, victuals, &c., p. 234, art. 45, 1342
corresponding with enemy .p. 234, art. 46, 1342
desertions.....p. 234, art. 47, 1342
advising to desert in time of war ..p. 234, art. 51, 1342

Section.

CAPTIAL OFFENSES, &c.—Continued.
offenses in Army—Continued.
doing violence to persons taking provisions to United States forces in foreign parts ..... p. 235, art. 56, 1342
forcing safeguard ..... p. 235, art. 57, 1342
punishment to be inflicted only by a vote of two-thirds of court-martial and in cases specified ..... p. 239, art. 96, 1342
sentence to punishment of death by courts-martial not to be executed until confirmed by President ... p. 240, art. 105, 1342
executing sentence by court-martial may be suspended until pleasure of President is known ..... p. 240, art. 111, 1342
in Navy, offenses ..... p. 276, art. 4, 1624
sentence, how determined .. p. 284, art. 50, 1624
confirmed by President .. p. 284, art. 53, 1624
CAPITOL, (See *Seat of Government.*)
States invited to furnish statues of illustrious citizens to be placed in old Hall of Representatives—care and protection of same 1814
exhibitions in, of statuary and paintings, prohibted 1815
supervision of improvements, repairs, &c., of 1816
furniture, &c., for, how purchased 1816
electrical apparatus for lighting under whose charge to be 1817
rules for preventing defacement of, and preserving peace in 1820
annual statement of property in 1832, 1834
police, organization and compensation of. 1821, 1822
how members of, may be suspended 1823
uniform and arms of 1824, 1825
for Botanical Garden 1826
square, laws and regulations of District Columbia for preservation of public peace to extend to 1819
CAPTAINS,
in Army, for batteries of artillery 1100
for troops of cavalry 1103
for companies of infantry 1107
pay of, and forage 1261, 1271
in Navy, number of, on active list 1363
pay of 1556
of vessels. (See *Masters.*)
CAPTURES,
punishment in Navy, for failing in exertion to make ..... p. 276, art. 4, 1624
as prize, provisions concerning (see *Prizes.*) 4613–4652
distribution of proceeds of prizes to 4630–4634
of property in aid of insurrection 5308
proceedings on account of use of property in aid of rebellion, where had 5309, 5311
doing acts with intent to defraud captor, or United States, &c., how punished. 5441
CAPTURED OR ABANDONED PROPERTY,
prohibition of trade in by officers, and requirements for delivery of, to government agents 5313
Court of Claims has jurisdiction to adjudge return of proceeds of, in cases under act of March 12, 1863 ..... par. 4, 1059
permanent appropriation to pay judgments of, in such cases ..... p. 724, 3689
CARBINES,
system used by Ordnance Department 1672
royalty not to be paid to officers of United States for system 1673
CARDS, (playing),
imported, to be stamped 3435
tax on ..... p. 679, 3437

Section.

CARGO,
of vessels from foreign ports, where entered and unladed 2770
manifests of, before merchandise from foreign countries can be imported (see *Manifests*) 2806–2815
provisions relating to unlading of (see *Unlading*) 2867–2898
of vessels in distress, of perishable nature, &c., how disposed of 2892
when delivery of, does not agree with master's report, penalty 2893
not disposed of, how reladen, charges, &c. 2894
of Spanish vessels in distress 2895
consignee deemed owner of, for customs purposes, notwithstanding sale before entry 3058
proceedings as to articles separated from ... 3069
CARONDELET CANAL,
vessels for Bayou Saint John may unlade at 2571
from, for foreign ports, how cleared 2575
CARPENTERS,
in Post-Office Department, salary of, and assistant 393
in Navy, number and appointment of 1405
to be known as warrant-officers 1406
assimilated rank to 1491
pay of 1556
register 4147
CARRIERS, (See *Letter Carriers.*)
CARS,
sealed to avoid inspection at first port of arrival, provisions concerning 3102
regulations for, may be made by Secretary of Treasury 3103
penalty for taking, to other ports, unloading and selling contents, &c 3104
for breaking seals and locks 3105
forfeiture of, from which locks, &c., unlawfully removed 3106
CASHIER,
in office of Treasurer, salary of 235
assistant 235
in offices of assistant treasurers 3601–3612
national banks, various duties of (see *National Banks*) .. 310, 5136, 5140, 5168, 5209, 5212
CASKS,
containing imported spirits to be marked .. 2885
emptied, &c., marks to be effaced, penalty for obliterating marks on, selling before, &c 2886
change from, of imported spirits, &c., how made 3029
capacity of, for distilled spirits drawn from receiving-cisterns 3287
to be marked and stamped, &c 3287
spirits drawn into other, to be gauged and branded 3323
mark, brand, or stamp on, to be effaced at time of emptying, &c 3324
railroad or other company transporting empty, with brand on, &c 3324
buying or selling with inspection marks, after being used 3325
fraudulent use of any, having stamp on ... 3326
changing, &c., marks, stamps, or brands on. 3326
CATTLE,
transportation of (see *Transportation*) .. 4386–4390
importation of, and of hides of, prohibited, except, &c 2493–2495
provision may be suspended in certain cases 2493, 2494
CAVALRY,
regiments, number of, in Army 1094
composition of 1102, 1103

Section.

CAVALRY—Continued.
regiments, of colored men 1104
dismounted 1105
in militia, how formed, armed, &c 1632
corps of, in States not incorporated with militia 1641
when and how organized by President .. 1646
CAVEAT,
when, by whom, and how filed in Patent-Office; effect of 4902
CEMETERIES, NATIONAL,
lands for, purchased or appropriated by Secretary of War 4870
appraisement when so appropriated 4871
when fee-simple vests in United States, payment, jurisdiction, &c 4872
superintendents of, how appointed 4873
porter's lodges for 4873
who may be selected as 4874
salary of 4875
to have quarters and fuel 4875
inspection of, by officers of Army. *Repealed* 4876
inclosure of, to be of stone or iron 4877
head-stones for, to be of durable stone 4877
register of burials to be kept 4877
who may be buried in 4878
soldiers, sailors, and marines dying in United States service 4878
honorably discharged, dying destitute ... 4878
production of honorable discharge sufficient authority for burial 4878
cemetery near city of Mexico, care and preservation of 4879
subject to same rules as military cemeteries 4880
penalty for injuring, defacing, &c 4881
jurisdiction of the United States over 4882
CENSUS,
method of taking, prescribed 2175
to be taken by marshals 2176
proceedings of marshals, to be under Secretary of Interior 443
statistical information to be obtained 2176
oath of marshals 2177
limits and subdivision of districts 2178
statement of subdivisions and estimates to be transmitted to Secretary of Interior 2178
assistant marshals, appointment of 2179
to be commissioned 2179, 2180
penalty for marshal taking pay of assistants and for neglect of duties 2180
oath of assistant marshals 2181
penalty of assistant marshals for neglect ... 2182
Secretary of Interior to provide blanks and instructions 2183
to direct taking statistics as to hemp 2184
marshals to supply assistants with instructions, blanks, &c 2185
to supervise duties of assistants and appoint substitutes 2186
duties of assistants 2187
personal visits and inquiries to be made ... 2187
from what sources information obtained ... 2187
memoranda read to persons furnishing facts 2187
errors and omissions to be corrected, &c ... 2187
enumeration in California, Oregon, Utah, and New Mexico 2188
marshals may appoint deputies 2189
appointments to collect social statistics 2189
Secretary of War to furnish aid of officers of Army, &c 2190
persons required to answer inquiries 2191
returns, assistant marshals to furnish originals to clerk of county court 2192
to furnish correct copies to marshal 2192

Section.

CENSUS—Continued.
penalty for assistant marshal making false certificate 2193
examination and transmission of returns by marshal 2194
Secretary of Interior may order new enumeration 2195
to see that diligence is employed by marshals, &c 2196
to cause returns to be classified, &c 2196
to lay returns before Congress 2196
compensation of marshals 2197
marshal may perform duties of assistant in his own subdivision 2197
compensation of assistants; fees for enumeration of inhabitants 2198
fees for farms returned, for establishments of productive industry, for social statistics, &c 2199
no allowance for unauthorized returns, &c 2199
fees for making out and returning copies of original returns 2200
payment to marshals, &c., how made 2201
penalty for marshal making false certificate of compensation of assistants 2202
fines and penalties, where may be enforced. 2203
Superintendent of Census, appointment, duties, and compensation of 2204
clerks in Census Office 2205
forms for census returns 2206
in Territories hereafter established to be taken of voters, &c., under direction of governor 1847
CERTIFICATE OF DEPOSIT,
for coin and bullion 254
receivable for customs duties 3009, 3473
for United States notes 5193
for public money paid to assistant treasurers, &c 3621
imitating or printing on, how punished 3708
CERTIFICATES OF MERIT,
to soldiers for distinguished conduct 1216
pay of enlisted men, who receive 1285
for character, when to be given to discharged seamen 4553
CHALLENGES,
in Army, punishment for sending, accepting, bearing, or upbraiding persons refusing ..... p. 232, arts. 26, 27, 28, 1342
on courts-martial ..... p. 238, art 88, 1342
in Navy, for sending or accepting .. p. 277, art. 8, 1624
of jurors in criminal cases 819
for additional causes 820–822
in capital cases 819, 1031
in summary trials under navigation laws. 4303
of voters, (see *Elections.*) 2016–2021
CHAMPAGNE,
tax on imitations of 3328
CHANCERY,
jurisdiction of courts of Territories in 1868
of probate courts of Colorado 1929
probate courts of Montana not to have .. 1932
clerks of district courts, registers in 1872
CHAPLAINS,
to Senate and House of Representatives, salaries, how payable 52, 53, 55
in Army, post and regimental 1094
number and appointment of 1121
rank, tenure of office, &c 1122
qualifications of 1123
duties of 1124
as clergymen 1125
monthly reports to be made by 1126
facilities to be extended to 1127
pay of 1261

Section.

CHAPLAINS—Continued.
in **Army**—Continued.
forage allowed to 1271
when entitled to bounty-lands 2425–2427
when pension to dependent relative of, to begin 4710
in **Navy**, number and appointment of, on active list 1395
qualifications for appointment 1396
form of conducting worship by 1397
report of services performed by 1398
relative rank of, on the active list..... 1479
pay of..... 1556
when retired after forty-five years' service to have relative rank of commodore 1481
CHARGÉS D' AFFAIRES, (See *Diplomatic Officers, Consular Officers.*)
deemed diplomatic officers 1674
compensation of 1675, 1676, 1684, 1740
of secretaries of legation, acting as..... 1685
CHARLOTTE, N. C., (See *Mints.*)
assay office at..... 3495
CHARTS, (See *Maps.*)
of northwestern lakes may be sold to navigators by Secretary of War 226
maps, &c., to be prepared at Hydrographic Office and furnished to navigators at cost..... 432
disposal of money arising from sale of ... 433
CHECKS,
stamp-tax on bank..... 3418
duplicates of lost, how procured 3646, 3647
in case of deceased disbursing officers ... 300
by disbursing officers, to postmasters in certain cases..... 4046
in pension cases. *Repealed*..... 4770
not drawn in three years, amounts to be covered into Treasury..... 306
permanent appropriations for subsequent payment of.....307, 308
Secretary of Treasury to make regulations for speedy presentation of, to guard against same being used as currency. 3645
for payment of pensions, to be drawn in favor of pensioner..... 4765
drawn by or on officers of government included as obligations, &c., in laws relating to crimes 5413
penalty for officers of national banks certifying beyond amount on deposit by drawer..... 5208
counterfeiting of (see *Crimes*)..... 5414
CHEMICAL PREPARATIONS,
uncompounded, exempt from stamp-tax... 3436
exportation of, from warehouses under certain regulations..... 3018
imported, how examined.....2933–2938
in New York, an assistant appraiser for examination of, to be appointed 2938
in New Orleans, a special examiner of... 2569
special examiner of, to take oath..... 2611
compensation of examiners.....2743–2745
instructions by Secretary of Treasury to prevent importation of adulterated or spurious..... 2612
when adulterated, examiners to certify fact on invoices 2935, 2936
may be exported, and if not must be destroyed 2937
CHEROKEE INDIANS,
permanent appropriation for payment of interest to.....p. 728, 3689
CHEROOTS AND CIGARETTES,
held to be cigars (see *Cigars*) 3387
inspection of, and tax on 3394, 3396
stamps on empty boxes to be destroyed.... 3406

Section.

CHIEF CLERKS, (See *Clerks.*)
in departmets, duties of.....173–175, 215
of Internal Revenue Bureau 320
CHIEF CONSTRUCTOR, (See *Navy.*)
in Navy, is Chief of Bureau of Construction and Repairs 1471
retired, to have rank of commodore..... 1473
CHIEF ENGINEERS, (See *Engineers.*)
in Navy, number, rank, pay, &c ..1390, 1476, 1556
chief of, in **Army**, appointment and duties 1152, 1193
may employ civil engineers for surveys, &c., of certain rivers 5253
to furnish offices for Office of Education. 519
employés in office of, in charge, &c..... 1799
to have charge of Washington aqueduct and other works in District of Columbia 1800, 1801
what public buildings, to have charge of. 1797
no compensation for charge of public buildings, &c 1807
apartments, stationery, &c., for..... 1808
to keep record of property of aqueduct .. 1809
consent of, required to tap mains..... 1803
general control of, over aqueduct and supply of water 1810
appeals from decisions of, concerning water-supply 1811
annual reports of, as superintendent of public buildings 1812
to have supervision of old Hall of Representatives 1814
to control electrical apparatus jointly with Architect of Capitol..... 1817
certain laws of District of Columbia, extended to Capitol square on request of. 1819
CHIEF JUSTICE (of Supreme Court),
provision of appointment of 673
salary..... 676
when duties of, devolve on associate justice 675
may designate district judge to perform duty in another district, in absence of judge..... 593
may revoke and change appointment.... 594
allotment of, to circuit 606
to attend court in each district of his circuit..... 610
may request circuit judge to exercise powers, &c., in circuit of another 618
to be one of managers of National Home for Disabled Volunteer Soldiers..... 4825
to be member and regent of Smithsonian Institution 5579
to nominate, registers in bankruptcy.... 4993
provisions common to judges and justices. (See *Judges.*) not to act as counsel. 713
salary after resignation..... 714
may arrest and bail offenders..... 1014
CHIEF MEDICAL PURVEYOR, (See *Medicine and Surgery.*)
of Army, rank, duties, &c ...1168, 1171, 1173, 1191
CHIEF OF ORDNANCE, (See *Ordnance Department.*)
of Army, appointment, &c., of..... 1193
enlistment of sergeants, corporals, and privates by..... 1162
detail of officers by 1163
to provide supplies of ordnance 1164
to establish depots of ordnance 1165
to execute orders for ordnance stores..... 1166
report to be made by..... 1167
damage to arms, to be reported to..... 1220
CHIEF SIGNAL OFFICER,
of Army..... 1094
rank and duties of 1195
may sell surplus maps, &c., of Signal Office. 227

Section.

CHILDREN,
citizenship of those born of citizens out of United States....1993, 2172
of aliens who have declared intention of naturalization.... 2168
of naturalized persons.... 2172
of colored soldiers, who deemed such under laws relating to freedmen.... 2037
half-pay and allowance to those of persons dying in militia service of United States.... 1656
of privateersmen, money pledged for support of, in certain cases.... 4759
increase of pensions to widows on account of.... 4703
pensions to, term of.... 4706
when abandoned by mothers.... 4702
in administration of pension laws, children born before marriage deemed legitimate if acknowledged by their fathers.... 4704
limitation as to commencement of, not to apply to.... 4709
when to begin....4709, 4710
none to those of persons engaged in late rebellion.... 4716
when to receive accrued.... 4718
of pensioners, when unclaimed.... 4719
of certain Missouri State militiamen.... 4722
half-pay to, under former acts, continued.. 4725
to continue until sixteen.... 4726
not to exceed what rate.... 4727
of naval officers.... 4729
of soldiers of Mexican war.... 4731
of soldiers, &c., of war of 1812 and Indian wars.... 4732
on pension-rolls continued.... 4733
of revolutionary soldiers not allowed after April 2, 1862, when.... 4742

CHINA, (See *Consular Courts, Cooly Trade.*)
salary of minister to.... 1675
secretary, &c., of legation.... 1680
interpreters at consulates in.... 1692
form of oaths for Christian witnesses in.... 4117
subjects of, not to be transported in American vessels as coolies....2158–2161
voluntary emigration of subjects of.... 2162
route-agents on steamers carrying mails to and from, may be appointed.... 4022
postal agents authorized in.... 4023
judicial authority of United States minister and consuls in....4083–4109
marshal for consular courts in.... 4111
rent of prisons for convicts in.... 4121
at Shanghai.... 4122
hire of constables at other ports.... 4122
keepers and care of offenders in.... 4122

CHIPPEWA INDIANS,
in Michigan, unoccupied lands of, open to homestead entry.... 2313
selection of homesteads for minor children.... 2314
former bona-fide settlers on lands of.... 2315
selections of land heretofore made by.... 2316
sales heretofore made, confirmed.... 2316

CIGARS,
cigarettes and cheroots held to be.... 3387
inspectors of, appointment, bond, fees..3151, 3152
may be transferred or suspended by supervisor of internal revenue.... 3163
may enter building where articles liable to tax are made.... 3177
rules for inspection of, may be made by Commissioner.... 3396
retail dealers, licenses to....p. 624, cl. 8, 3244
sale of, by.... 3392
manufacturers, special tax on.... 3244

Section.

CIGARS—Continued.
manufacturers, penalty on, for carrying on business without paying special tax.... 3242
statement, bond, records, books, &c..3387–3390
record of by collectors.... 3389
penalty for violations of laws.... 3456
for not keeping up sign.... 3388
for omissions and offenses where no specific penalty is provided....3456, 3457
tax on, to be paid by.... 3394
stamps for same.... 3395
penalties for buying, without stamps, or removing, or packing in boxes with fraudulent stamps.... 3397
absence of proper stamp, notice, and evidence of non-payment of tax.... 3398
manufactured on shares, commission, &c.. 3399
selling, &c., without properly boxing and stamping.... 3400
manufactured after July 20, 1868.... 3403
falsely representing as made prior to.... 3401
purchasing, &c., not branded or stamped.. 3404
buying, &c., not stamped or branded, from manufacturer who has not paid tax.. 3405
taxes on, extended to those produced anywhere in the United States.... 3448
makers of, to be registered.... 3244
abandoned, condemned, &c., not to be sold for price not equal to tax, but may be destroyed.... 3369
sold or removed without being stamped, may be assessed within two years... 3371
peddlers of....3381–3384
exportation of, without payment of tax.... 3385
drawback on, exported.... 3386
internal-revenue officers not to be interested in manufacture of.... 3168
records to be kept by.... 3389
dealers in materials used for, to make sworn statement to, when demanded. 3391
how to be packed.... 3392
label on boxes.... 3393
imported, duties on....p. 469, 2504
internal-revenue tax to be paid in addition....2804, 3402
to be stamped and boxed.... 3402
not packed and stamped, as required by law, penalty....2804, 3403
cigar boxes, fraudulently stamped, selling from, or having in possession.... 3376
stamps on emptied, to be destroyed.... 3406
giving away, accepting, selling, buying, or using empty, stamped, penalty... 3406
number of cigars in, labels....3392, 3393

CINCINNATI,
port of delivery for collection-district of New Orleans.... 2568

CIRCUIT COURTS,
Organization of....605–628
Jurisdiction of....629–657
List of circuits.... 604
Sessions of....658–672
allotment of justices of Supreme Court to circuits.... 606
established, one for three districts in Alabama, one for eastern district of Arkansas, one for southern district of Mississippi, and one for each district in every other State.... 608
by what judges held.... 609
how often to be attended by justices of Supreme Court.... 610
cases in, triable by each judge sitting apart. 611
Judges of; distinction between judge and justice as used in statutes.... 605
appointment, salary, oath....607, 712

Section.

CIRCUIT COURTS—Continued.
Judges of—Continued.
may exercise powers of district judge during disability 589
may appoint any district judge to perform duties in another during disability 591
or upon accumulation of business 592, 595
may revoke and change such appointments 594
may designate judge to hold district court whenever public interest so requires. 596
may grant writ of *ne exeat* 717
issue writs of habeas corpus 752
hold to security of the peace 727
may administer oaths to marshals taking census 2177
may grant warrants to search, &c., for obscene articles imported contrary to law 2492
district judge, not to vote in decision of cases of error or appeal from his decision 614
when judges of, are interested, cause certified into another circuit 615
how certified back 616
when may hold courts of other circuits.617, 618
may assign district judge to perform duties under law relating to elective franchise in certain cases 2014, 2015
to certify fees of supervisors of elections . 2031
may adjourn courts to other places in case of epidemic disease prevailing..... 4799
clerks of, how appointed, general rule.... 619
number, &c., of, in Kentucky 620
in western district of North Carolina .. 621
in western district of Virginia 622
in western district of Wisconsin 623
deputy clerks of, how appointed, &c 624
in Indiana 625
compensation of 626
clerk and deputy clerk of, not to act as attorney, &c., in causes pending in...748, 749
oath of, and of deputy 794
bond of 795
of deputy of 796
to take recognizances of special bail 947
to issue writ of error returnable to Supreme Court 1004
Commissioners of, how appointed 627
marshals and their deputies not to be appointed or act as 628
may hold to security of the peace 727
number may be increased under civil-rights laws 1983
duties of. (See *Commissioners.*)
Criers of 715
Terms and sessions of, regular terms, when and where to be held 658
processes returnable to, valid notwithstanding alteration of terms by law.659, 660
for some purposes always open 638
special sessions of, for criminal causes ..661, 662
adjourned terms of, in Missouri 663
special terms of, in California, Oregon, and Nevada 664
in Indiana and Kentucky 665
in Tennessee 666
in North Carolina 667
in Virginia and Wisconsin 668
in other States 669
in case of non-attendance of judges, adjournment of 671, 672
may be held at same time in different districts in same circuit 612
in southern district of New York, for criminal business, how held 613

Section.

CIRCUIT COURTS—Continued.
Terms and sessions of—Continued.
actions and processes not abated by change of 660
adjournment to another place in consequence of contagious disease, &c 4799
on account of non-attendance of judge, 671
by written order of judge 672
of special sessions for criminal business, 662
in Missouri, how ordered and advertised, 663
Jurisdiction and powers, general 629
may adjudge forfeiture of franchises, &c., of national banks 239
appeals to, from district court.....631, 632
writs of error from, to district court..... 633
appellate jurisdiction of, in Alabama.... 634
limitation of time for writ of error or appeal to, from district court..... 635
may affirm, modify, or reverse judgment, &c., of district court..... 636
cases removed from district court for disability, interest, &c., of judge.587, 588, 601, 637
for what purposes always open as courts of equity; orders at chambers, &c., in equity causes..... 638
removal of suits into, from State courts, 639–647
trial of issues of fact in, by jury..... 648
by the court..... 649
in case of division of opinion, in civil cases, opinion of presiding judge to prevail. 650
in criminal cases, difference to be certified to Supreme Court, but cause to proceed, &c..... 651
in civil causes, and final judgment entered, division to be certified 652
unfinished business of, in the two districts of Missouri, and custody of records.653–656
original jurisdiction of, for southern district of New York, not to extend to causes in northern district..... 657
recognizances, &c., in southern district of New York, in 1873, valid..... 659
action, process, &c., not to abate by change of time of holding..... 660
power of, to issue writs, &c..... 716
when, may grant temporary restraining order 718
injunctions 719
may enforce awards of foreign consuls, &c., in differences between captains and crews of vessels, &c..... 728
suits in, in Kentucky, tried in court held nearest residence of defendant 745
trial of causes in, not stayed by arrival of time fixed for another session..... 746
may issue writs of habeas corpus.....751, 752
records of northern district of Illinois, how supplied to 902–904
writs and processes issuing from, how sealed, signed, &c..... 911
forms, proceeding, &c., in suits of equity and admiralty, in..... 913
in other civil causes..... 914
remedies by attachment in common law, causes in 915
by execution, to reach property of judgment-debtor, &c 916
may allow amendments, writs, processes, &c 948, 954, 1005, 1006
costs not allowed, to plaintiff, &c., in suit originally brought in, or to libelant, upon his own appeal 968
execution by, in State with more than one district, where to run..... 985
stay of execution, for time for new trial in..... 987

Section.

CIRCUIT COURTS—Continued.
Jurisdiction and powers—Continued.
citation, &c., when writ of error issues from, to district court 998
when writ of error issues to, from Supreme Court 999
damages and costs on affirmance in error 1010
reversal on error limited in 1011
indictments remitted to, on motion of district attorney 1037
when difficult question involved 1038
of capital offenses remitted to 1039
district courts of Territories to have jurisdiction as, in certain cases 1910, 1911
jurisdiction of, in suits for possession of office 2010
supervisors of elections to be appointed by 2012–2025
to be opened on application of citizens prior to elections, when (see *Elections*) 2011
to be kept open after election 2013
assignment of district judges in certain cases to perform duties under law relating to elective franchise 2014, 2015
to certify fees of supervisors of elections 2031
condemnation of vessels employed in cooly trade 2159
admission of aliens to citizenship by 2165–2174
jurisdiction of actions for taxes, in name of United States 3213
of California, appeal to, from consular courts in China and Japan 4093, 4096
master, &c., of vessels accountable for effects of deceased seamen to 4540
to appoint, remove, and regulate shipping commissioners 4501
shipping commissioners to pay proceeds of effects, of seamen to 4543
distribution, &c., of seamen's effects 4544, 4545
jurisdiction of, in penalties, &c., under merchant-seamen laws 4610
may grant injunctions to prevent violations of copyrights 4970
in case of national banks in hands of receiver 5237
cases of mandamus to compel Union Pacific Railroad Company to operate its road as required by law 5262
condemnation of property seized on account of use, in aid of rebellion 5309, 5311
in bankruptcy, jurisdiction of 630, 4974, 4979–4988
supreme courts of Territories to have powers of 4987
Supreme Court may review final judgments of 691, 692
when, without regard to sum or value in dispute 699
on certificate of division of opinion of judges 693
in prize causes 696
in criminal proceedings, on certificate of division of opinion 697
on rulings of, when issue of fact tried without jury 700
may prescribe forms, process, &c., in causes of equity and admiralty 917
to regulate practice 918

CIRCULATING NOTES, (of National Banks),
provisions concerning 5157–5189
issue of 5171
printing, denominations, &c 5172
Comptroller to have control of plates, &c 5173
examination of plates, &c 5174
limit of amount of small notes to 5175

Section.

CIRCULATING NOTES—Continued.
limit of circulation to certain 5176
aggregate circulation of (*repealed*) 5177
apportionment of circulation to 5178, 5179, 5181
withdrawal of notes for purpose of 5180
limitation of aggregate issues of. *Repealed by act of* 1875, *ch.* 15, § 13, *note after*. 5177
how signed, &c.; for what receivable 5182
none other than authorized by law to be issued 5183
destroying, &c., worn-out 5184
what debts may be paid in 3473, 3475
to be received by all national banks 5196
of banks not at par not to be paid out by national banks 5206
gold notes, issue of, by banks organized for that purpose 5185, 5186
taxes on, payable by banks 5214–5218
penalty for issuing notes to unauthorized associations 5187
for printing, &c., business cards in imitation of 5188
for mutilating, &c., circulating notes, drafts, &c., of 5189
for counterfeiting, &c., falsely altering, knowingly passing counterfeited 5415
for buying, selling, receiving, or delivering forged or altered, with intent, &c. 5434
for unlawfully passing those of expired corporations 5437

CITIZENS,
persons born in United States 1992
children of citizens born abroad 1993
women married to citizens 1994
persons born in Territory of Oregon 1995
forfeiture of rights of, by deserters 1996–1998
right of expatriation affirmed, &c., claims of foreign allegiance disavowed 1999
protection to naturalized citizens in foreign countries 2000, 2001
aliens admitted as (see *Naturalization*) 2165–2174
rights of, may be granted to Stockbridge-Munsee Indians 2312
may acquire homesteads on public lands 2289
passports to be granted only to 4076, 4078
arrested as foreign seamen, discharged 4081
vessels of United Stated must be owned and commanded by 4131
registry of those of residents abroad 4133
officers of vessels of the Navy to be 1428
hindering, &c., from voting, or qualifying to vote 5506
conspiring to injure, &c., in exercise of right or privilege secured by Constitution 5508, 5509
dying abroad, duty of consuls as to estate 1709
notice of death to be published, &c 1710
duty of consuls in case of will 1711
diplomatic officers who are not, not to receive compensation 1744
Delegates to House of Representatives from certain Territories must be 1906
in the Territories, right of suffrage of 1859, 1860
no denial of elective franchise, &c., to any, on account of race, color, &c 1860
equal rights of, in States and Territories 1977
to be subject to equal penalties, taxes, &c., and none other 1977
equality of property-rights of, in States and Territories 1978
action for deprivation of any right 699, 1979, 1980
right of all, to vote in any State or Territory without distinction, &c 2004
not to build, equip, &c., vessels for transporting coolies 2158
forfeiture of vessels belonging to, engaged in the cooly trade 2159

Section.

CITIZENS—Continued.
penalty for building, navigating, &c., vessels of, employed in cooly trade..... 2160
for transporting coolies, &c 2161
examination and seizure of suspected vessels of..... 2163
may pre-empt public lands when 2259
suits between citizens of different States, in circuit courts.....par. 1, 629
removal of, from State courts 639, 644

CITIZENSHIP,
certificates of, to be furnished to seamen... 4588
and lists of, to Secretary of Treasury 4591
certain deserters relieved of disabilities from loss of..... 4749
penalty for selling or disposing of certificates of.....5424, 5429
for knowingly using, &c., or receiving forged or fraudulent certificate of.... 5425, 5429
for purpose of registering as voter, &c.....5426, 5429
for denial of admission to, by person admitted with intent to evade duty, &c 5425, 5429
for aiding or abetting in above offenses.5427, 5429
for falsely claiming, for fraudulent purposes 5428, 5429

CIVIL CAUSES,
practice, in, except in equity and admiralty, to conform to State courts 914

CIVIL EMPLOYMENT,
of Army officers prohibited.....1222–1224
officers of Navy accepting appointment in diplomatic or naval service considered as resigned 1440

CIVIL ENGINEERS,
employment of, in executing surveys, &c., of certain rivers, ordered by Congress. 5253
in **Navy**, appointment of, at navy-yards.. 1413
relative rank of..... 1478
pay of..... 1556

CIVIL RIGHTS,
jurisdiction of district courts of suits under laws relating to .....pars. 11, 12, 563
removal from State court of suits against persons denied, &c..... 641
writ of habeas corpus in cases of 642
suits on account of, reviewed in Supreme Court, without regard to sum in dispute .....par. 4, 699
common law jurisdiction of courts in civil and criminal causes in vindication of. 722
persons excluded as jurors who are in complicity to prevent enjoyment of, under 14th amendment to Constitution 822
equal rights of all persons 1977–1991
property rights of citizens, equality of..... 1978
deprivation of rights under color of State laws, liability for 1979
conspiring to deprive persons of, or to interfere with, in numerous ways specified 629, 1980
actions for neglecting to prevent conspiracy. 1981
prosecutions by certain public officers for crimes against civil rights 1982
speedy arrest and examination of offenders, and additional commissioners therefor, &c.....1983, 1984
warrants of commissioners, where to run and be executed 1984
marshals, &c., to obey warrants, &c..... 1985
fees of district attorneys, marshals, and clerks..... 1986
of persons appointed to execute process.. 1987
special session of court may be held for trial of cases against 1988

Section.

CIVIL RIGHTS—Continued.
President may employ military or naval forces to execute process, &c..... 1989
peonage laws, &c., declared void..... 1990
duty of persons in military or civil service in New Mexico 1991
as to elective franchise (see *Elections*) ..2002–2031
execution of treaty provisions respecting, in China, Japan, &c..... 4085
in uncivilized countries, powers of consular officers concerning 4088
insurrection, violence, &c., to deny any class of people of, to be suppressed by land and naval forces 5299
crimes against, and against enjoyment of elective franchise 5506–5532
conspiracy to impede, &c., due course of justice, with intent to deny..... 5407
to injure, oppress, intimidate, &c., any citizen in free exercise of, &c 5508
to prevent persons accepting or holding office 5518
to deprive any person or class of persons of equal protection of, &c..... 5519
to prevent support of any candidate for office 5520
penalty for other offenses committed against. 5509
subjecting persons under color of law, &c., to deprivation of, on account of alienage, color, or race..... 5510
obstructing, &c., officer charged with execution of process, rescuing persons from custody, &c 5516
marshal refusing or neglecting to execute warrant..... 5517

CIVIL SERVICE,
regulations for appointment in, &c..... 1753
persons honorably discharged from military or naval service preferred for 1754
persons in, in New Mexico, to aid in enforcing suppression of peonage 1991
pensioners not deprived of pensions by being employed in 4724
Army officers not to hold civil, diplomatic, or consular offices.....1222, 1223
Navy officers prohibited from holding diplomatic or consular offices..... 1440

CLAIMS (**Public**),
against United States settled in Treasury Department 236
Court of Claims, jurisdiction as to (see *Court of Claims.*) 1059
referred to by head of department, or on certificate of accounting officer..... 1063
proceedings and judgment in such cases..... 1065
transfer of, null and void, unless after warrant issued..... 3477
persons prosecuting before departments must take oath 3478, 3479
of disloyal claimants not to be paid 3480
for Indian depredations 466
for Indian supplies purchased without authority..... 2085
due colored soldiers and sailors 2032, 2036
for stores of quartermasters and for subsistence, in States not in rebellion, how settled .....300 A, 300 B
for property seized under customs laws.... 3076
for horses, steamboats, &c., lost in military service 3482–3487, 3489
for collecting, &c., volunteers' 3489
for refunds and remissions of taxes, duties, and forfeitures (see *Refunds, Remissions.*)
in favor of United States, may be compromised by Secretary of Treasury 3469

Section.

CLAIMS (Public)—Continued.
officer of United States, or person connected with departments, or either House of Congress, not to act as agent, &c., in prosecuting 5498
members of Congress and public officers not to receive pay for services relating to, before departments or commissions .. 1782
not to be prosecuted by persons as attorneys, &c., formerly in department in certain cases 190
jurisdiction of suits to recover damages, &c., for presenting, &c., false or fraudulent ..... p. 95, par. 6, 563, 3490–3494, 5438
mining claims (see *Mineral Lands*) 2320–2338
penalty for knowingly making or using any false, &c., by persons in military service .....p. 235, art. 60, 1342
by persons not in military or naval service, action for 3490–3494
conspiracy, by person in military service, to defraud by obtaining approval, &c., of false, &c .....p. 235, art. 60, 1342
in naval service .....p. 278, art. 14, 1624
making or using, by persons in naval service, false receipt, voucher, &c., in obtaining approval, of ..p. 278, art. 14, 1624
presenting or allowing, for salary of civil officer suspended 1762
conspiracy to defraud United States by obtaining approval, of false 5438
knowingly making, of any false 5438
making or using, by any person, false receipt, voucher, &c., in obtaining approval of 5438
taking away from place where kept any paper prepared, &c., to be used to procure payment of 5454
falsely personating owner of 5435

CLEARANCE OF VESSELS.
clearance and entry 4197–4218
bound to foreign ports, how granted 4197
oath by master to obtain 4198
form of report and manifest to obtain 4199
manifest of shippers to obtain 4200
oath of master, owner, shippers, and consignors before granting 4200, 4201
not to be granted until State inspection laws complied with 4202
nor until bullion, coin, &c., offered by government received on board 4204
nor until mails are received 3976, 4203
nor until all fees paid 4206
oath as to letters required before granting .. 3987
laden with live-oak timber 2463, 4205, 4751
rates of fees of consular and diplomatic officers to be attached to 4207
of steamboats going from Lake Champlain to province of Quebec 4208
of foreign vessel to be produced on entry .. 4209
penalty on master failing to produce ...4209, 4210
production of, to foreign consul to obtain papers 4211
licensed yachts exempt from, when 4214
foreign yachts exempt from, when 4216
ship's papers to be returned upon 2790
ferry-boats not required to clear 2792
departing for ports where no custom-house. 3118
fees for 4381, 4382
not to be granted until master has furnished crew-list 4573
may be refused to vessels suspected to be bound for insurrectionary ports, &c .. 5320
bond may be taken that cargo shall not be used in aid of insurrection 5321
penalty for falsely making, forging, altering, uttering as true any false, &c ... 5423

Section.

CLERKS,
and other officers not to act as attorneys or agents to assist in prosecution or support of claims, nor receive share of, nor gratuity from 5498
to Admiral and Vice-Admiral ....p. 267, 1556
at armories, pay of 1663
of Congress and committees 52, 53
Secretary of Senate. (See *Senate.*)
Clerk of the House. (See *below.*)
of Congressional Printer 3762
consular; thirteen may be appointed by President 1704
to be examined, and when appointed not to be removed, except for cause 1705
of courts not to act as attorneys, &c., in certain cases 748, 749
to present to court account of moneys remaining therein 798
failure to deposit money belonging to registry; conversion, &c., of moneys 5504
receiving from, as deposit, loan, &c., moneys belonging to registry 5505
accounts of, to be supervised by Attorney-General 368
of circuit courts, appointment 619
in Kentucky 620
in western district of North Carolina 621
of Virginia 622
of Wisconsin 623
may under order of judge adjourn the court 672
orders of judge in office of, in admiralty and equity cases 574, 638
circuit and district courts, oath of 794
bond of, how taken, where filed 795
responsibility of, for acts of deputy not affected by taking bond 796
statement by, to Solicitor of the Treasury. 797
may administer oaths to persons identifying papers, &c 799
fees 828
rule as to per-diem allowance to, for attendance, &c 831
semi-annual return to be made by, to Attorney-General of fees, &c 833
amount of fees allowed to be retained by. in California, Oregon, and Nevada 839
allowance for each year, to be made from fees, &c., of same year 840
surplus fees to be paid into Treasury 843
accounts of, to be examined by Attorney-General 844
to be certified by district judge 845
fees of, in cases where United States liable, how to be paid 846
in other cases, how to be recovered 856
may take recognizances of special bail de bene esse 857
bill of fees of, how taxed, and when included in judgment 947
bill of costs of, how proved or allowed by accounting officers 983
fees of, in civil-rights cases 984
of Court of Claims, appointment and oath 1986
salary, bond of 1053
to disburse contingent fund 1054, 1055
annual report to Congress and heads of departments 1056
authority of, to administer oaths, &c 1057
of District Courts, appointment of 1071
number in eastern district of Arkansas ... 555
in Kentucky 556
in western district of North Carolina 557
of Virginia 621
of Wisconsin 622
623

Section.

CLERKS—Continued.
of District Courts—Continued.
duties in prize-cases 4644
compensation 842, 4699
in bankruptcy cases 4992, 5000, 5082
penalty for receiving illegal fees 5012
Executive clerks to President 155
of Supreme Court, how appointed 677
responsibility of, for acts of deputies 678
to have custody, &c., of records of old court of appeals 679
oath and bond 794, 795
of Territorial courts, of supreme court, how appointed, &c 1870
Arizona, mileage of, at adjourned terms . 1934
of district courts, appointment, &c 1871
to be registers in chancery 1872
where to reside and keep office 1872
fees and costs allowed to 1883
in Washington Territory 1933
of custom-houses, number and compensation of, how fixed 2634
employed in collection of revenue, not to receive pay until they take special oath 2693
at Boston; how appointed, number and compensation of 2530
at New York; number, appointment, and compensation 2539, 2745
at Philadelphia 2545
in Departments 163–176, 183
examinations 164
women may be 165
distribution of 166
salaries 167
temporarily employed, compensation of . 168, 242
employment of 169
not to receive pay for extra services 170
extra, when not to be employed 171
chief, to supervise duties of subordinates and report 173–175
disbursing clerks, appointment, &c 176
names to be reported to Congress 194
Department of State 163–169, 201
of Treasury 163–169, 235–242
restrictions as to engaging in certain trades and business 243, 244
compensation of temporary 168, 242
chief, of Internal Revenue Bureau 320
of War 167–169, 215
duties of chief clerk 215
of Navy 416
when entitled to bounty-land 2425, 2427
in navy-yards may be discontinued ... 1416
to officers in Navy, pay of..p. 267, 268, 1556
of Post-Office 393
shall not be concerned in contracts for carrying mail 3850
allowances for, to postmasters, &c. 3859, 3860, 3863
in railway post-offices, salaries, &c 4025
of Justice 351
of Interior 440
of Agriculture 522, 523
in General Land Office, not to purchase, &c., public lands 452
in Pension Office may be detailed to investigate frauds, &c 474, 4744
of House of Representatives, oath of ... 30
to make roll of Representatives-elect 31–33
salary of 53
bond of 58, 59
statements by, to Congress 60, 61, 70, 72
to advertise for stationery 65–68
may contract for stationery in parts 68
articles of home manufacture to be purchased by 69

Section.

CLERKS—Continued.
of House of Representatives—Cont'd.
fees of, for transcripts from journals 71
depositions, &c., in contested-election cases to be forwarded to, &c 126, 127
to transmit petitions, &c., for private claims to Court of Claims 1060
printing, binding, &c., done on requisition of 3789
to select papers for publication of advertisements in certain cases, (*see note after*) 3823–3826
to notify such selection to heads of departments and judges 3824
to furnish documents to National Home for Disabled Volunteer Soldiers 4837
of Senate and Senate committees (See *Senate.*) 52
CLOTHING,
in Army, returns of issue of, with vouchers. 1221
alteration and fitting of 1220
punishment for spoiling or losing..p. 231, art. 17, 1342
of soldiers, not to be sold, bartered, &c.. 1242, 3748
prescribed by President 1296
not allowed to sergeants of ordnance 1297
gratuitous issues of, to soldiers who have had contagious diseases 1298
deductions and allowances for overdrawn and undrawn 1302
balances to soldiers' credit 1308
prisoner discharged from military prison to be furnished with 1355
allowed in militia, when in service of United States 1650
purchases of, not to exceed necessities of year 3732
sent by mail, postage on 3911
in Navy, Bureau of Provisions, &c..419–421 425, 1471, 1473
for students of Naval Academy 1527
proceeds of sale of condemned, not to be covered into Treasury 3618
lost by marines, appropriation for..p. 727, 3689
provisions concerning contracts for...3718–3722
purchases, &c., not to exceed necessities of year 3732
seamen, vessels shall carry for winter use 4572
to be forfeited for desertion 4596
disposal of, when forfeited by desertion . 4604
COAL,
of steam-vessels, exempt from duty 2798
imported, where stored 2958
time for unlading vessels extended 2881
for government use in District of Columbia, inspection, &c., of 3711–3713
depots of, may be established for Navy 1552
coal-heavers, pay of, in Navy 1569
additional to seamen, &c., doing duty as. 1570
coal-lands, who may make entry of 2347
limit of, which individuals may enter ... 2347
price, how regulated 2347
persons opening mines to have preference of entry 2348
certain associations may enter 640 acres.. 2348
limit of time for presenting claims for ... 2349
only one entry allowed to same person.. 2350
limit of time for proof and payment..... 2350
conflicting claims for, how determined .. 2351
Commissioner of General Land Office to make rules, &c 2351
rights prior to March 3, 1873, not impaired 2351, 2352
coal-oil, not carried on steam passenger-vessels 4472
how backed and marked for shipment .. 4475

Section.

COAL—Continued.
coal-oil—Continued.
penalty for shipping contrary to law 4476
COASTING TRADE,
coast of United States divided into three great districts..... 4348
provisions applying to commerce with contiguous countries.....3095–3129
Secretary of Treasury to make regulations for unloading of vessels on Lake Michigan without previous permit .. 3120
registered vessels engaged in, may touch at foreign ports under certain regulations.....3126, 3127
vessels qualified for, deemed vessels of United States..... 4131
of citizens engaged in, exempt from tonnage duties..... 4220
what vessels may engage in..... 4311
enrolled and licensed vessels on northern, &c., frontier, may engage in..... 4318
not liable to entry fee in certain cases ... 2793
form of enrollment for vessels engaged in 4319
license, how obtained, &c 4320, 4321
at Jersey City 4340
at Camden, N. J..... 4341
at Wilmington, N. C..... 4342
at Chesapeake City, Md..... 4343
at ports authorized by Secretary of Treasury 4344
at Cold Spring, Greenport, and Port Jefferson..... 4345
foreign vessels not engaged in, except, &c.. 4347
between neighboring districts, manifests and permits for..... 4349
penalty for departing without manifest..... 4350
delivery of manifest before unlading..4351, 4352
between remote districts, manifests and permits for, &c..... 4353, 4354
delivery of manifests before unlading.4355, 4356
between Long Island and Rhode Island, privileges of vessels in 4357
between Alaska and other districts, how regulated..... 4358
masters, to carry manifests subscribed by themselves, &c 4359, 4360
registered vessels, subject to provisions governing licensed vessels..... 4361
vessels in putting into port other than destination, to report, &c..... 4366
penalty on vessels carrying on, not enrolled or licensed 4371
forfeiture of and of merchandise, when.. 4371
coastwise vessels, provisions as to shipping articles for.....4513, 4520
penalty for illegally shipping seamen.... 4521
COAST SURVEY,
report to Congress of persons employed in . 264
officers of Army and Navy to be employed in, as far as practicable.....4684, 4687
allowance of subsistence of officers and men employed in..... 4688
salary of Superintendent of..... 4689
report to Congress 4690
disposal of maps and charts of 4691
preliminary surveys, to ascertain necessity of, or determine location of, lighthouse, beacon, &c 4663
survey of coasts of United States within twenty leagues, &c..... 4681
of banks and shoals beyond twenty leagues, &c., to be examined 4682
appropriations for, to be expended according to plan submitted by board of officers..... 4683

Section.

COAST SURVEY—Continued.
use of maps, books, apparatus, &c., belonging to United States; employment of astronomers, &c 4685
use of public vessels in actual service..... 4686
COD-FISHERY, (See *Fish and Fisheries.*)
form of license to carry on..... 4321
agreement for shares with fishermen 4391
penalty for violation of..... 4392
recovery of shares of fish under, &c 4393
discharge of vessel on bond..... 4394
COIN, (See *Mints.*)
coinage, weights, and measures 3495–3570
gold, to be dollar, quarter-eagle, three-dollar piece, half-eagle, eagle or ten-dollar piece, double-eagle; weight and fineness of each..... 3511
silver, to be trade-dollar, half-dollar, fifty-cent piece, quarter-dollar, dime; weight and fineness..... 3513
minor, to be five, three, and one-cent pieces; weight and alloy of..... 3515
alloy of gold to be of copper, or copper and silver 3514
of silver to be copper..... 3514
of five and three cent pieces to be of copper and nickel..... 3515
of one-cent pieces to be of copper, tin, and zinc 3515
standard troy pound for regulation of coinage 3548, 3549
deviation allowed in adjusting weight of gold 3535
of silver..... 3536
of minor coins..... 3537
gold, reduced in weight by abrasion, when receivable by United States officers at nominal values 3505
when to be recoined 3512
what denominations, not to be issued 3516
devices and legends on..... 3517
of United States only, receivable in payment of dues to government..... 3474
excepting certain foreign coins receivable for payment of public lands 2366
and certain Spanish and Mexican coins. 3567
for customs-duties 3009
for judgments for duties and penalties... 3014
on account of Indian annuities..... 2081
consular and diplomatic fees to be collected in, or its value in exchange... 1746
internal-revenue return stated in, to be reduced to legal-tender currency..... 3178
silver, other than trade-dollar, to be paid out in exchange for gold coin at par.. 3527
purchase of metals for minor coinage..... 3528
delivery, exchange, and redemption of minor coins..... 3529
assay commission to examine and test, appointment of and duties..... 3547
trial pieces of..... 3539
coinage charge 3506, 3523, 3524, 3525
repeal of charge for converting gold bullion into coin, *note after* 3524
money arising from, to be covered into Treasury 3552
coin or bars to be paid to depositors of bullion..... 3544
gold, silver, and minor, to be reported by mint superintendent 3503
shipper of, to notify carrier, &c..... 4281
certificates of deposits for, may be issued by Secretary of Treasury 254
receivable for duties 3009, 3473, 3474
bonds of United States payable in 3693
coin receipts from customs duties pledged for payment of..... 3694

Section.

COIN—Continued.
purchase and sale of, by Secretary of Treasury 3699, 3700
foreign, (See *Foreign Coin.*)
not legal tender 3584
value of, to be determined annually by Director of Mint and proclaimed by Secretary of Treasury 3564
pound sterling fixed 3565
certain Spanish and Mexican to be received 3567
and certain other foreign coins in payment for public lands 2366
all, to be recoined 3566–3568
may be received for official fees of consular officers in Canada 1722
legal tender, gold coin 3585
silver, not exceeding $5 3586
minor, not exceeding twenty-five cents .. 3587
foreign coin not 3584
except in payment of public lands .. 2366, 3567
crimes relating to; falsely making, forging, &c., in similitude of 5457
knowingly passing, uttering, falsely-made, forged, in similitude of 5457
knowingly selling, bringing into United States, or having in possession falsely-made, forged, &c., in similitude of .. 5457
falsely making, forging, having, &c., coin in similitude of minor coinage 5458
fraudulently defacing, mutilating, diminishing 5459
debasement of, or making of less weight or value than required by law 5460
embezzlement of, by officers, at mint, or assay office 5460
making of, without authority, for current money, or passing 5461
making, without authority, to be used as money, one-cent, two-cent, three-cent, or five-cent piece, or passing same ... 5462

COLD SPRING, N.Y.,
merchandise for, to be entered and duties paid at New York 2540
enrollment and license of vessels by surveyor at 4345

COLLECTION DISTRICTS (customs),
sea coast and navigable rivers divided into three great districts, each of which to include certain collection districts ... 4348
qualification, pay, and duties of officers .. 2613–2746
vessels arriving and departing from, before making report or entry, penalty . 2773
on northern and northwestern boundaries, merchandise, how imported into (see *Northern, Northeastern, and Northwestern Frontiers*) 3096
entry of merchandise, in, &c 3097
ports of entry in, to be ports of delivery (see *Ports of Entry*) 2770
in **Alabama** 2504
officers 2565
weighers, gaugers, and other officers necessary, may be appointed at Mobile ... 2606
clearance of vessels from ports with cargoes of live-oak 2463, 4205
merchandise for Selma may be entered at Mobile 2820
in **Alaska** 2591
collector 2592
regulation of coasting trade in (see *Alaska*) 1954, 4358
in **California** 2582
officers 2583
weighers, gaugers, and other officers, necessary, may be appointed at San Francisco 2606

Section.

COLLECTION DISTRICTS (Customs)—Continued.
in California—Continued.
and at San Diego 2607
merchandise for Vallejo may be entered at San Francisco 2824, 2825–2831
vessels going to or from Vallejo, where to report 2584
going to or from Eureka, where to report, &c 2585
in **Connecticut** 2533
officers 2534
vessels via Sandy Hook bound for any port in, master to deposit manifest at New York 2834
in **Delaware** 2546
collector in 2547
in **District of Columbia** 2550
collector 2550, 2551
in **Florida** 2562
officers in 2563
merchandise for Pilatka may be entered at Saint John's 2818
for Bayport may be entered at Cedar Keys 2819
in **Georgia** 2559
officers in 2560
merchandise for Augusta may be entered at Savannah 2817
collectors of districts of Savannah and Brunswick may grant permits to unload at any ports in their districts ... 2561
in **Indiana and Illinois** 2601
collector and officers in 2602
one appraiser for Evansville 2569
weighers, gaugers, measurers, and inspectors necessary may be appointed for Evansville 2606
merchandise for Alton, Galena, Quincy, and Cairo, in Illinois, or Evansville, New Albany, Madison, and Jeffersonville, in Indiana, may be entered at New Orleans 2823
entered at Louisville for Jeffersonville may be bonded and warehoused at latter place 2967
in **Louisiana** 2568
officers in 2569, 2576, 2577
weighers and other officers may be appointed for certain ports in other States belonging to collection-district of New Orleans 2606
vessels bound to ports of delivery in districts of New Orleans, to enter there, except, &c 2570
bound for Bayou Saint John, where to enter, &c 2571
bound to or from Lakeport 2572, 2573
bound to or from Pontchartrain 2574, 2575
merchandise may be entered at New Orleans or other port on seaboard when intended for certain ports named, on Mississippi River 2822
may be entered at New Orleans when intended for Parkersburgh, Paducah, Saint Joseph, Kansas City, Memphis, Alton, Galena, Quincy, Cairo, Evansville, New Albany, Madison, Jeffersonville, Keokuk, Dubuque, Burlington, Leavenworth, or Omaha 2823
vessels bound for Natchez and Vicksburg to stop at New Orleans 2832, 2833
in **Maine** 2517
officers in 2518
additional inspectors, when necessary, may be appointed for Passamaquoddy, Portland, and Falmouth 2605

Section.

COLLECTION DISTRICTS (Customs)—Continued.
in **Maine**—Continued.
weighers, gaugers, and other officers, when necessary, may be appointed for Portland 2606
where no boundaries are prescribed, collectors to agree on divisional line.... 2519
vessels owned in Edgecomb and Newcastle, entered at Wiscasset, may unlade at towns adjoining Sheepscut River. 2520
entering and clearing vessels at Calais... 2521
merchandise for Kittery or Berwick may be entered at Portsmouth, N. H., or York, Me 2524
in **Maryland** 2548
officers in 2549
in **Massachusetts** 2527
officers in 2529
additional inspectors may be appo nted for Boston and Charlestown 2605
in **Michigan** 2599
officers in 2600
certain additional officers may be appointed for Detroit and Superior. 2605, 2606
in **Minnesota** 2595
officers in 2596
additional inspectors for Pembina..... 2605
in **Mississippi** 2566
officers in 2567
of **Montana and Idaho** 2593
collector in 2594
in **New Hampshire** 2522
officers in 2523
merchandise for Kittery or Berwick, Me., may be entered at Portsmouth..... 2524
in **New Jersey** 2541
officers in 2542
masters of vessels bound for Burlington to deposit manifests with collector at Philadelphia 2834
in **New York** 2535
officers in 2536, 2538
clerks, verifiers, samplers, &c., for port of. 2539
additional inspectors may be appointed for Dunkirk, Buffalo, Niagara, Genesee, Oswego, Oswegatchie, and Champlain..... 2605
merchandise for Greenport may be entered at Sag Harbor..... 2537
for Cold Spring or Port Jefferson to be entered at port of New York..... 2540
in **North Carolina**..... 2555
officers in 2556
in **Ohio**..... 2603
officers in 2604
in Miami, Sandusky, and Cuyahoga districts..... 2604
additional inspectors for Superior, Sandusky, and Cuyahoga 2605
appraiser for Cincinnati 2569
entry of merchandise for Cincinnati may be made at New Orleans..... 2822
in **Oregon and Washington Territory**.. 2586
officers in 2587
weighers, gaugers, and other officers when necessary may be appointed for Portland, Oreg..... 2606
manifests of vessels to and from Portland. 2588
vessels having merchandise for both Astoria and Portland 2590
in **Pennsylvania** 2543
officers in 2544
additional inspectors may be appointed for Erie 2605
merchandise for Pittsburgh may be entered at New Orleans 2822

Section.

COLLECTION DISTRICTS (Customs)—Continued.
in **Pennsylvania**—Continued.
for transportation in bond for certain places may be made at Philadelphia. 2990, 2997
masters of vessels bound for Burlington to deposit manifests with collector at Philadelphia 2834
in **Rhode Island**..... 2531
officers in 2532
weighers, gaugers, and other officers when necessary may be appointed for Providence 2606
in **South Carolina** 2557
officers in 2558
in **Texas**..... 2578
officers in 2579
transshipment of goods in bond for Brownsville 2581
export of merchandise for Mexico from ports of 3002–3008
merchandise for Houston, on Buffalo Bayou, may be entered at Galveston. 2821
in **Vermont** 2525
officers in 2526
additional inspectors for..... 2605
in **Virginia**..... 2552
officers in 2553
weighers, gaugers, and other officers when necessary, may be appointed for Norfolk..... 2606
vessels owned, &c., in Richmond district, bonded in Petersburg, may clear at Richmond 2554
vessels bound up James River need not deposit manifest at Norfolk, but to be boarded by master of revenue cutter, &c 2835
duties of masters of vessels arriving in district of Petersburg or Richmond in certain cases 2836
in **Wisconsin**..... 2597
officers in 2598
weighers, gaugers, and other officers when necessary, may be appointed 2606

COLLECTION DISTRICTS (internal revenue),
to be divided by President..... 3141
two or more united in one..... 3142
collector to be appointed for each 3142
collections to be paid daily into Treasury.. 3210
Secretary may extend time for payment. 3210
monthly statement of, to made 3212
(See *Collectors, Internal Revenue.*)

COLLECTION OF DUTIES ON IMPORTS. (See *the different titles.*)
Collection districts, ports, and officers. 2517–2612
Qualification, pay and duties of officers (See *titles of the several officers*) 2613–2746
Revenue cutter and boats.....2747–2765
Entry of merchandise (see, also, *Entry of Vessels*) 2766–2866
Unlading 2867–2898
Appraisal 2899–2953
Bond and warehouse system (see *Warehouses*) 2954–3008
Payment (see *Customs Duties*).....3909–3014
Drawback.....3015–3057
Enforcement of duty, laws, and punishment for violation 3058–3094
Provision applying to commerce with contiguous countries.....3095–3129

COLLECTORS (of customs),
for what ports appointed (see *Collection Districts, Ports of Entry*) 2517–2612

Section.

COLLECTORS (of customs)—Continued.
term of office 2613
oath 2617
bonds of 2619, 2620
President may increase 3639
in case of death or disability of, who to perform duties 2625
salaries and commissions of 2659–2685
division of commissions on death of 2686, 2687
limit to compensation of 2688, 2690, 2691
compensation exclusive of expenses 2689
when fees, &c., insufficient for compensation of 2692
fees of (see *Customs Fees*) ... 2654, 2655, 3023, 3024, 4184, 4185, 4195
on drawback cases, how shared, &c., by. 2656
for entry on northern, &c., frontiers 2658
table of, to be kept posted 2635, 4383
account of, to be kept, and annual returns made 2639
allowances and percentages of 2659
to be collected by, of vessels 4381–4384
distribution of, (*act of* 1877, *ch.* 69, *after*) 4381
for licensing steam-vessels and officers... 4458
of assistant collectors at New York and New Jersey (see *Assistant Collectors*). 2694–2696
deputy collectors at specified ports (see *Deputy Collectors*) 2697–2702
forbidden to trade in public property, punishment of 1789
general duties of 2621–2625
to administer oaths to other officers and to special examiner of drugs 2611, 2617
in other cases 2805, 2868, 3098
in ports where no naval officer or naval officer disabled 2622
where neither naval officer nor surveyor... 2623
in districts where no examiners of drugs... 2612
when surveyor may be appointed by 2624
to authorize person to perform duties of surveyor in case of disability, &c.... 2629
to employ deputy collectors 2630
to act as disbursing agents in certain cases. 3657
to pay debentures, drawbacks, bounties, and allowances ..... p. 725, 3689
may authorize other officer to act as disbursing agent, &c 2631
number and compensation of clerks of..... 2634
duties of, as to public money 2974, 3639
quarterly returns to Bureau of Statistics ... 337
to attend personally to duties at their respective ports, and keep accounts ... 2640
what to include in accounts 2641, 2642
to render list of clerks, their duties, &c.... 2643
of certain frontier districts to forward list of employés, &c., and make estimates 2644
to keep for sale blanks, &c 2648
to render accounts quarterly 2645, 2647
books and blanks, how furnished to..... 2646
to render quarterly accounts of moneys collected for fines, &c 2647
naval officer and surveyor to examine books, of 3650
may direct officers of cutter service..... 2760
may employ small open boats..... 2763
to put in suit re-exportation, &c., bonds... 2778
to grant to vessels departing for other districts copies of manifests..... 2780
to take bonds from agents, factors, for account of merchandise by owner..... 2787
when entry of merchandise is imperfect... 2789
separate entry of spirits, certified by 2794
to estimate duties on excess of sea-stores... 2796

Section.

COLLECTORS (of customs)—Continued.
to direct examination of baggage..... 2801
delivery to, of baggage in transit for foreign countries 2803
duty of, as to goods intended for other ports. 2826
to certify duplicate manifests 2827
not to permit entry of merchandise when duties exceed bond 2831
to take possession of merchandise when invoices not correct 2840
to certify invoices..... 2852
may notify consular officer to transmit copy of invoice 2857
to estimate duties and grant permit to land 2869
may grant license to unload at night 2871
advertise name of person unlawfully unlading..... 2873
when to put inspectors on board of vessels. 2875
inspector's books to be deposited 2876
to take possession of merchandise other than reported by master of vessel 2880
to extend time for unlading of vessels laden with salt or coal 2881
to compare returns of delivery of merchandise..... 2889
vessel seeking port in distress, may appoint inspector and grant permit to unlade. 2891
storage of goods landed from, disposal of perishable cargo 2892
entry and unlading of, obstructed by ice. 2896
tare on imports estimated by..... 2898
goods may be delivered on bond before appraisal by 2899
to cause market value of goods to be appraised in addition to entries 2900
to designate number of packages to be opened..... 2901
estimating value and quantity of imports.. 2902
market value of merchandise at time of exportation to be appraised..... 2906
standard of sugar 2914
to examine owners, &c., as to value of merchandise 2922
may require bond to produce evidence of class and value of merchandise..... 2925
to designate bonded warehouse for storage of certain merchandise 2926
reappraisement of imports 2929, 2930
decisions of, as to rate of duties, fees, final, unless..... 2931, 2932
re-examination on appeal of drugs, medicines, &c 2936, 2937
may lease or hire stores at certain ports. 2953, 2955
warehouses hired by 2956, 2957
deposit of merchandise in public stores 2964
charges and duties on unclaimed merchandise sold 2965
deposit in bonded warehouse of importations in steamers..... 2966
custody of merchandise taken possession of by, for not being unladen in time, to be at risk of owners..... 2963
to sell merchandise remaining in public store beyond one year..... 2973, 2974
sale of unclaimed merchandise in warehouse liable to depreciation..... 2976
permit for exportation without payment of duties 2979
lien for freight on merchandise in warehouse 2981
reports of warehoused merchandise 2988
at certain ports may permit entry for warehouse and transportation of imports consigned to other ports..... 2990
priority in time for examination 2991

Section.

COLLECTORS (of customs)—Continued.
sureties on transportation bond, how to justify 2992
to take possession of merchandise remaining in warehouse, &c 2995, 2996
not to hold money paid under protest, but to pay same into Treasury 3010
action against, for recovery of duties illegally collected upon protest and appeal 3011, 3012
to retain per centum of drawbacks on re-exported merchandise 3017, 3019
to appoint officer to inspect change from casks, &c., of spirits and sugars 3029
merchandise entitled to debenture may be changed into packages 3030, 3031
invoice of goods entitled to drawback to be deposited with 3032
inspection of goods entitled to drawback, 3033, 3034
inspection of goods notified for exportation, permit for lading 3035
to pay debenture, drawbacks, &c 3048
suit for refusal to pay debenture 3039
certificate of exportation from port other than that of importation and debenture 3041
may refuse debenture 3042
when to receive proofs other than exportation certificates 3047
in case of accident, certain merchandise for drawback not to be forfeited 3051
duplicate list and appraisement of property seized 3074
notice of seizures 3075
in seizure cases when claimant files bond .. 3076
sale of seized property 3077
sale of perishable articles seized 3080
release of merchandise seized on payment of appraised value 3081
to inform Solicitor of Treasury of seizures .. 3083
report of, for fines 3084
to have custody of goods seized 3086
commencement of suits; receipt and distribution of amount recovered 3087, 3090
may examine papers, &c., seized by warrant 3093
search of certain stores, warehouses 3107
estimate of duty on excess of sea-stores of vessels on frontiers 3112
license, to vessels in foreign and coasting trade 3115
duplicate manifests of vessels in foreign and coasting trade on northern, &c., frontiers 3116
to furnish registered vessels with certified manifests 3126
duties of, relative to exportation for drawback of spirits 3329
spirits exported without payment of tax . 3330
imported tobacco and snuff 3377
imported cigars 3402
to require oath as to letters before granting clearance to vessels 3987
search for letters illegally conveyed 3989–3991
to appoint persons to measure vessels for tonnage 4148, 4154
to keep in books registry of vessels 4155
to grant certificates of registry 4155, 4158, 4159
to issue new certificates of registry, when, &c 4160, 4162, 4167, 4170
to issue certificate of register to vessel sold under legal process 4164
to indorse on certificates changes of masters of vessels 4471
to transmit certificates delivered on loss, &c., to Register of Treasury 4174

Section.

COLLECTORS (of customs)—Continued.
to cancel bond for registry on delivery of certificates 4175
to number certificates of registry 4176
recording of vessels in office of 4180
to cause survey or measurement of vessels for record 4181
to grant certificates of record 4182
to indorse on certificates change of master or name of vessel, record, transmit .. 4183
recording bills of sale, mortgages, &c., of vessels 4193–4195
duties of, in clearance and entry of vessels (See *Clearance of Vessels, Entry of Vessels*) 4197–4218
manifest delivered to, by owners, shippers, &c., of cargo 4200
to observe State inspection laws in granting clearances 4202
manifests of vessels trading between neighboring districts 4349, 4350
permits for unlading vessel from neighboring district, certification of manifest, 4351–4353
permit for unlading vessel from remote district, certification of manifest, &c 4355
not to grant clearances until fees paid 4206
to annex table of consular fees to clearances of registered vessels 4207
clearance to vessels going from Lake Champlain to Quebec 4208
to transmit copies of receipts by consular officers for fees paid abroad, and statement of certified invoices 4213
to require sail-vessels to be furnished with signal-lights 4234
inspection and report of passenger-vessels arriving from abroad 4264
quarterly return of lists of passengers arriving from aboard 4267
examination of emigrant-vessels on arrival, and report 4272
passports to vessels of United States, for foreign ports 4306
to furnish unregistered vessels, &c., sailing on sea-letter, with passport 4308
license to carry on coasting-trade or fishery 4320
may enroll and license registered vessels .. 4322
may register enrolled and licensed vessels 4322, 4323
to transmit surrendered enrollments, licenses, &c., letter to Register of Treasury 4323
new license in place of one lost or destroyed 4326
enrollment or license of vessel from another district 4328
to number and record licenses 4333
registers to enrolled or licensed vessels going abroad 4337, 4338
discharge of vessels in quarantine 4793
custody of; permits for receiving merchandise in such cases 4795
to deposit, &c., money collected for marine-hospital fund 4803
not to grant clearance to foreign vessel until hospital dues paid 4805
to detain vessels built for warlike purposes 5290
duties of, as to vessels fitting out to engage in piracy 4299
may require bond before clearing vessels, that cargo shall not be used in aiding insurrection 5321
to give notice of seizure of vessel 4379
when to act as shipping commissioners 4503

Section.

COLLECTORS (of customs)—Continued.
not to grant clearance to vessels not having commissioner's certificate to effects, &c., of deceased seamen 4539
when to inspect provisions on vessels....4565, 4566
crew-list shall be furnished to 4573
to examine and certify crew-list, &c..... 4574
rules to be observed by, with reference to vessels bound on foreign voyage, crew-list, &c..... 4575
duty of, as to crew-lists..... 4576
to collect hospital tax 4585
not to grant enrollment until hospital tax is paid 4587
register of citizenship, certificates, &c., to seamen..... 4588
to inform masters of vessels of law relating to certificates of citizenship and impressments 4590
to send list of certificates of citizenship, to Secretary of State..... 4591
superintendence of light-houses, beacons, light-ships, buoys, &c 4672
two per cent. of prize-money and salvage to be paid to and deposited in Treasury 4759, 4760
to transmit transcripts of privateers' journals to Secretary of Navy..... 4763
to select homestead-lands for children of certain Indians 2314
in insurrectionary districts; provisions in case custom-house removed; where to reside 5315
penalty for illegally enrolling or licensing vessels, &c., receiving reward or gratuity for..... 4373
for making false register, record, of vessel, or receiving reward for services 4187
special provisions as to,
at Astoria, Oreg., duties of, in cases of vessels bound for Portland with merchandise, domestic or foreign 2588, 2590
at Camden, N. J., may enroll, &c., vessels 4341
at Chesapeake City, Md., may enroll and license vessels in coasting-trade 4343
at Cold Spring, Greenport, and Port Jefferson, N. Y., when may enroll, &c., vessels in coasting-trade..... 4345
in Florida, duties as to vessels laden with live-oak 2463, 4205
at Jersey City, may enroll and license vessels 4340
in Maryland, may grant permits for transportation of imports across Delaware to Philadelphia..... 4362
in Alabama, Mississippi, and Louisiana, duties of, as to vessels laden with live-oak 2463, 4205
at New York, assistant collector at Jersey City to act under.....2535, 2536
how to direct appraisments of imports 2939
responsible for assistant, &c..... 2694
may permit transportation of imports across New Jersey..... 4362
appraiser at, to transmit certain reports to..... 2615
at New Orleans, may appoint temporary inspectors 2576
may appoint head gaugers..... 2577
duties of vessels stopping, or entering merchandise destined for certain other enumerated ports 2822–2834
at Philadelphia, permits for transportation of foreign merchandise over New Jersey and Delaware..... 4362

Section.

COLLECTORS (of customs)—Continued.
at Savannah and Brunswick, Ga., may grant permits to unload vessels, appoint inspectors, &c..... 2561
in Virginia, permits for transportation across Delaware to Philadelphia 4362
at Richmond, may clear vessels loaded at Petersburgh..... 2554
at Wilmington, N. C., may register, enroll, and license vessels..... 4342
COLLECTORS (of internal revenue),
appointment of 3142
to give bond..... 3143
to act as disbursing agents when directed.. 3144
salary and commissions of 3145
total not to exceed $4,500 per annum.... 3145
none unless confirmed by Senate..... 3145
nor without certificate of Commissioner.. 3147
adjustment of accounts of 3146, 3147
may appoint deputies, &c..... 3148
responsibility for deputies 3148
case of sickness, vacancy, &c., in office of.. 3149
may designate temporary storekeeper 3155
to supervise duties of gaugers 3156
as superintendents of export and drawback 3161, 3162
power to suspend transferred to Commissioner (*note*)..... 3163
to report violations of law to district attorneys 3164
may administer oaths and take evidence... 3165
not to discharge duties of other collectors.. 3166
liable for disclosing operations, style, or apparatus of manufacturer 3167
to cause deputies to canvass districts..... 3172
may summon persons to be examined relative to returns for taxation 3173
may make list or returns or allow further time in certain cases 3176
may enter brewery, distillery, &c., in daytime 3177
to reduce returns to legal-tender currency 3178
how to return lists of property of non-resident owners liable to taxation....3180, 3181
lists for collection of taxes, how may be amended by Commissioner and special monthly lists committed to 3182
to collect all taxes imposed by law 3183
to give demand-notice in case of neglect to pay taxes..... 3184
distraint, for non-payment of tax 3187, 3188
proceedings, sale, &c., on distraint..... 3190
tax on property distrained, which has not been assessed..... 3191
may purchase for United States, and sell same..... 3192
to pay surplus proceeds of sale to Treasury 3192
may retain commission..... 3193
accounts of charges, &c..... 3192
may seize and sell real estate 3196
lands in other district in State 3200
to keep record of sales and deliver to successor..... 3203
to record redemption of real estate..... 3204
transmission of list to district where person liable resides or has property, &c.... 3209
to prosecute for recovery of sums forfeited. 3213
statement and accounts of collections to be made to Commissioner 3212
failing to account 3217
what to be charged and credited with ... 3218
lists, of uncollected taxes to be transferred to successor..... 3219
to keep conspicuously in office list of special-tax payers..... 3240

Section.

COLLECTORS (of internal revenue)—Continued.
to collect tax on spirits removed without deposit in warehouse ... 3253
to retain one registry of stills, and forward other to Commissioner ... 3258
may refuse to approve distiller's bond and may require new bond in certain cases ... 3260
may accept bond of distiller in lieu of consent of owner, of distillery premises ... 3262
plan of distillery, to be made under direction of ... 3263
to make survey of distillery ... 3264
to have charge of keys of distillery locks ... 3267
to have control of distillery warehouse ... 3271
to seize, merchandise if owner fails to transfer from unsafe warehouse, &c ... 3272
to sign distillery-warehouse stamps ... 3287
on payment of tax on spirits, to issue order to storekeeper for delivery ... 3294
to sign tax-paid stamps ... 3295
to account for locks and seals ... 3310
notices, of distillery suspension and resumption to Commissioner, &c ... 3310
reduction of the producing capacity of distillery ... 3311
duties of, in using stamps ... 3313
accountability for stamps for distilled spirits and returns ... 3314
commission on tax collected from spirits ... 3314
books of stamps, other than tax-paid, may be intrusted to gauger by ... 3314
to collect amount due for stamps, other than tax-paid, after assessments ... 3314
to sign stamps for rectified spirits ... 3320
wholesale liquor-dealer's stamps (*repealed*) ... 3321
stamps, &c., for exportation of spirits without payment of tax ... 3330
to obliterate tax-paid stamps on condemned spirits sold by order of court ... 3334
to keep on hand supply of stamps for fermented liquors; account of stamps sold ... 3341
permits for removal of fermented liquors ... 3341, 3345
may permit brewer, in case of accident, to carry on business elsewhere ... 3350
to approve tobacco or snuff manufacturers' bonds ... 3355
to issue certificate to tobacco and snuff manufacturer ... 3355
to record and number manufacturers of tobacco and snuff ... 3357
examination of correctness of tobacco manufacturer's inventory ... 3358
examinations in case of neglect, of dealers in leaf-tobacco to make statements, or making incorrect statements ... 3359
may furnish stamps for tobacco, snuff, and cigars sold under distraint ... 3369
to keep a supply of tobacco and snuff stamps ... 3369
an account of sales ... 3369
certificate to tobacco peddlers ... 3383
to cigar manufacturer of number of cigar-makers for which bond has been given ... 3387
permit for removal of tobacco, snuff, and cigars for exportation ... 3385
to keep record of cigar manufacturers ... 3389
examinations as to correctness of cigar-manufacturer's inventory ... 3390
to keep on hand two months' supply of cigar-stamps ... 3395
an account of cigar-stamps sold ... 3395
may stamp instruments issued without proper stamps, when ... 3422
to supply deputies and other parties with certain stamps ... 3427

Section.

COLLECTORS (of internal revenue)—Continued.
to render bonded account monthly ... 3444
to seize property, found in possession, in violation of revenue laws ... 3453
proceedings in case property is perishable ... 3459
proceedings in case of seizure of property of value of $500 or less for violation of revenue laws ... 3460

COLLEGES,
detail of Army officers as superintendents ... 1225
issue of small-arms and field-artillery to ... 1225
retired officers may be detailed for ... 1260
may import free of duty, philosophical and other apparatus, casts, &c ... p. 487, 2505
regalia, statues, &c ... p. 488, 2505
alcohol withdrawn from bond by, for scientific purposes, without tax ... 3297

COLONELS,
of artillery regiments ... 1099
of cavalry regiments ... 1102
of infantry regiments ... 1106
pay and forage ... 1261, 1267, 1271

COLONIZATION SOCIETIES,
vessels of, subject to provisions relating to transportation of passengers ... 4271

COLOR, (See *Elections, Civil Rights.*)
no denial of elective franchise in Territories on account of ... 1860
all citizens to have right to vote without distinction of ... 2004
to have equal opportunity to qualify as voters without distinction of ... 2005
witnesses in courts not excluded on account of ... 858, 1078
slave trade in persons of, provisions to suppress (see *Slave Trade*) ... 5551, 5569
colored emigrants, vessels of colonization societies transporting, subject to provisions concerning transportation of passengers ... 4271
colored soldiers and sailors, cavalry regiments of ... 1104
infantry regiments of ... 1108
laws as to payment to, of bounty, prize-money made permanent ... 2032
evidence of marriage in case of, under pension laws ... 4705
soldiers enrolled as slaves to have pension ... 4723
retained-bounty fund of certain, custody and use of ... 2035, 2036
wives and children of, who deemed to be ... 2037

COLORS (in Navy and militia),
taken by Navy from enemies ... 1554
preservation and display of ... 1555
regimental, how provided in militia ... 1633

COLORADO TERRITORY,
establishment and boundaries of ... 1899
provisions common to all Territories (see *Territories*) ... 1839, 1895
judicial power in, how vested ... 1907
jurisdiction of courts in, how limited ... 1866
error and appeal in, to Supreme Court of United States ... 1909
jurisdiction of district courts in ... 1910
judicial districts in, how organized ... 1913
assignment of judges to districts in ... 1918
terms of district courts in ... 1919
council and house of representatives of ... 1922
restrictions upon legislative power in ... 1925
jurisdiction of justices of peace in ... 1927
probate court in, jurisdiction of ... 1929
error from supreme to probate court ... 1930
appeals from probate to district court ... 1931

Section.

COLORADO TERRITORY—Continued.
contingent executive expenses of, annual appropriation for 1935
penitentiary in, care and custody of..... 1936
maintenance of prisoners 1937
legislative expenses of, provision for..... 1939
mileage of members of legislature 1942
seat of government, how changed..... 1944
reservation of public lands for school purposes in (see *Territories*)..... 1946
surveyor-general for, appointment of..... 2207
salary of 2210
additional fees of registers and receivers in.....par. 12, 2238
boundaries of land-districts in .....p. 412, 2256
COLUMBIA INSTITUTION,
for deaf and dumb.....4859–4869
COLUMBIA RIVER,
jurisdiction of Oregon and Washington Territory over offenses committed on... 1950
COMBINATIONS,
to prevent bidding, no mail-contracts to be made with persons entering into.... 3950
for public land, penalty for..... 2373
in Navy, against superiors ....p. 277, art. 8, 1624
COMMAND,
right of, in Army, when different corps join .....p. 241, art. 122, 1342
COMMANDANTS,
of cadets at West Point (see *Military Academy*) 1310, 1312–1314
pay of..... 1334
of military prisons (see *Military Prisons*) .1347–1353
of navy-yards, selection of (see *Navy-Yards*). 1542
COMMANDERS,
in Navy, number of, on active-list..... 1363
pay of..... 1556
rules to be observed by ....p. 280, art. 19, 1624
punishments by order of .p. 281, arts. 24, 25, 1624
of merchant vessels. (See *Masters.*)
COMMANDING OFFICERS,
of Navy. (See *Navy.*)
COMMERCE AND NAVIGATION, (See *respective titles.*)
Regulation of,
registry and recording vessels.....4131–4196
clearance and entry of vessels.....4197–4218
tonnage dues 4219–4227
discriminating duties.....4228–4232
navigation.....4233–4251
transportation of passengers and merchandise.....4253–4289
log-books 4290–4292
suppression of piracy.....4293–4299
summary trials for offenses against...4300–4305
of vessels in foreign commerce....4306–4310
in domestic commerce.....4311–4390
of fisheries 4391–4398
Merchant seamen,
shipping commissioners 4501–4508
fees of.....4592–4595
schedule of .....p. 896, *after* 4612
shipment.....4509–4523
wages and effects.....4524–4548
discharge 4549–4553
protection and relief 4554–5491
offenses and punishments 4596–4612
Lights and buoys 4653–4680
Coast Survey.....4681–4691
Duties on imports.....2491–2516
Collection of duties on imports, collection districts, ports, and officers..2517–2612
qualifications, pay, and duties of officers. 2613–2746
revenue cutters and boats 2747–2765
entry of merchandise.....2766–2866
unlading 2867–2898

Section.

COMMERCE AND NAVIGATION—Continued.
Collection of duties on imports—Continued.
appraisal.....2899–2953
bond and warehouse system.....2954–3008
payment 3009–3014
drawback 3015–3057
enforcement of duty, laws and punishment for violation 3058–3094
provisions applying to commerce with contiguous countries 3095–3129
reports of signal-officers for benefit of 222
laws relating to commerce extended to Alaska..... 1954
statements by Secretary of Treasury to Congress annually of condition of..... 251
certain commercial information to be procured by consuls.....1712, 3798
to be published by Secretary of State.... 211
provisions respecting intercourse between States in case of insurrection.....5301–5313
COMMERCIAL AGENTS, (See *Consular Officers.*)
copies of documents, and entries in office of, when evidence..... 896
deemed consular officers..... 1674
at Amoor River—Apia—Gaboon—Lanthala—San Juan del Norte—Saint Paul de Loando—San Domingo—Sabanilla—Tamatave.....pp. 300–302, 1690
salaries, and when appointed instead of consuls 1690
extent of territory under, to be defined.... 1695
allowance for stationery and postage 1696
to give bond; where deposited..... 1697
certain, not allowed to do business..... 1699
mentioned in schedule B.....p. 300
prohibition to trade extended in certain cases..... 1700
schedules B and C referred to..pp. 300, 302
penalty for violation of..... 1701
may be allowed office rent, maximum..... 1706
to procure commercial information..... 1712
to furnish, prices-current..... 1713
specified powers not to exclude others..... 1714
shall not certify invoices, unless..... 1715
fees for certifying invoices..... 1716
not to grant certificate for goods shipped from countries adjacent to United States which have passed a consulate.....1717, 2861
fees; liability of masters, &c., for; papers may be retained until paid 1718
none allowed for securing, disbursing, wages of seamen 1719
in cases of American vessels making regular trips..... 1720
for certifying invoices in British North America, limited 1721
in Canada, tonnage fees not to be collected by consular officers 1722, 4222
official fees of consular officers may be paid in foreign coin 1722
penalty for exacting excessive 1723
for omission to collect..... 1724
to make returns of..... 1725
to give receipts for..... 1726
to number and record receipts for..... 1727
to furnish transcript of fee-book with accounts 1728
collected by, how disposed of..... 1729, 1730, 1732, 1733, 1747
schedules B and C therein referred to pp. 300, 302
fee-list to be kept posted in consulate.... 1731
tariff of, to be prescribed 1745

Section.

COMMERCIAL Agents—Continued.
to be collected in United States coin, or its value in exchange 1746
for verification of invoices, &c 2851
penalty for embezzlement by 1734
for neglect of duty 1735
to seamen 1736
for false certificate as to property 1737
not to have diplomatic functions, unless expressly authorized 1738, 5335
compensation of, when exercising diplomatic functions 1739
salary of, term during which payable 1740
in case of absence from post 1742
absent from post without leave, &c 1741
compensation of, to be in full for services .. 1743
stationery, books, to be provided 1748
dying in foreign countries, allowance to widow, of 1749
may perform notarial acts; various provisions relating thereto 1750
correspondence by, with newspapers, prohibited 1751
President may prescribe regulations for ... 1752
to administer oaths to invoices, certify 2843–2845
invoices, when to be produced to 2854
declaration of persons producing 2855
when to transmit copy of 2857
to report fraudulent verification of 2863
judicial authority in uncivilized countries (see *Consular Courts*) 4088
merchant seamen engaged in presence of .. 4517
falsely certifying invoice, to which certificate is required (see *Consular Officers*) 5442

COMMERCIAL INTERCOURSE, (See *Commerce and Navigation.*)
between States in case of rebellion when to cease (see *Insurrection*) 5301
in loyal States, parts of which are in control of insurgents 5302
to whom prohibition extends 5303
limited trade may be licensed by President. 5304
officers may be appointed to carry into effect licenses and other provisions 5305
trading without license 5306
investigations to detect fraud 5307

COMMISSARIES OF SUBSISTENCE (Army),
Commissary-General, rank of 1140
appointment and selection of 1193
President may increase bonds of 3639
one of commissioners for Soldiers' Home. 4815
Commissaries, number and rank of 1140
acting assistant, pay of 1261
articles purchased from, on credit, by officers and men 1299, 1300
one for each brigade of militia called into service of United States 1647
credit for loss of funds by, found by Court of Claims to be without fault, to be allowed by accounting officer 1059, 1062
acting assistant, pay of 1261
Commissary stores, proceeds of certain sales, not to be covered into Treasury. 3618
disposal of proceeds of, to officers 3692
partment, established 1094
organization and rank 1140
appointments and promotions in, suspended until 1194
officers of, to give bonds 1191
to purchase and issue rations to Army ... 1141
post commissary-sergeants for 1142
to ration co-operating naval detachments. 1143
sales by officers of, of designated articles. 1144
of rations to officers in the field 1145

Section.

COMMISSARIES OF SUBSISTENCE (Army)—Continued.
Department—Continued.
officers of, not to sell articles except on account of United States 1150
purchases by, not to exceed necessities of year 3732
provisions concerning contracts by 3715

COMMISSION TO TAKE TESTIMONY. (See *Depositions.*)
for use in courts in foreign countries, proceedings 4071–4074
power to compel witnesses to attend 875
in foreign countries for use in this country. 875
Court of Claims may issue 1075
in bankruptcy cases 5003
in other cases 863–875

COMMISSIONER OF AGRICULTURE,
appointment and salary of 521
may appoint employés, &c 523
chief clerk 523
bond of, and of chief clerk 524
to have custody of property, &c 525
duties of 526
seeds, plants, &c., may be purchased 527
annual reports of 528
to direct expenditures for department 3677

COMMISSIONER OF CUSTOMS,
appointment and salary 316
duties 317
report to Secretary of Treasury 318
customs officers' oaths transmitted to 2618
bonds of, to be approved by 2620
to state account and certify to Solicitor of Treasury when certain public officers fail to render account or pay over public money 3625
to lay before Congress annually an abstract of fees and emoluments and expenditures of collectors, naval officers and surveyors 2639
certain public contracts to be deposited with, within ninety days after their date 3743

COMMISSIONER OF EDUCATION,
Appointment, salary, and duties 517, 518

COMMISSIONERS TO FOREIGN COUNTRIES,
compensation of, to be three-fourths amount allowed to minister 1675

COMMISSIONER OF FISHERIES,
appointment, qualification, salary, and duties 4395, 4396
departments to aid investigations of 4397
may take fish, &c., notwithstanding laws of States 4398

COMMISSIONER OF GENERAL LAND OFFICE, (See *Lands, Public.*)
appointment and salary 446
duties of in case of absence, &c 453
general duties of 453
custody of seal of office 454
to audit public-land accounts and certify to First Comptroller 269, 456
to make plats of land surveyed, and give information as to public lands 455
returns as to public lands to be made to ... 456
duties of, as surveyor-general 2219
copies of plats surveyed to be transmitted to, by surveyors-general 2223
receivers of public moneys to make returns to 2245
to establish maximum charges for survey, &c., of mining claims 2334
to make rules for sale, &c., of coal-lands ... 2351
to fix minimum price for reservations brought into market 2364

Section.

COMMISSIONER OF GENERAL LAND OFFICE—Continued.
to direct conduct of sale of town-lots, when. 2381
to approve and order contracts for surveys.. 2398
to fix price per mile for public surveys..... 2400
to direct the keeping of accounts of cost of surveys, &c., of private land-claims.. 2400
may allow augmented rates for survey of certain lands in Oregon, California, and Washington Territories.....2404, 2405
to prescribe regulations for geodetic surveys in Oregon and California 2409
may allow compensation by day for surveying in Oregon and California..... 2411
to direct location of military bounty-land warrants 2437
to prescribe rules for relocating erroneous location of land-warrants by settlers. 2446
to decide cases of suspended entries and suspended pre-emption land-claims.. 2450
with other officers to frame rules for deciding suspended entries, &c 2450
adjudications of suspended entry-cases, how approved, and effect of..... 2451
report of, to Congress by classes..... 2452
to arrange decisions into two classes....2453, 2454
may order into market lands reverting by rejection of certain claims 2455
may issue new patent on surrender of old in certain cases 2456
provisions as to suspended entries, &c., to apply to all cases after June 26, 1856.. 2457
to certify copies of records, books, and papers to be used in evidence 2469
to enforce and execute provisions of law relating to public lands..... 2478
to decide as to indemnity to States for swamp-lands already located..... 2482
to certify certain selections of surveyed lands to California 2486–2488
to direct examination of maps and surveys of swamp-lands made by California. 2488
to direct segregation surveys where State surveys found incorrect 2488
to require lists of lands selected by California to be sent to General Land Office. 2489
to make final disposition of such selections..... 2489
maps to accompany annual report of, how procured..... 3781

COMMISSIONER OF INDIAN AFFAIRS, (See *Indian Affairs, Indians.*)
appointment and salary of..... 462
to have management of Indian affairs..... 463
duties as to accounts of Indian affairs..... 464
regulations of Indian affairs by President.. 465
as to claims for Indian depredations..... 466
by Secretary of Interior to prevent sales of arms and ammunition in territory of uncivilized Indians..... 467
annual reports of.....468, 469
to report to Congress Indian hostilities 2100
to consult Indian commissioners in making purchase for Indians..... 2041
to direct purchase of goods for Indians.... 2083
to remove persons from reservations..... 2149

COMMISSIONER OF INTERNAL REVENUE,
appointment and salary of..... 319
general duties of..... 321
chief clerk, designation of..... 320
deputy commissioners and heads of divisions.....235, 322, 323
statement to, by district attorneys, of suits.. 774
of facts, when attorney decides against prosecution..... 838
to prescribe amount of collector's bond, &c. 3143

Section.

COMMISSIONER OF INTERNAL REVENUE—Continued.
to certify that all reports of collectors have been received..... 3147
to prescribe notice of appointment of deputy collectors..... 3148
fees of inspectors of tobacco and cigars... 3151
gauger's fees..... 3157
may employ and assign agents 3152
to determine compensation of storekeepers. 3153
may assign or transfer storekeeper to warehouse 3154
power to transfer and suspend collectors, transferred to, from supervisors (*note after*) 3163
may authorize officer to seize property 3166
to prescribe forms, &c., for return of taxes. 3173
of notice of time when taxes are due 3185
regulations for resale of property purchased for United States..... 3192
may make certain assessments of taxes, correct errors in lists, insert omitted names and other omissions 3182
to assess tax on property distrained 3191
to determine fees, &c., in distraint and seizure 3206
to have charge of, sell, or release in certain cases, real estate acquired under revenue laws 3208
to authorize proceeding, before suit for taxes commenced..... 3214
to establish rules for revenue officers, district attorneys, and marshals, as to suits 3215
to certify to Comptroller fact of diligence by collector in collection of taxes ... 3218
may remit and refund taxes erroneously assessed 3220
may repay to officers moneys recovered for acts in performance of official duties. 3220
may compromise certain cases, with advice of the Secretary..... 3229
to prepare special-tax stamps 3238
to make regulations for keeping conspicuously in collector's office list of special-tax payers..... 3240
regulations for registry of death, removal, of persons having paid special tax .. 3241
may prescribe for use weighing and gauging instruments, &c 3249
rules and regulations to secure correct system of inspection, weighing, marking, and gauging spirits..... 3249
to assess tax on spirits removed without deposit in warehouse..... 3253
may exempt distillers of brandy from apples, &c., from certain provisions 3255
form, &c., of notice by distiller or rectifier of intention to carry on business.... 3259
to prescribe form of distiller's bond, and may require new bond 3260
his decision final, on appeal from collector refusing to approve distiller's bond.. 3260
may accept bonds in lieu of consent of owner of land on which distillery is situated 3262
may prescribe manner of appraising land on which are distillery building and apparatus 3262
may order another survey of distillery 3264
to prescribe manner of constructing receiving-cisterns, provide locks and seals.. 3267
may require on still, tub, &c., fastenings, locks, or seals..... 3270
may require changes of, or additions to, distilling apparatus 3270
to approve distillery warehouse..... 3271

Section.

COMMISSIONER OF INTERNAL REVENUE—Continued.
- may discontinue unsafe or unfit warehouse and require transfer of merchandise. 3272
- to prescribe manner of marking of casks removed to warehouse 3287
- rules, &c., for deposit of spirits therein 3293
- form of book for storekeeper's record of distillery operations 3302
- form of distiller's book 3303
- rules, &c., in case of involuntary suspension of distillery 3310
- means to prevent lighting fire, &c., in suspended distillery 3310
- to furnish locks and seals to collector 3310
- precautions to reduce capacity of distillery 3311
- to issue stamps for spirits to collectors 3312
- to assess persons for stamps used, other than tax-paid, according to report of gauger 3314
- may prescribe regulations for restamping spirits when stamps have been lost 3315
- to prescribe form of rectifiers' and wholesale liquor-dealers' book 3318
- regulations for affixing, cancellation, &c., of stamps for spirits 3322
- to have prepared special stamps for compound liquors, imitation wines, &c 3328
- may procure stamps for payment of special taxes, and make rules 3328
- to prescribe marks for spirits intended for export, without payment of tax 3330
- bonds, bills of lading, &c., for same 3330
- to prepare stamps, &c., for fermented liquors 3341
- to allow deduction on stamps to brewers 3341
- to prescribe regulations for removal of fermented liquors under permit 3345
- the manner of affixing and canceling permits for removal of same 3345
- as to purchasing fermented liquors from one brewer by another 3349
- for permits for brewer to conduct business at another place 3350
- relative to transfer and sale of unfermented worts 3351
- form of tobacco or snuff manufacturer's inventory 3358
- form of books kept by manufacturers of tobacco or snuff 3358
- for keeping leaf-tobacco dealer's book 3360
- for packing tobacco, snuff, and cigars in wood, metal, paper, &c 3362
- for sale of fine-cut, shorts, refuse scraps, &c., of tobacco in bulk 3362
- for using stamps for tobacco, snuff, and cigars, sold under distraint, condemned, &c 3369
- for destruction of tobacco, snuff, and cigars abandoned and condemned, in certain cases 3369
- for refunding taxes on tobacco, snuff, and cigars in certain cases 3379
- for removal from manufactory, for exportation, of tobacco, snuff, and cigars 3385
- for ascertaining drawback on tobacco, snuff, and cigars 3386
- for inspection of cigars, and collecting tax 3396
- form of bond to be given for return of goods seized, &c 3459
- form of cigar-manufacturer's inventory 3390
- form of book kept by cigar-manufacturer 3390
- to have prepared special stamps for payment of tax on tobacco and snuff, &c. 3369
- to prepare stamps for tax on cigars 3395

Section.

COMMISSIONER OF INTERNAL REVENUE—Continued.
- to prescribe form and manner of returns from banks, &c 3414
- to approve private dies 3423
- to prescribe method of cancellation of stamps 3424
- may sell stamps and allow commission 3425
- may supply stamps to manufacturers of matches on credit 3425
- to certain officers for sale without prepayment 3427
- may make regulations for allowance for stamps spoiled 3426
- in regard to supplying stamps 3428
- for exportation of matches 3430
- to assess tax on articles sold without being properly stamped 3437
- to prescribe regulations for ascertaining drawback on certain merchandise 3441
- may make change in stamps and prescribe instruments for attaching and canceling; also, marks and labels 3445, 3446
- may prescribe mode and time of assessing and collecting taxes, in absence of laws therefor and when laws are altered 3447
- to dispose of forfeited spirits 3450
- may pay for detecting and punishing violations of revenue law 3463
- to estimate for expenses of collecting, &c 3671

COMMISSIONER OF PATENTS,
- appointment of 476
- to nominate subordinates to Secretary of Interior 476
- salary and bond of 477, 479
- general duties of 481
- to make rules for business of Patent Office 483
- to classify and arrange models, &c 484
- may return models on rejected applications 485
- to exclude patent agents for misconduct 487
- to require papers printed at expense of party filing 488
- may print claims, laws, decisions, &c., for public information 489
- to print for State capitals, &c., specifications and drawings 490
- additional copies for sale 491
- price of uncertified printed copies 493
- annual reports of 494
- to have charge of collections of exploring expeditions 495
- to be member of Smithsonian Institution 5579
- to countersign patents 4883
- application for patents to be made to 4888
- may require applicant to furnish specimens of ingredients, &c 4890
- to furnish model 4891
- examination of alleged new invention, &c., and issue of patent 4893
- may determine whether applications for patents are abandoned 4894
- to notify applicant of rejection of application, with reasons, &c 4903
- to order re-examination in case of claim for patent after rejection 4903
- to notify interference of application with pending application or unexpired patent 4904
- may issue patent to prior inventor unless appeal, &c 4904
- to prescribe rules for taking affidavits and depositions 4905
- appeal to, from examiners-in-chief 4910
- appeal from, to supreme court of District of Columbia 4911

Section.

COMMISSIONER OF PATENTS—Continued.
may grant reissue of patent in case of defective patent ... 4916
may reissue several patents for separate parts of invention ... 4916
may allow amendments in cases of reissue. 4916
duties of, respecting recording trade-marks. 4937–4947
to make regulations, &c., for transfer of right to use trade-mark ... 4947

COMMISSIONER OF PENSIONS,
appointment and salary of ... 470
general duties of ... 471
in case of death, resignation, or absence of. 472
may appoint person to sign certificates, &c., for bounty-lands ... 473
to designate clerk to investigate frauds ... 474
certificate of examining surgeons, &c., subject to approval of ... 4698½
when to pay arrears of pensions ... 4711
may designate persons before whom pension-declaration may be made ... 4714
when, may suspend payment under special act ... 4720
may detail clerks, &c., to investigate frauds. 4744
to forward certificate to pension agent, notice to pensioner, fees ... 4768
certificate of biennial examinations by surgeons appointed by ... 4771, 4773
may require more frequent examinations ... 4772
may organize boards of examining surgeons ... 4774
boards to make special examinations ... 4775
medical referee to be under direction of ... 4776
attorney's fees in pension cases to be fixed by ... 4785
agreement for, to be filed with ... 4786
commutation for artificial limbs ... 4789
rules for proving service by claimant for bounty-lands ... 2431
additional evidence ... 2432, 2435
to furnish applicants with printed information ... 4748

COMMISSIONERS,
diplomatic, salaries of, &c ... 1676, 1740
deemed diplomatic officers ... 1674
of district court, to swear appraisers of vessels, &c., seized for breaches of law ... 570
of cricuit court, how appointed, powers of ... 627
number of, may be increased ... 1983
marshal or deputy marshal not to be ... 628
may hold to security of the peace ... 727
may enforce awards of foreign consuls, &c., in differences between captains and crews ... 728
accounts of, to be certified by judge ... 846
fees of, &c ... 847, 856
may take bail and affidavits in civil causes ... 945
witness fees in criminal case before ... 981
bill of fees of, how proved before, allowance, &c ... 984
may imprison or bail offenders ... 1014
may discharge poor convicts imprisoned. 1042
may administer oaths and take acknowledgments ... 1778
to institute prosecutions, &c., for violations of civil-rights laws ... 1982
power in civil-rights cases ... 1983, 1984
fees in such cases ... 1986, 1987
chief supervisors of election to be ... 2025, 2026
may grant warrants to internal-revenue officers to search premises in certain cases ... 3462

Section.

COMMISSIONERS—Continued.
of circuit court—Continued.
may issue warrants for arrest of foreign seamen in case of disputes ... 4079–4081
in case of desertion ... 5280
may summon master of vessel in cases of seamen's wages ... 4546
evidence in bankruptcy taken before ... 5003
may take proof of debts ... 5076
powers of, to apprehend fugitives from justice ... 5270, 5271
may discharge poor convict imprisoned for fine, &c ... 5296
of Court of Claims, power to appoint ... 1070
examination of claimant before ... 1080
prize. (See *Prize Commissioners.*)
railroad, payment of, by corporations receiving land-grants, &c., from United States ... 5259
of Territorial courts, fees of ... 1833
may be increased to protect civil rights ... 1983

COMMISSIONS, (See *Fees.*)
of delinquents accountable for public money, when to be deducted ... 3624
of registers and receivers ... 2238
of collector of internal revenue ... 3145, 3147
in cases of distraint ... 3193
on distilled spirits ... 3314
on adhesive stamps sold ... 3425
on stamps from private dies ... 3425
internal-revenue officers to make statement of ... 3158
to brewers on sale of stamps ... 3341
in disposal of prize property, to marshal ... 4645
to auctioneer ... 4650
of assignee in bankruptcy ... 5100

COMMISSIONS, (official),
to revenue officers, how made, sealed, and signed ... 238
President to make and deliver to officers appointed by advice ... 1773
to be recorded, by Secretary of State; affixing seal to ... 1794

COMMISSIONS AND INQUIRIES,
expenses of, not to be paid until appropriation made ... 3681

COMMITTEES OF CONGRESS, (See *Joint Committee on Library, Joint Committee on Public Printing.*)
clerks of Senate committees ... 52
of House ... 53
witnesses before ... 101–104
testimony of, not to be used in criminal proceedings, &c., except, &c ... 859
Court of Claims may use reports of ... 1076

COMMITMENT,
one writ for, on several indictments, &c., against same person ... 1027
of bankrupt for contempt ... 5104
register not to have power of ... 4999

COMMODORES,
number of, on active list of Navy ... 1363
promotion from grade of, to be rear-admirals ... 1365
examination of, before promotion ... 1497
pay of ... 1556

COMMON CARRIERS,
transportation of imported merchandise entered therefor; designation, responsibility, bond ... 2993
vehicles of, not forfeited in certain cases of seizure ... 3063
search for letters illegally carried by ... 4026
not liable for gold bullion, jewelry, unless notice given by shipper ... 4281
not liable for loss by fire, unless ... 4282

Section.

COMMON CARRIERS—Continued.
limit on liability for merchandise embezzled, lost, or destroyed 4283, 4285
charterer of vessel, when deemed owner... 4286
remedies against masters, owners, &c., for embezzlement, &c 4287
provisions not applicable to canal-boats, &c., or vessels in river or inland navigation 4289

COMMON LAW,
jurisdiction of district courts in suits at 563
of circuit courts ..... cl. 3, 629
of circuit and district courts according to, in vindication of civil rights 722
mode of proof in actions at 861
courts in Territories to have jurisdiction at. 1868
extended over citizens of United States in certain foreign countries (see *Consular Courts*) 4086

COMMUTATION,
of Navy ration to be thirty cents 1585
in Army, of ration of coffee and sugar..1147, 1294
of fuel, forage and quarters 1270
of Indian annuity by payment in goods.... 2082

COMPANY,
word, as used in reference to corporations, includes what 5

COMPENSATION, (see *Salaries, Fees.*)
not allowed for double duties or extra services, &c 1764
statement of, by internal-revenue officers, when composed of fees 3158
of marshals for care, &c., of Territorial penitentiaries 1893, 1894
estimates for, founded on express law..... 3662
for clerical and other services not to be paid from appropriations for contingencies. 3682
permanent appropriation to pay salaries of judges of Supreme Court .....p. 729, 3689
to pay fees of supervisors of elections, p. 729, 3689
to pay persons employed in insurrectionary States .....p. 725, 3689
of postmasters 3852–3857
accounts to show expenditures for..... 4049
of marshals of consular courts..... 4111
for conveyance of mails by vessels going to or coming from foreign ports..... 4203
of United States securities, &c., by vessels belonging to citizens 4204
in prize cases, to clerk of district court..... 4644
to district atttorney and prize commissioner 4646, 4647
of special counsel in prize cases 4648
of assignee in bankruptcy 5099, 5100
may be set off against claims upon persons retaining public money..... 3624

COMPLAINT,
for warrant in customs cases 3092
of offenses against navigation laws..... 4301
to be read to accused, plea, &c 4301
redress of, by officers and soldiers in Army, p. 233, arts. 29, 30, 1342

COMPROMISE,
Commissioner of Internal Revenue may make, in certain cases 3229
on remission of fines, penalties, and forfeitures 5292–5296
of debts due United States except under postal laws, how made..... 3469

COMPTROLLER OF CURRENCY,
to be chief officer of Currency Bureau 324
appointment, salary, &c 325
oath and bond of 326
employment of clerks by 328
not to be interested in national banks 329
seal of office of..... 330

Section.

COMPTROLLER OF CURRENCY—Continued.
examination of banks of District of Columbia by..... 332
annual report by, to Congress..... 333
how to be printed..... 3811
jurisdiction of circuit courts of suits to enjoin, &c 629
in what district 736
certificates, &c., and copies of papers in office of, evidence..... 884
to be one of commission to examine and test coins..... 3549

National banks, under his supervision—
organization and powers of 5133–5156
obtaining and issuing circulating notes 5157–5189
regulation of business 5190–5219
dissolution and receivership 5220–5243
articles of association and certificate of banks to be sent to..... 5133, 5135
title of banks subject to approval of 5134
banks not to begin business until authorized by..... 5136
payments of installments to be certified to. 5140
increase and decrease of stock to be approved by 5142, 5143
oaths of directors of banks to be sent to, &c 5147
to determine as to capital, &c., of State banks, &c., may compel bank to close. 5151
to receipt for bonds deposited by banks..... 5162
to keep a register of bonds transferred by Treasurer 5163
to notify banks of transfers, &c..... 5164
to have access to books of Treasurer..... 5165
bonds of banks shall be annually compared with books of..... 5166
duties as to interest on bonds, requiring additional, permitting exchange, returning bonds on surrender of circulation, &c 5167
to see to correctness of organization, &c.. 5168
permission to banks to commence business 5169
to issue circulation to banks 5171
to cause notes to be engraved, &c 5172
to have custody of plates, &c 5173
to cause annual examination of plates ... 5174
make requisition for return of circulation to equalize apportionment 5180
prescribe rules for removal of banks from one State to another..... 5181
replace worn-out notes..... 5184
when to issue gold-notes to banks..... 5185
to notify banks to make up reserve..... 5191
when may appoint receivers of banks.5191, 5195, 5234
to approve selection of redemption agencies 5195
to require banks to make good impaired capital 5205
list of shareholders to be sent to 5210
reports to, special reports..... 5211
dividend reports shall be sent to 5212
may fine for failure to make reports..... 5213
vote of bank to go into liquidation to be certified to 5221
duties of, in relation to banks redeeming circulation 5222–5225
on failure to redeem notes 5226–5238
notice of appointment of receivers..... 5235
dividends to creditors of banks..... 5236
enjoined in proceedings against banks... 5237
forfeiture of franchises of bank at suit of..... 5239
may appoint occasional examiners, &c... 5240

Section.

COMPTROLLERS OF TREASURY,
appointment, salary, and general duties...268–275
clerks in office of 235
balances certified by, to be conclusive except on Congress and courts 191
may refer cases to Court of Claims 1063, 1064
to certify to Solicitor for suit, accounts of disbursing officers failing to pay over 3633
to be furnished with copy of appointment of inspector of fuel in District of Columbia 3712
First, general duties of 269–272
to approve and have custody of bonds of clerks of Senate and House 57–59
not to carry on trade or business..... 243
to hear appeals on accounts from Sixth Auditor 270
may order accounts to be settled by First and Fifth Auditors 271
to report to Congress annually officers failing to make settlements, &c 272
accounts audited by Commissioner of General Land Office to be sent to, for examination and decision 456
in case of absence of Secretary of Treasury, may order removal of customs revenue offices to other places on account of epidemic disease 4797
cost in such case to be reported to Congress 1776
to notify district attorney of marshal's failure to pay over fines collected of militia 1660
to institute suits against persons accountable for public moneys 269, 3624
to certify to Solicitor for suit, &c., accounts of officers failing to pay over. 3625, 3633
bonds of collectors of internal revenue to be filed with 3143, 3144
to prescribe sum and form of bond of such collectors as disbursing agents.. 3144
to report to Solicitor of Treasury delinquencies of collectors of internal revenue in rendering accounts or collecting 3217
Commissioner of Internal Revenue to certify to, as to due diligence of collectors respecting uncollected taxes. 3218
warrants drawn by Secretary of Treasury to be charged in the books of... 3675
to be furnished with copy of appointment of inspector, weigher and measurer of fuel in District of Columbia..... 3712
what contracts shall be deposited in office of 3743
to allow equitable compensation for transportation home of destitute seamen. 4579
duties as to refund of taxes paid by national banks in excess of what was due 5218
Second, general duties of 273–275
clerks in office of 235
to regulate payment of arrears of pay of petty officers and seamen, &c..... 274
may detail clerk to sign papers relating to bounties 275
to state and certify accounts of delinquent disbursing officers to Solicitor 3633
to countersign requisitions drawn on Secretary of Treasury by Secretaries War and Navy..... 3673
certain public contracts to be deposited with, within ninety days after their date 3743

Section.

COMPTROLLERS OF TREASURY— Continued.
Commissioner of Customs to perform duties of Comptroller as to accounts relating to customs, &c 316–318
certain contracts to be deposited in office of..... 3743
Sixth Auditor performs duties of Comptroller as to accounts of Post-Office Department. (See *Auditors.*)
appeal from, to First Comptroller upon certified balances 270

CONCEALING,
on high seas, &c., money, goods, &c., known to have been stolen 5357
merchandise known to have been imported contrary to law 3082
dutiable articles in baggage..... 2802
of invoice, book or paper relating to merchandise liable to duty 5443
of property by bankrupt 5021, 5110, 5132

CONDEMNATION,
of property captured in insurrection, jurisdiction of courts 563, 629
claims of loyal creditors to be provided for..... 5322
in prize cases,
proceedings of courts (see *Prize*) .565, 4618, 5308, 5309, 5311
under customs laws, proceedings after, for sale of vessels, distribution, &c .. 939
may be before judge in vacation 940
of clothing in Navy, proceeds of sale of, not to be covered into Treasury..... 3618
how disposed of 3692
of horses, condemned, when to be paid for by government 3485
of stores, proceeds of condemned stores to be deposited in Treasury 3618
statement of, in book of estimates..... 3672
of vessels, extra wages not to be paid to seamen discharged on account of.... 4583

CONFEDERATION,
of States previous to formation of United States Constitution, articles of.. p. 7.
ordinance by Congress of, for government of territory N. W. of Ohio River.. p. 13.

CONFEDERATE STATES,
persons in service of, not to be appointed in Army 1218
collection of moneys, &c., due 3755

CONFINEMENT,
duration of, previous to trial by court-martial, in Army .....p. 237, art. 70, 1342
in Navy, punishment by ....p. 281, art. 24, 1624
by officers temporarily commanding .... p. 281, art. 25, 1624
by summary court-martial..p. 282, art. 30, 1624

CONFISCATION,
of property on account of use in insurrection 5308
proceedings for 5309, 5311

CONGRESS, (See *Senate, House.*)
Election of Senators 14–19
Apportionment and election of Representatives 20–27
Organization of meetings of 28–34
Compensation of members 35–51
Officers and persons in employ of Senate and House of Representatives.... 52–79
Library of.....80–100
Congressional investigations 101–104
Contested elections 105–130
Congressional Directory, when to be published 77, 3801
laws, &c., of, to be deposited in State Department 204

Section.

CONGRESS—Continued.
witnesses before, testimony of, not to be used in criminal cases, except, &c..... 859
not privileged from producing evidence by reason that it may disgrace them.. 103
members of, not to practice in Court of Claims..... 1058
prohibition and punishment of, for taking consideration for procuring public contracts or office..... 1781
for taking compensation in matters in which United States are parties..... 1782
not to be interested in public contracts except, &c.....3739–3742
certain laws of District of Columbia extended to Capitol Square on request of presiding officer of either House.. 1819
Delegates to, in Territories, election of..1862, 1863
from Washington and Idaho..... 1905
from certain Territories must be citizens. 1906
Joint Committee of, on Public Printing, appointment of..... 3756
appointment by, of editor of public documents..... 75
direction by, of binding public documents..... 75
other duties of (see *Joint Committee on Public Printing*..492, 3757, 3767, 3775, 3778, 3780, 3809
Joint Committee of, on the Library, duties of, (see *Joint Committee on Library*...82, 85–87, 94, 427, 1831, 3796
printing, binding, &c., for.....3779, 3786
on whose requisition..... 3789
number of bills, documents, acts, treaties, &c., to be printed for..3791, 3792, 3798, 3807
motion to print extra copies 3793, 3795
House first ordering printing to notify other..... 3794
giving or offering to give to member money or bribe to influence vote..... 5450
to officer of, with intent, &c..... 5451
acceptance of bribe by member of..... 5500
disqualification for office, &c., of member of, by accepting bribe..... 5502
offenses connected with election of Representatives or Delegates in (see *Elections; Representatives in Congress*).....5511–5515, 5520
with registration of voters at election of Representatives (see *Elections*)..5512, 5513, 5522, 5523
to elect new managers of National Home for Disabled Volunteers..... 4826

CONGRESSIONAL DIRECTORY,
compilation of..... 77
printing and distribution of..... 3801

CONGRESSIONAL PRINTER, (See *Government Printing Office.*)
qualifications and election of..... 3758
salary and bond of..... 3759
general duties of..... 3760
to appoint foremen..... 3761
clerks and employés.....3762, 3763
when to cause printing at night..... 3764
not to be interested in newspaper printing or contracts..... 3765
debates in Congress to be printed by..... 78
to be furnished with copies of acts of Congress and treaties 196, 210
quarterly statement of receipts and expenditures to be furnished to..... 265
to advertise for work of lithographing..... 492
annual report of, to Congress 3821
estimates submitted by, to Congress..... 3822
of paper to Joint Committee on Public Printing..... 3766

Section.

CONGRESSIONAL PRINTER—Continued.
to advertise for proposals to furnish paper. 3767, 3768
to furnish samples of papers to applicants. 3769
to compare paper delivered with standard. 3773
to report default of contractors.....3775, 3777
when, may purchase paper in open market. 3778
engravings, &c., for maps, diagrams, &c.3779, 3780
lithographing maps accompanying report of Commissioner of General Land Office. 3781
to preserve samples of paper for engravings, and enforce contract, &c..... 3782
to be accountable for material 3783
frauds of, on United States, penalty for.... 3784
to determine form and style of printing and binding, &c., for departments..... 3790
to print documents in addition to usual number when directed by Committee on Library 3796
to keep account with each department and not to exceed appropriation..... 3802
duties of, in printing acts, resolutions, &c., under direction of Secretary of State. 3805, 3806
how to furnish copies of documents to private persons..... 3809
when to deliver to Congress annual reports, President's message, &c 3810, 3811
to be furnished by Secretary of Treasury with statement of exports and imports before November 1 annually.. 3812
books and documents for Secretary of the Interior 3813
estimates to be submitted to Register of Treasury 3814
quarterly account to Secretary of the Treasury 3815
advances of money to, to pay for work, &c. 3816
accounts of receipts and disbursements of, how settled..... 3817
to deposit moneys from sales of copies, &c. 3818
monthly statements to, by foremen..... 3819
account of paper used to be kept by; report of, to Secretary of Interior..... 3820

CONNECTICUT,
United States courts in (see *Circuit Court; District Court*); judicial districts..... 531
circuit court, terms of..... 658
district court, term of 572
collection districts and ports of entry and delivery (see *Collection Districts*); ports of entry.....2533, 2534
masters of vessels bound for any port in, via Sandy Hook, to deposit manifest at New York..... 2834

CONSIGNEES,
when to give bond for production of invoice in custom cases..... 2848
deemed owners of imported merchandise.. 3058
in Alaska, may be required to give bond on landing of arms, &c..... 1955
of vessels, penalty for carrying away live-oak or red-cedar timber from lands reserved..... 2462
to have indorsed on certificate of record change of name or master 4183
to furnish collectors copy of receipts for fees paid by vessels to consuls..... 4213
when, may perform duties of shipping commissioners..... 4504

CONSPIRACY,
judgments of circuit courts in civil actions under civil rights law reviewed in Supreme Court without regard to sum or value in dispute.....par. 5, 699
against civil rights, suits, &c.....563, 629, 1980

Section.

CONSPIRACY—Continued.
liability of all conspirators for acts of one .. 1980
when, may be suppressed by use of land and naval forces 5299
to deter party or witnesses from attending or testifying in court, or to influence verdict or indictment, &c..... 5406
to impede course of justice with intent to deny protection of laws, &c..... 5407
to hinder, &c., citizens from voting or qualifying to vote at election 5506
to injure, intimidate, &c., citizen in exercise of, or for having exercised civil rights..... 5508
other offenses to injure, oppress, intimidate, &c., as to civil rights..... 5509
to prevent persons from holding office, to induce officer to leave State, &c., or to injure such officer..... 5518
to deprive classes or persons of protection of laws, &c., or to prevent State from giving equal protection, &c..... 5519
to prevent citizen entitled to vote from supporting election of electors of President, &c., or of member of Congress, or to injure 5520
to defraud United States by obtaining approval, &c., of false claim by persons in military service.....p. 235, art. 60, 1342
in naval service .....p. 278, art. 14, 1624
by persons not in military or naval service, action for 3490
by any person..... 5438
of revenue officers, &c., to defraud..... 3169
to overthrow or levy war against United States, impede execution of laws, seize property, &c 5336
to cast away vessel with intent to injure underwriter 5364
to commit offense against or to defraud United States, liability of all for acts of one conspirator 5440

CONSTABLES,
to assist in arresting seamen deserters 4599
allowance for, &c., in China and Japan ..4122, 4123

CONSTITUTION OF UNITED STATES,
text of .....p. 17.
of amendments to .....pp. 28–32.
analytical index to.....p. 32.
amendments to, how promulgated 205
thirteenth amendment abolishing slavery, p. 30.
fourteenth amendment .....p. 31.
proceedings against persons holding office contrary to third section of.....1786, 1787
reduction of Representatives to States abridging rights under 22
exclusion of jurors from cases concerning rights under, when in complicity to prevent enforcement of 822
fifteenth amendment, text of .....p. 32,
preventing, &c., persons from exercising rights guaranteed by (see *Civil Rights*) 5507–5509
oath to support, by whom to be taken 1836
how administered and recorded 1837
aliens applying for citizenship to make oath to support..... 2165
force and effect of, in Territories..... 1891
jurisdiction of Territorial courts in cases under.....1910, 1911
deprivation of rights secured by the, action for (see *Civil Rights*) 1979

CONSULAR COURTS,
jurisdiction of ministers and consuls in certain countries 4083–4130
criminal 4084

Section.

CONSULAR COURTS—Continued.
civil 4085
how exercised and enforced 4086
laws extended to citizens of United States.. 4086
warrant for arrest of offenders 4087
arraignment, trial, and sentence 4087
in uncivilized countries, jurisdiction 4088
consul's decision in criminal cases 4089
appeal to minister 4089
ministers to hear capital cases 4090
may prevent enlistment, &c., of citizens of United States 4090
to hear and decide cases on appeal, &c .. 4091
new trials, how granted..... 4091
appeals in civil cases from consular courts in China or Japan to minister 4092
to circuit court of California 4093
from minister to circuit court of California in civil cases 4094
in criminal cases..... 4095
circuit court to hear appeals..... 4096
decisions to be final..... 4096
evidence in consular courts, how taken 4097
settlement of civil cases by agreement or reference to be encouraged 4098
form of submission, hearing, decision, and award 4098
judgment and execution, on awards..... 4098
parties may settle before return of award. 4098
settlement of minor criminal cases 4099
aid of local authorities may be invoked.... 4100
punishment of crime, methods of..... 4101
insurrection, rebellion, and murder to be capital offenses 4102
warrant and execution of criminal 4103
when capital case may be submitted to President for pardon..... 4103
punishment for contempt 4104
final decisions by consul sitting alone 4105
associates in criminal trials and manner of proceeding 4106
civil jurisdiction, when decision final 4107
associates in civil cases and proceedings ... 4107
jurisdiction of ministers..... 4108
when to be appellate and when original... 4109
responsibility of ministers and consuls 4110
marshals of..... 4111
execution and return of process..... 4112
bond of 4113
suits upon bond of..... 4114
production of original bond 4115
rules and processes against marshals 4116
regulations, orders, and decrees by ministers..... 4117
to be submitted to consuls..... 4118
force, and when to take effect..... 4118
transmission to Secretary of State to be laid before Congress 4119
fees for judicial services, &c 4120
prisons for American convicts..... 4121
allowance for, at Shanghai 4122
for hire of constables, &c., in China... 4122
for rent of prison, &c., at Kanagawa .. 4123
for constables, &c., in Japan..... 4123
court-house and jail at Jeddo..... 4124

Turkey, provisions as to crimes and offenses extended to..... 4125
judicial powers in minister and consuls.. 4125
as to civil jurisdiction..... 4125
marshal for consular court in..... 4111
prison for American convicts in..... 4121

Persia, provisions extended to, as to what suits, disputes, judicial powers, &c., of. 4126
suits between subjects of, and citizens of United States to be carried before Persian tribunal, &c 4126
consular officer to attend trial, &c..... 4126

Section.

CONSULAR COURTS—Continued.
Persia—Continued.
suits between citizens of United States and subjects of other powers 4126
regulations to be agreed upon by respective ministers submitted to Secretary of State 4126
Tripoli, Tunis, Morocco, and Muscat, provisions extended to 4127
judicial powers in consuls 4127
judicial duties of ministers to devolve upon Secretary of State, when 4128
certain other countries, of like character, provisions extended to 4129
"**minister**" and "**consul**" mean whom .. 4130
CONSULAR FEES. (See *Consular Officers—fees.*)
CONSULAR OFFICERS,
places to which appointed and salaries of ... 1690
consuls-general ..... Schedule B, p. 296, 1690
agent and consul-general of Cairo, salary of 1676
consuls ..... p. 297, 1690
schedule C ..... p. 301, 1690
commercial agents ..... pp. 300, 302, 1690
additional compensation of those whose salaries do not exceed $1,500 1702
of vice-consuls, commercial agents, vice-commercial agents, and principal officers within limits of consulates and commercial agency 1703
term for which salaries are payable 1740
not to be paid when absent from post, except. 1742
compensation to be in full for services 1743
not to be allowed to persons not citizens. 1744
list of, to be laid before Congress 208
copies of official documents, &c., of, when evidence 896
who are included under word "consul" in laws respecting foreign relations 4130
commander of fleet, squadron, or vessels acting singly in foreign ports, &c., may exercise powers of 1433
consuls-general, consuls, and commercial agents are full and principal officers .. 1674
deputy consuls and consular agents subordinate to 1674
vice-consuls and vice-commercial agents temporary officers 1674
none except above named included in term consular officers 1674
general provisions concerning 1689–1739
provisions common to diplomatic and consulars officers 1740–1752
not to hold two consulates 1691
three interpreters for consulates in China .. 1692
interpreter to consulate at Bangkok, Siam .. 1693
consulate at Trinidad may be discontinued, and consul appointed at Cienfuegos, Cuba 1699
President may define extent of territory of consulate or commercial agency, provide for vice-consuls, consular agents, &c 1695
no allowance to vice-consulates or consular agency, except for stationery and postage 1696
bonds of 1697, 1698
not to transact business except, &c., penalty 1699–1701
actual expenses of office-rent to such officers as are not allowed to trade 1706
consular clerks, when may be appointed .. 1704
examination and removal of 1705
duties of consuls and vice-consuls to receive protests and declarations of masters, passengers and seamen 1707

Section.

CONSULAR OFFICERS—Continued.
to keep record of seamen, vessels, &c 1708
persons dying abroad, duties of, respecting their estates 1709, 4539, 4541
as to notification of death 1710
directions of decedents to be followed ... 1711
permanent appropriation to return to kindred proceeds of such estates .. p. 724, 3689
to procure and report commercial information 1712
to furnish Secretary of the Treasury with prices-current 1713
not excluded from other powers than those specified 1714
not to certify invoices, unless 1715
penalty for embezzlement by 1734
neglect of duty by 1735
neglect of duty to seamen 1736
for false certificate as to property 1737
to perform diplomatic functions, when 1738
pay in such cases 1739
not to be absent from post, except, &c 1741
stationery to be furnished to 1748
dying abroad, allowance to widow 1749
may take depositions, validity 1750
prohibition as to correspondence, &c 1751
President may make regulations, &c 1752
in China, Japan, &c., to give certificates of voluntary emigration 2162
invoices, when to be produced to 2854
declaration of persons producing 2855
oaths to, and certification of same 2843–2855
from countries adjacent to United States to be sworn to at nearest port of clearance 2856
to transmit to collector of customs certified copy of 2857
make exact proof of 2862
to report fraudulent verification 2863
certificate of, in addition to consignee's certificate, in certain cases of exportation 3045
what to be indorsed on declaration of American artists to, in order to admit works of, free of duty ..... p. 489, 2505
knowingly and falsely certifying; punishment 5442
when not to grant certificate for goods shipped from countries adjacent to United States 1717, 2861
may require mails to be carried in vessels bound for United States 3976
may pay postage on letters held in foreign countries 4014
marriages in presence of, in foreign countries; validity; duties of 4082
when may invoke local authority of 4100
when merchant-seamen shall be engaged in presence of 4517
penalty for illegally engaging merchant-seamen 4518
duties of, in protecting vessels stranded on foreign shores 4238
to return papers to vessels on production of clearance 4309
seamen's wages paid by direction of, to be in gold 4548
survey of vessels by, on complaint of crew and officers 4559
approval of report of survey 4560
may discharge crew with extra wages ... 4561
to certify charges for survey 4562
when, to inspect provisions on merchant-vessels, upon complaint 4565
penalty for false complaint 4566
may demand crew-list and shipping-articles of vessels 4575

Section.

CONSULAR OFFICERS—Continued.
discharge of seamen by, not to forfeit bond of master ... 4576
shall provide for return to the United States of destitute seamen ... 4577
destitute seamen at ports where there is no consular officer ... 4579
when, may discharge seamen and require extra wages ... 4580
penalty for neglect of, to require extra wages of seamen ... 4581
extra wages of seamen to be paid to, on sale of vessel ... 4582
when, may remit extra wages ... 4583
how, to dispose of extra wages of seamen ... 4584
shall collect hospital-tax on vessels sold ... 4586
reclamation of deserters, &c., by, when may discharge seamen deserters with extra wages ... 4600
pension declarations before ... 4714
two per cent. for privateer pension fund to be paid to, and deposited, &c ... 4759, 4760
may administer creditors' oath in bankruptcy cases ... 5079
vessels owned by, entitled to registry in certain cases ... 4133, 4134
certificate of articles purchased for Navy on foreign stations ... 3723
officers of Army prohibited from being ... 1223
of Navy accepting, to be considered as resigning naval office ... 1440
judicial authority (see *Consular Courts.*) ... 4083–4122
consular and commercial agents, who are such ... 1674
salary of agent at Cairo ... 1676
provisions of law relating to consular officers to apply to ... 1689
general provisions relating to (see *above as to Consular Officers*) ... 1689–1734
consuls-general, are principal consular officers ... 1674
to what places appointed and salaries, Schedule B, ... 1690
at Cairo ... 1676
to Hayti and Liberia, appointment and salary ... 1683
at Constantinople, to be secretary of legation to Turkey, salary of ... 1677
may be appointed by President instead of consuls or commercial agents ... 1690
not to hold other consulates ... 1691
fees for certifying invoices for British North American provinces ... 1721
provisions relating to consular officers to apply to ... 1689
general provisions relating to (see *above as to Consular Officers*) ... 1689–1734
consuls, are principal consular officers ... 1674
deputy consuls and consular agents are subordinate to ... 1674
places to which appointed and salaries, p. 297, and Schedule C, p. 301, ... 1690
may be appointed instead of commercial agents and *vice versa*, or consul-general for either, and salaries in such cases ... 1690
a consul may be appointed at Cienfuegos instead of Trididad de Cuba ... 1694
provisions relating to consular officers to apply to ... 1689
general provisions relating to (see *above as to Consular Officers*) ... 1689–1739
fees of, regulation of ... 1744
rates or tariff of, may be prescribed by President ... 1745
to be collected in coin of the United States or its value in exchange ... 1746

Section.

CONSULAR OFFICERS—Continued.
fees of—Continued.
to be accounted for ... 1747
tariff of, to be conspicuously posted in office ... 1731
table of, to be attached to clearances of certain registered vessels ... 4207
copy of receipts for, to be furnished collector on entry of vessels ... 4213
for certifying invoices ... 1716, 2851
for administering oaths and granting certificate in case of drawback ... 3046
to be paid legal; liability of masters, &c., for ... 1718
not to receive, from extra wages, &c., of seamen ... 1719
from vessel making regular trips ... 1720
for certifying invoices in British North American provinces ... 1721
not to collect tonnage-fees from vessels touching at Canadian ports ... 1722
penalty for exacting excessive ... 1723
for failure to collect ... 1724
to make returns of ... 1725
to give receipt for ... 1726
to number, &c., receipts for ... 1727
to furnish transcript of fee-book ... 1728
certain, to account for ... 1729, 1732
to have fees for compensation ... 1730
in excess of certain amounts, when accounted for ... 1732, 1733
foreign consular officers in this country, jurisdiction of courts over ... 563, 687, 688, 711
awards by, in differences between captains and crews, how enforced ... 728
arrest, &c., of seamen by, in case of disputes between them ... 4079–4081
in case of desertion from foreign vessels ... 5280
deposit with, of registry and papers of foreign vessels on entry and redelivery on clearance ... 4209–4211

CONTAGIOUS DISEASE,
in case of prevalence of, Congress may be convened elsewhere than at seat of government ... 34
removal of revenue officers to other places in case of ... 4797
of public offices from capital ... 4798
by adjournment, of Supreme, circuit, and district courts ... 4799
costs of removal to be reported to Congress ... 1776
of prisoners ... 4800
gratuitous clothing may be issued to soldiers who have had ... 1298

CONTEMPT,
power of courts to punish for ... 725
of Court of Claims ... 1070
by witness under letters rogatory, penalty ... 4073
of consular court, punishment ... 4104
in bankruptcy proceedings, power of court ... 4975
judge in chambers may punish for ... 4973
register not to commit for ... 4999, 5002
of witness before register ... 5005, 5006
assignee liable to process of ... 5037
bankrupt subject to punishment for ... 5104
in Army, courts-martial to punish for ... p. 238, art. 86, 1342
in Navy, treating superior officer with, how punished ... p. 277, art. 8, 1624
courts-martial to punish for, p. 283, art. 42, 1624
courts of inquiry may punish for, in same manner as courts-martial ... p. 284, art. 54, 1624

CONTESTED ELECTIONS,
of representation in Congress ... 105–130

Section.

CONTESTED ELECTIONS—Continued.
notice and answer 105, 106
taking testimony in 107–109
subpœnas, by whom issued 110, 111
justices of the peace may act when 112
depositions taken, without notice 113
witnesses in, provisions in regard to 114–117
selection of additional officer to take testimony 118
party may appear by agent or attorney 119
examination of witnesses 120–122
production of papers 123
adjournments in taking testimony 124
subpœna, &c., to be attached to depositions. 125
certifying, sealing, and transmission of testimony to Clerk of House 126, 127
opening of deposition 127
fees of witnesses and officers 128, 129
expenses of parties not paid by House 130

CONTIGUOUS COUNTRIES. (See *Canada, British Provinces, Mexico, Northern, &c., Frontiers.*)
provisions applying to commerce with, in respect to collection of custom-duties 3095–3129
declaration to accompany invoice of merchandise from 2856
consular officers not to grant certificates of merchandise shipped from, which has passed other consulates 1717, 2861

CONTINGENT FUNDS AND EXPENSES,
departments restricted in use of 172, 3682, 3683
heads of, to report to Congress annually detailed statement of 193
annual report of, by State Department, to include contingent expenses of foreign intercourse and missions abroad. 209
Treasury Department to report expenses for furniture, &c 262
of Senate and House, statement of expenditure of, required 60
payments regulated 76
restrictions as to 3680
of Senate, how disbursed 56
of House, expenses of parties in contested elections not payable from 130
of Mint, transfer of bullion paid from 3553
of pension agents, allowances 4781
of legations and consulates, expense of stationery 1747
costs in Supreme Court on appeal, &c., by United States, to be paid out of contingent funds, how and when 1001

CONTINUANCE,
in case of vacancy in office of district judge. 602
in suits against officers, &c., accountable for public money 957
arising under postal laws 958
upon debentures, &c 959
to recover customs duties 960
or criminal proceedings under internal-revenue laws 3231
on overruling demurrer to indictment or information 1026
by general courts-martial in Army .. p. 239, art. 93, 1342

CONTRABAND OF WAR,
may be purchased for Navy without advertising, &c 3721

CONTRACTS,
all persons to have equal right to make 1977
construction of, in equivalents of metric system 3570
when payable in pounds sterling 3565
consular jurisdiction in cases of, in certain countries (see *Consular Courts*) 4085

Section.

CONTRACTS—Continued.
public, provisions relating to (see *Public Contracts*) 3709–3747
not to be made in excess of appropriations, except, &c 3679, 3732, 3733
contracting to pay, for erection, &c., of public building, for more than specific appropriation, penalty 5503
payments on, not to be beyond services performed 3648
for supplies, &c., shall be made after advertising 3709, 3826
provisions as to advertising, not to apply to purchase of certain articles, &c., for Navy, &c 3721, 3726, 3727, 3729
for supplies, American manufactures preferred in 3716, 3725, 3728
certain, shall have oath of officer attached. 3745
for collection, of abandoned property 3755
officers and persons interested in, commercial corporations and firms having public contracts, not to be employed as agents of government in certain cases 1783
members of Congress, Delegates, &c., not to be interested in 3739–3742
provision to be inserted in, that no member of Congress, &c., is interested ... 3741
members of Congress and public officers accepting consideration for procuring, penalty 1781
prohibited receiving compensation for services relating to, before department or commission 1782
officers of military prison not to be interested in 1358
members of Light-House Board and lightkeepers not to be interested in certain. 4680
not to be transferred, and transfer of, renders contract void 3737, 3963
certain, to be deposited with Comptrollers and Commissioner of Customs ... 3743
breach of, by artificer or workman at arsenal or armory, penalty for 1669
for stationery for Congress, how made ... 65–68
of War, Navy, and Interior Departments to be in writing and signed 3744
copy of, to be filed in returns office 512, 3744
for supplies, for War Department, with proposals, &c., to be laid before Congress 229, 230
Secretary of Navy may relinquish ten per cent. reservation in certain cases 3730
with Indians, provisions concerning .. 2103–2106
for furnishing goods to Indians, restriction on payment 2107
for survey of public lands, when binding. 2398
instructions to be deemed a part of 2399
to prevent bidding for public lands, &c., penalty for making 2373
to pay premium over price paid by bidder, void 2374
recovery of premiums paid under 2375
bill of discovery may be instituted to obtain proof of such contract 2763
for collection, sale, &c., of abandoned, wrecked property 3755
for light-house service, to furnish apparatus, or construct buildings, &c., by whom accepted 4665
materials for construction or repair of light-houses, beacons, buoys, &c 4666
erection of light-houses, how made 4667
for Government Printing Office, paper. 3767–3778
engraving and lithographing 3779–3782
report to Congress, for paper and materials 3821

Section.

CONTRACTS—Continued.
public—Continued.
Congressional Printer and foremen not to be interested in ... 3765
with Post-Office Department, provisions relating to ... 3849, 3850, 3941–3963
date of making and filing to be affixed thereto ... 402
form of ... 403
duplicate copies of, for carrying mail, to be delivered to Sixth Auditor ... 404
no person in Post-Office Department to be interested in ... 412
statement of accounts under, by Sixth Auditor to be evidence ... 889
for carrying mails, advertising for bids ... 3941
with railways ... 3942
with steamboats, &c ... 3943
proposals for, how opened ... 3944
guarantee of proposals for ... 3945
oath of bidder for ... 3946
postmasters' certificates to proposals ... 3947
to be recorded ... 3948
to be awarded to lowest bidder, except ... 3949
who shall not receive ... 3950
failure to enter into, proceedings on ... 3951
when bidder for, may be released ... 3952
certified check as guarantee of proposal ... 3953
penalty for failure to enter into ... 3954
new sureties on, may be accepted ... 3955
limit of term of ... 3956
omission of route from advertisement for ... 3957
change of, proceedings on ... 3958
payment on ... 3959
additional services under ... 3960
allowance for increased expedition under ... 3961
deductions from pay under ... 3962
assignments of, void ... 3963
through foreign countries may be made, revocation, indemnity ... 4006
to foreign countries may be made ... 4007
special stipulations in ... 4011
contractors may be fined for violation, &c ... 4010
postmaster to report delinquencies ... 3849
not to be contractors ... 3850
jurisdiction of Court of Claims in respect to (see *Court of Claims*) ... 1059

CONVERSION,
to his own use of public moneys by disbursing officer, &c ... 5488, 5490
what shall constitute ... 5496

CONVEYANCES, (See *Assignments.*)
by Indians of lands, claims, &c., void ... 2116
of homesteads of Stockbridge-Munsee Indians restricted ... 2311
of vessel not valid unless, &c ... 4192
to be recorded by collectors, &c ... 4193
collectors to keep index of records, &c ... 4194
fees for recording ... 4193, 4382
in bankruptcy matters,
fraudulent, to be acts of bankruptcy and void against assignee ... 5021, 5129
assignee may recover property ... 5128, 5129
what, presumptive evidence of ... 5130
forfeiture of creditor receiving ... 5131
penalty of bankrupt for making ... 5132
former assignee, &c., to make ... 5043
register to make, of bankrupt's estate ... 5044
what, to vest in assignee ... 5045, 5046
debtor to make all necessary ... 5051
to trustees, how made ... 5103
fraudulent, to bar discharge ... 5110
by corporations, to be void ... 5122
by way of preference, void ... 5128

Section.

CONVICTS. (See *Prisoners.*)
discharge of, from imprisonment to enforce payment of fine, &c ... 1042, 5296
not to be enlisted in Army ... p. 230, art. 3, 1342
military prison for (see *Military Prison*) ... 1344–1361
sentenced under Territorial laws, may be received, &c., in penitentiaries ... 1895
admission of insane, to Government Hospital for Insane ... 4852
delivery of, when restored to sanity ... 4855
expenses of, how paid ... 5536
places of confinement of ... 5537
marshal to make provision for keeping of, in certain cases ... 5538
United States convicts in State prisons ... 5539
selection of prison for, where district is divided ... 5540
sentences of, for more than year, when to be executed ... 5541
penitentiary sentences, where to be executed ... 5542
deduction from term of service for good conduct ... 5543, 5544
Attorney-General may designate place of confinement of, in certain cases ... 5546
to contract for subsistence of ... 5547
to pay marshals and warden of jail in District of Columbia only actual reasonable cost of support of ... 5545
court may order sentence executed in house of correction or reformation ... 5548
confinement of juvenile offenders ... 5548, 5549
subsistence for, to be contracted for by Attorney-General ... 5550

CONVICTION,
not to work corruption of blood or forfeiture of estate ... 5326
of seamen and punishment inflicted to be entered in log-book ... 4290

CONVOY,
punishment for negligence in duty of, exacting compensation for, or maltreating officers or crew of vessels under, p. 277, art. 8 ... 1624

COOKS, COOKING, ETC.,
detail of cooks from privates in Army to companies ... 1233
line officers of Army to superintend cooking ... 1234
vessels carrying other than cabin passengers between Europe and United States to be provided with cooking-range ... 4258, 4259

COOLY TRADE,
vessels not to be built, &c., for ... 2158
forfeiture of vessel, &c., employed in ... 2159
penalty for building, &c., vessel for the ... 2160
for receiving or transporting coolies ... 2161
voluntary emigration of subjects of Oriental countries not affected ... 2162
examination of vessels suspected ... 2163
disposal of vessel found so engaged ... 2163

COOSA RIVER,
in Alabama, free of tolls, except, &c ... 5244

COPIES,
of papers in General Land Office; duty of Secretary of Interior and Commissioner to furnish, &c ... 460, 461
of proofs, entries, &c., certified to appellate court in cases of appeal from district to circuit court ... 632
security for entering, on removal of suit from State into circuit court ... 639
in case of removal of suit against corporation ... 640
clerk of State court to furnish, on removal of suit or prosecution ... 641

Section.

COPIES—Continued.
what, to be transmitted to Supreme Court in cases of appeal 698, 1013
of record, &c., to be annexed to and returned with writ of error 997
evidence of books, records, papers, &c., in executive departments 882
in office of Solicitor of the Treasury 883
in office of Comptroller of the Currency 884
organization certificate of bank 885
in office of consul, &c 896
of bonds, contracts, &c., annexed to Treasury transcripts 886, 887
of returns in office of Interior Department 888
of postmaster's return 889
of papers in office of Sixth Auditor 889
of statement of postmaster or agent of, mailing letter of demand to delinquent postmaster 890
of records, books, &c., in General Land Office 891
in Patent Office 892
of specifications, &c., of foreign letters-patent 893
printed, of specification and drawings of patents for gratuitous distribution 894
of journals of Senate or House 895
in new books of records of certain district courts under act of 1864 897
and in North Carolina under act of 1872 898
in case of records lost or destroyed 899–901
of circuit and district courts of northern district of Illinois 902–904
of legislative acts and judicial proceedings of States, how authenticated 905
of records in offices not pertaining to courts, how authenticated 906
of foreign records relating to land-title in United States, authentication of 907
of United States statutes printed and evidence thereof 908

COPPER COINS,
denomination, alloy, weight, fineness 3515, 3516
redemption of 3529

COPYRIGHT,
jurisdiction of circuit courts in suits relating to ..... cl. 9, 629, 711
of Supreme Court, upon writ of error or appeal, to review decisions of circuit courts 699
full costs allowed in all recoveries 972
provisions concerning 4948, 4971
custody, &c., of records 4948
duty of Librarian of Congress as to 4948–4951
seal by which records, &c., are authenticated 4949
what may be copyrighted 4952
term of 4953, 4954
assignment of, recording, &c 4955
deposit, &c., of title and copies 4956, 4959
penalty for failure to deliver or mail copies 4960
receipt by postmaster for title or copy mailed 4961
form of record of title; attested copy 4957
fees for recording and copies 4958
notice of, to be inserted in book, or inscribed on other article 4962
falsely inserting or inscribing notice of 4963
forfeiture and damages for infringing, of book 4964
of map, musical composition, painting, &c. 4965
damages for infringing, of dramatic composition by publicly performing 4966
for printing or publishing manuscript 4967
limitation of action for infringement of 4968

Section.

COPYRIGHT—Continued.
right to plead general issue, and give special matter in evidence, in actions for infringement of 4969
circuit courts, &c., may enjoin violations of. 4970
prohibitions not to apply to works of persons not citizens or residents of United States 4971
of bankrupt, to be vested in assignee 5046

CORDIALS,
manufacture of, in bonded warehouse for exportation without payment of tax or duty 3433

CORPORALS,
for battery of artillery 1100
troop of cavalry 1103
company of infantry 1107

CORPORATIONS,
included in "persons" 1, 5013
words "company," "association," when used with reference to, embrace successors and assigns 5
proceedings by United States against debtors of, as garnishees 935–937
no officer, &c., of certain, to act as officer or agent of United States in transactions with same 1783
Territorial legislatures not to charter private, but may pass general act to establish certain 1889
religious, &c., in Territories, limit to power of, to hold real estate 1890
restrictions upon charters of, in Washington Territory 1924
fee on location of land-grants by 2238
in bankruptcy, how verify claims 5078
proceedings against 5122
not to have discharge 5122
prior proceedings against, in State courts, validity of 5123
unlawful reissue, &c., as money, of bills, of expired corporations created by United States 5437
applicants for mining claims to prove citizenship, how 2321

CORRESPONDENCE,
with enemy, punishment in Army ..... p. 234, art. 46, 1342
on public affairs, by diplomatic or consular officers, forbidden 1751
with foreign government, without authority, with intent to influence or to defeat measures of United States; punishment 5335
except to obtain redress for injuries 5335

CORRUPTION OF BLOOD,
not worked by conviction or judgment 5326
nor by attainder of treason. (*Constitution, p. 25, art. 3, § 3, par. 2.*)

COSMETICS,
manufacture of, in bonded warehouse for exportation without payment of tax or duty 3433
imported, to be stamped as prescribed 3435
schedule of taxed and amount of taxation, p. 678, 3437

COSTS,
when not allowed, in circuit court, to plaintiff or libelant, &c 968
when United States not subject to, in suits for forfeiture, under internal-revenue laws 969
not allowed claimant, in cases of seizure with probable cause 970
when double costs to defendant, in action against officer, making seizure under impost laws 971

Section.

COSTS—Continued.
in recoveries under copyright laws 972
when not allowed in recoveries for infringement of part of a patent, &c 973
of prosecution for fine, &c., to be paid by defendant, when 974
for other offenses not capital, to be paid by defendant, on conviction, at discretion 974
when informer liable for defendant's 975
allowed in only one of several actions, &c., against persons who might have been joined, unless 977
what, to be allowed on several libels against vessel and cargo which might have been joined 978
on several libels or informations against cargo, seized as forfeited for same cause 978
claimant of property seized, to pay his own costs before possession given, on recovering judgment, &c 979
only one bill of, to be paid district attorney for several suits, prosecutions, &c., which should be joined 980
excess of, when to be satisfied by attorney, proctor, &c 982
bill of, in favor of clerk, marshal, district attorney, or commissioner, how verified, &c., before taxed or allowed 984
when error or appeal, bond given only for 1000
bond for, not given when error or appeal taken by United States, or under direction of department 1001
what, payable from contingent fund of department, when error or appeal taken by United States 1001
when single or double, may be allowed to respondent in error 1010
what portion of revenue seizures and sales to be applied to payment of 3089
of internal-revenue suits, United States not subject to, in certain cases 3214
in suits for making false claims against United States 3493
in consular courts, how prescribed 4117
in prize cases, security may be required for 4638
to be paid from proceeds of property 4630
court may order payment 4640
payable by the United States, when 4640
in bankruptcy proceedings, taxed on appeal from decision rejecting claim 4985
justices of Supreme Court to regulate 4990
may be imposed for contempt before register 5006
in contested adjudications respondent to recover, when 5027
to have priority in order for dividend 5101
expenses of register to form part of 5125

COTTON,
loose, not to be carried on steam passenger-vessels 4472
baled, how to be secured when so carried 4472
penalty for carrying contrary to law 4473
cotton and cotton goods, imports of different qualities in same package, how appraised 2911
customs duties on ....Schedule A, p. 460, 2504

COUNSEL,
special to be provided by Department of Justice for the several departments 364
when district judge has been, in suit pending in his court 601
when judges of circuit court have been, in case pending in circuit court 615

Section.

COUNSEL—Continued.
jurisdiction of circuit court in cases removed, on account of judge having been 637
for prisoners under trial by court-martial, p. 239, art. 90, 1342
register in bankruptcy not to be, when 4996
special, in prize causes (*repealed*) 4620
compensation to 4648
fees of, to be paid out of what fund 4649

COUNTER-CLAIM,
jurisdiction of Court of Claims of, on part of United States, &c 1059, 1061

COUNTERFEITING, (See *Crimes.*)
signature for approval, &c., of claim against United States by person in military service ..... p. 235, art. 60, 1342
by person in naval service ..... p. 278, art. 14, 1624
instrument in relation to title to lands, mines, or minerals in California 2471
aiding in, or uttering, &c., such instrument. 2471
imitation wine or compound-liquor stamps. 3328
stamps, &c., for fermented liquors 3346
stamp from private dies 3423
bank, patent-medicine stamps, &c 3429
obligation or other security of United States 5413, 5414
note in imitation of national-bank note 5415
letters patent 5415
certificate, &c., required by customs laws 5417
bid, proposal, guarantee, official bond, public record, &c., for purpose of defrauding United States 5418, 5479
seal of court of United States 5419
military bounty-land warrant, &c 5420
deed, power of attorney, order, or receipt, for obtaining money, from United States. 5421
knowingly, &c., having in possession false, altered, &c., deed, power of attorney. 5422
abstract, copy, certificate of registry, enrollment, or license of vessel, passport, sea-letter, clearance 5423
oath, notice, certificate, or record authorized by naturalization laws 5424
coin, or bars in similitude of coin, or bars coined or stamped, or of foreign coin by law made current 5457
coin in similitude of minor coinage 5458
order purporting to be money-order by Post-Office Department, &c 5462
postage-stamp, or stamp printed on stamped envelope, postal card, &c 5464
of foreign government 5465
key suited to lock adopted by Post-Office Department 5477

COUNTY,
includes parish 2
Territorial courts and officers of (see *Territories*) 1857, 1874, 1905

COUPON BONDS, (See *United States Bonds.*)
obtaining duplicate for lost, &c 3702, 3703
registered bonds may be exchanged for 3706
national banks to exchange, for registered. 5161

COUPONS, (See *United States Bonds.*)
imitating or printing on, penalty 3708
are obligations, &c., of United States within meaning of laws as to crimes 5413
on stamps for tax on spirits; unused, to remain attached to stub, and no value when detached 3313

COURT OF CLAIMS,
organization, sessions, &c 1049–1058
judges' appointment, oath, salary 1049
seal of 1050
where to be held 1051
sessions and quorum of 1052
clerks, bailiff, and messenger of 1053

Section.

COURT OF CLAIMS—Continued.
organization, sessions, &c.—Continued.
salaries of 1054
bond of chief clerk 1055
contingent fund of 1056
clerk of, to transmit statement of judgments to Congress, decisions to departments. 1057
clerks of, not to act as attorney in causes in, or in district, &c 748, 749
members of Congress not to practice in 1058
jurisdiction, powers, &c 1059–1093
general jurisdiction of 1059
of private claims before Congress 1060
not to extend to claims growing out of treaties 1066
judgment in favor of United States, on set-off, &c., how enforced 1061
loss of funds, &c., by paymasters and other officers, found to be without fault by, may be credited by accounting officers 1062
reference to, by departments, of certain claims 1063
proceedings in such cases 1064
judgments in such cases 1065
claim not to be prosecuted in, when suit pending in another court, &c 1067
privilege of aliens to prosecute claims in... 1868
limitation on suits in 1069
may regulate practice, appoint commissioners, punish contempts 1070
may appoint commissioners to take testimony 1075
judges and clerks may administer oaths and take acknowledgements 1071
petition in, what to contain 1072
dismissed if claimant aided rebellion 1073
burden of proof as to loyalty 1074
may call on departments for papers 1076
testimony not to be taken if petition shows no case for relief 1077
witness not excluded by reason of color.... 1078
claimant and persons interested not to be, in support of claim, &c 1079
claimant may be examined, how 1080
testimony to be taken in county where witness resides, &c 1081
witnesses before commissioners, subpœnas for 1082
cross-examination of 1083
witnesses in claims before, by whom sworn. 1084
fees of commissioners appointed by 1085
judgment of forfeiture of claim for fraud... 1086
new trial may be granted 1087, 1088
judgment for claimant, how paid 1089
interest on 1090
interest before judgment, when allowed. 1091
effect of judgment upon claims and claimant 1092, 1093
railroad company may sue for price of freight, &c., withheld by Secretary of Treasury 5261
appeals, when and how taken 707, 708
information to Attorney-General as to defenses to be furnished by department 188
COURTS OF BANKRUPTCY, (See *Bankruptcy.*)
jurisdiction of district courts 4972
supreme court of District of Columbia... 4977
of Territories 4978, 4987
of circuit courts 4979, 4986
Supreme Court to prescribe rules, &c., for. 4990
COURTS-MARTIAL,
in Army, duties of judge-advocates of.... 1201
attendance of witnesses 1202
reporter to 1203

Section.

COURTS MARTIAL—Continued.
for trial of cadets at Military Academy.. 1326
not to sentence soldiers to be branded, marked, or tattooed..p. 233, art. 38, 1342
all troops in pay of United States subject to trial by ..... p. 236, art. 64, 1342
provisions concerning, in Articles of War. pp. 237–241, arts. 71–121, 1342
prison for confinement of offenders (see *Military Prisons*) 1344–1361
in Militia, how composed 1658
in service of United States, fines how certified to marshals and Comptroller.. 1659
in Navy, effect of dismissal by, or of resigning to escape 1441
precedence of line and staff on 1489
provisions concerning..p. 281, arts. 26–54, 1624
officer, punishable by..pp. 276–281, arts. 4–9, 14–17, 22, 1624
in prosecutions for perjury or subornation of perjury committed on examinations before, what to set forth 1023
COURTS OF INQUIRY,
in Army, how ordered....p. 241, art. 115, 1342
members of ..... p. 241, art. 116, 1342
oath of ..... p. 241, art. 117, 1342
powers of, as to witnesses..p. 241, art. 118, 1342
opinion by ..... p. 241, art 119, 1342
authentication of proceedings.....p. 241, art. 120, 1342
proceedings, evidence in courts-martial.. p. 241, art. 121, 1342
in Navy, precedence on 1489
by whom ordered ..... p. 284, art. 55, 1624
constitution of ..... p. 284, art. 56, 1624
powers and duties ..... p. 284, art. 57, 1624
oath of members ..... p. 284, art. 58, 1624
rights of parties ..... p. 284, art. 59, 1624
authentication of proceedings.....p. 284, art. 60, 1624
proceedings of, to be evidence in courts-martial if oral testimony cannot be obtained ..... p. 284, art. 60, 1624
COURTS OF UNITED STATES, (See *titles of the several courts.*)
Judicial districts 530–550
circuits 604
District courts,
organization 551–562
jurisdiction 563–571
sessions 572–603
Circuit courts,
organization 605–628
jurisdiction 629–657
sessions 658–672
Supreme Court,
organization 673–683
sessions 684–686
jurisdiction 687–710
Court of Claims,
organization and sessions 1049–1058
jurisdiction, power, and procedure... 1059–1093
Supreme court of District of Columbia,
provisions concerning 811, 3491, 4845, 4846, 4856, 4911–4914, 4977
Territorial courts,
supreme courts, provisions concerning.... 1864–1870, 1907–1915, 1928, 1934, 2165–2174, 4978
district courts, provisions concerning. 1865–1873, 1909–1918, 1928–1934, 1957, 1983, 3491, 4978
Provisions common to 711–750
Habeas corpus (see *Habeas Corpus*) 751–766
District attorneys, marshals, and clerks (see *respective titles*) 767–799
Juries (see *Juries*) 800–822
Fees (see *Fees*) 823–857
Evidence (see *Evidence*) 858–910

Section.

COURTS OF UNITED STATES—Continued.
Procedure 911–1042
on error and appeal 997–1013
criminal 1014–1042
Limitations (see *Limitations*) 1043–1048
exclusive jurisdiction, when 711
jurisdiction of, over alien enemies 4069
warrant of removal, execution 4070
judges of, not to practice as counsel, attorney 713
may resign at age of 70 and have salary 714
when may grant injunctions to stay proceedings in State courts 720
laws of States to be rules of common-law cases 721
may require production of books 724
how may obtain copy of record, in suit in State court when refused by clerk. 645
may administer oaths, punish contempts 725
may grant new trials 726
may hold to security of the peace 727
parties may manage causes personally or by counsel 747
clerks of, to give bond 795
to present account of money 798
money paid into, where deposited 995
how withdrawn from deposit 996
failure of clerk to deposit money of; conversion 5504
jurors in, qualifications, exemptions, selection 800
in Pennsylvania, selection of 801
witnesses not excluded by color, nor in civil action by interest 858
depositions de bene esse in 863–865
under dedimus, or in perpetuam 866
power of, to supply lost records 899–901
in northern district of Illinois 902–904
writs, &c., from, how sealed, signed, attested; seals, how provided 911, 912
rules of procedure in 911–1042
procedure for arrest of foreign seamen in case of disputes among them 4079–4081
in case of desertion 5280
officers sued for making seizures under customs laws may plead general issue and give special matter in evidence 3073
penalty for issuing process against foreign ministers or their domestics 4063–4065
for stealing, altering, falsifying, record, writ, or process of 5394
for acknowledging recognizance, bail, in name of another not privy 5394
obstructing, resisting, officer in executing process or order of 5398
assaulting, wounding, officer in serving process or order of 5398
corruptly endeavoring to influence, intimidate, &c., witness or officer 5399
obstructing, influencing, &c., administration of justice in 5399, 5404
destroying, carrying away records 5403
by the officer having custody, &c 5408
conspiring to deter or injure parties or witnesses attending, or to influence verdict or indictment 5406
forging signature of judge, register, or other officer of; counterfeiting seal of 5419
giving bribe, present, to judge to obtain opinion 5446
acceptance of bribe by judge of 5499, 5502
receiving from clerk, as loan, &c., moneys belonging to registry 5505

COWARDICE,
punishment, in Army ..... p. 233, art. 42, 1342

Section.

COWARDICE—Continued.
in Navy ..... p. 276, art. 4, 1624

CREDIT,
claim for, in suits by United States against individuals 951
for delinquency of postmaster, contractor, &c 952
judgment at return term, in suits against persons accountable for public money, unless, &c 957
in suits under postal laws, unless, &c 958
payment for articles purchased on, by Army 1299
by enlisted men of Army 1300
not allowed to purchasers of public lands 2356

CREW,
of merchant-vessel may resist pirates 4295
punishment for maliciously beating, imprisoning of, withholding suitable food, or inflicting unusual punishments 5347
endeavor of, to make revolt or mutiny, to confine master, &c 5359
revolt and mutiny of on ship-board 5360
lists of, to be furnished by master before clearance 4573
to be examined and certified by collector 4574
rules respecting duplicates 4575
discharge of seamen deserters by consul, &c., to be entered on 4600

CRIERS,
appointment of, by circuit and district courts; compensation 715

CRIMES AND OFFENSES,
Against the existence of government 5331–5338
treason 5331, 5332
misprision of 5333
inciting, in rebellion or insurrection 5334
correspondence with foreign government 5335
conspiracy to overthrow, levy war, or oppose government 5336
recruiting soldiers to serve against United States 5337
enlisting to serve against United States 5338
Against operations of government 5413–5480
forgeries, frauds, &c 5413–5456
in relation to obligations, &c., of United States 5413
counterfeiting, obligations of United States 5414
national-bank circulation-notes 5415
letters patent 5416
certificate of entry of goods 5417
bid, guarantee, bond 5418, 5479
signature of judge or seal of court 5419
military bounty-land warrant, certificate 4205
deed, power of attorney, certificate 5421
certificate of registry, enrollment, &c., of vessel, passport, sea-letter, clearance, permit, debenture 4375, 5423
having in possession with intent, counterfeited deed 5422
instrument or paper required by naturalization laws 5424
false personation in naturalization 5424
using, having, &c., with intent, false or fraudulent certificate of citizenship 5425
using false certificate of citizenship or judgment, for registering or voting. 5426
aiding and abetting in above offenses under naturalization law 5427
using certificate of naturalization fraudulently procured, falsely representing to be a citizen 5428

Section.

CRIMES AND OFFENSES—Continued.
Against operations of government—Continued.
offenses under naturalization laws apply to cases in any court 5429
unlawfully using genuine plates for printing obligations of United States 5430
engraving plate in likeness of plate designed for printing such obligations 5430
having in possession, plate in similitude of plate for printing such obligations 5430
printing, &c., engravings in likeness of such obligations 5430
bringing into United States plate, &c., or engravings in likeness of such obligations 5430
passing, uttering, counterfeited, &c., such obligations 5431
taking or making impression from implement to be used in printing such obligations 5432
having in possession impression from implement intended for printing such obligations 5433
buying, selling, counterfeited obligations 5434
national-bank notes 5434
false personation of holder of public stocks or person entitled to pension, prize-money, &c 5435
demanding sum in public stocks, or pension, prize-money, &c., by forged, power of attorney 5436
officer of expired corporation uttering as money bills of corporation 5437
presenting for payment, &c., claim against United States, knowing it false 5438
using false voucher, &c., to obtain payment of claim 5438
delivering less money, &c., for military or naval use than described in voucher for 5438
giving voucher, &c., for property for military or naval use, without knowing truth, and with intent, &c 5438
purchasing from soldier, officer, not having right to sell arms, equipments, stores 5438
actions against persons committing any offenses named in above section 3490–3494
stealing, embezzling, unlawfully selling arms, stores, &c 5439
in conspiracy to commit offense, or defraud United States, all parties liable for act of one 5440
defrauding captor, or the United States, &c., in relation to property taken as prize 5441
consul, &c., falsely certifying invoice 5442
concealing or destroying invoice, &c., of goods imported 5443
admitting goods to entry on payment of less than lawful duty 5444
effecting entry of goods at less than weight, on false classification, or on payment of less than lawful duties 5445
rescuing property taken or detained by revenue officer 5446
resisting, &c., officer of customs in making seizures or searches 5447
staving, throwing overboard property &c., to prevent seizure 5447

Section.

CRIMES AND OFFENSES—Continued.
Against operations of government—Continued.
falsely assuming to be revenue officer, &c 5448
bribing judge of United States 5449
member of Congress, to influence vote 5450
officer of United States to influence action 5451
giving or offering presents to officer of revenue by importers 5452
secreting, embezzling, carrying away, &c., implements for use in printing obligations, &c., of United States 5453
paper or other material intended for such use 5453
unlawfully taking away or using, &c., papers relating to claims against United States 5454
enticing soldiers or sailors to desert from service of United States, harboring deserters 5455
robbery or larceny of personal property belonging to United States 5456
Against elective franchise and civil rights of citizens 5506–5532
preventing citizen from qualifying to vote or voting, &c 5506
intimidating another in exercising right of suffrage 5507, 5509
conspiring to oppress citizen in exercise, &c., of any right 5508, 5509
subjecting inhabitant to deprivation of rights under color of law 5510
false personation at election, voting more than once, &c., or at place not authorized 5511
preventing voter from voting at election of Representative 5511
compelling officer of election to receive or refuse vote contrary to law 5511
or inducing officer of elections to violate duty 5511
false personation at registration of voters 5512
by force, &c., preventing person from registering as voter 5512
compelling or inducing officer of registration to violate duty 5512
violations by officer of registration 5512
what deemed registration of voters 5513
prima-facie evidence of voting or offering to vote unlawfully at election 5514
violations by officer of elections 5515
obstructing officer charged with execution of warrant under civil-rights law; rescuing from custody 5516
marshal, &c., refusing to execute powers under civil-rights law 5517
conspiracy to prevent person from accepting or holding office under United States 5518
to induce person holding office under United States to leave State 5518
to injure person holding office under United States 5518
for depriving person or class of persons of equal protection of laws 5519
to prevent, by force, citizen qualified to vote from advocating, &c., election of President, or member of Congress 5520
supervisor of election or special deputy marshal refusing or neglecting to perform duty 5521
obstructing supervisors, or marshal, or deputies in performance of duty 5522

Section.

CRIMES AND OFFENSES—Continued.
Against elective franchise and civil rights of citizens—Continued.
preventing free attendance at places of registration and election 5522
refusing to answer or knowingly giving false information in verification of lists of persons who register or vote.. 5523
receiving on vessel or carrying away person to foreign country to be held as slave 5524
kidnapping with intent; enticing on board of vessel with intent that person be held as slave 5525
holding, &c., persons to peonage 5526, 5527
person in military or naval service bringing or keeping troops at place of election in State 5528, 5532
preventing by intimidation, voter in State from freely exercising right of suffrage 5529, 5532
prescribing qualifications of voters at election 5530, 5532
compelling officer to receive vote of person not qualified or imposing regulations different from those prescribed by law 5531, 5532
Official misconduct, &c 5481–5505
extortion under color of office 5481
inspector of steamboats receiving illegal fees 5482
payment by officer of sum less than provided by law and requiring receipt for amount larger than paid 5483
receiving money, under threat of informing, or for not informing of violation of internal-revenue law 5484
demanding illegal fees for obtaining pension or bounty-land; withholding pension or bounty-land warrant 5485
embezzlement, wrongful conversion by guardian of ward's pension 5486
pension agent taking fee from pensioner. 4784, 4785, 5487
disbursing officer depositing public money otherwise than authorized, loaning same, withdrawing from depository, or applying for purposes not authorized 5488, 5493
Treasurer or other public depositary failing to keep safely money deposited. 5489, 5493
loaning, using, converting, improperly depositing public money 5490, 5493
failure of officer having public money to render accounts 5491, 5493
of person having public moneys in possession to deposit when so required 5492, 5493
evidence of balance due from disbursing officers on trial for illegal use, application of public money 5494
of conversion of public money by person charged with disbursement 5496
prima-facie evidence of embezzlement 5495
person not authorized receiving public money on deposit or as loan 5497
using, transferring, converting public money 5497
officer of United States acting as agent in prosecuting claims 5498
judge of United States accepting bribe 5499
member of Congress accepting bribe..5500, 5502
officer of United States accepting bribe.. 5501, 5502

Section.

CRIMES AND OFFENSES—Continued.
Official misconduct, &c.—Continued.
contracting beyond appropriation for erection, repair of public building or improvement 5503
of court failing to deposit money belonging to registry 5504
receiving from officer of court on loan or deposit moneys of registry 5505
Against justice 5392–5412
perjury 5392
subornation of 5393
indictment for, what to contain 5396
for subornation of perjury 5397
stealing, altering record of court 5394
false oath in naturalization proceedings.. 5395
obstructing officer in serving process of court 5398
corruptly or by threats, &c., endeavoring to influence or intimidate witness or officer in court 5399
rescuing person, while going to execution. 5400
rescuing person who stands committed for capital crime 5401
rescuing body, after execution 5402
destroying or stealing records, papers, or in public office 5403
corruptly or by threats endeavoring to influence, intimidate juror 5404
communicating with juror, to influence action 5405
conspiring to deter party or witness from attending court 5406
to influence verdict, indictment, &c... 5406
to defeat, impede course of justice with intent to deny equal protection of laws 5407
to defraud United States by obtaining payment, &c., of fraudulent claim... 5438
destruction or fraudulent taking of records, by officer having custody, &c. 5408
marshal suffering escape of prisoner..5409, 5410
fraudulently taking, altering, or placing expediente, map in archives of surveyor-general of California 5411–5412
Under maratime and Territorial jurisdiction of United States.....5339–5391
murder in fort, &c., or on high seas 5339
maliciously wounding, on high seas, &c. 5339
body of offender executed may be delivered to surgeon for dissection..... 5340
manslaughter 5341
punisment of 5343
attempting murder or manslaughter..... 5342
causing death on steamboat, &c., by negligence 5344
rape, in fort or on high seas 5345
assault with dangerous weapon, on high seas 5346
beating, wounding crew of vessel, inflicting cruel and unusual punishments.. 5347
maiming, in fort or on high seas 5348
seduction of female passenger on vessel.. 5349
payment of fine to female seduced 5350
evidence of seduction, limitation of prosecution 5551
bigamy in Territory 5352
transporting, nitro-glycerine, &c., in passenger-vessel 5353
causing death by explosion of nitro-glycerine, while transported 5354
transporting nitro-glycerine, &c., without proper marks 5355
stealing on high seas or in place under exclusive jurisdiction 5356
knowingly receiving goods stolen 5357
plundering vessels in distress, wrecked.. 5358

Section.

CRIMES AND OFFENSES—Continued.
Under maritime and Territorial jurisdiction of United States—Continued.
endeavoring to make revolt on vessel.... 5359
revolt and mutiny on vessel 5360
maliciously attacking vessel, with intent to plunder..... 5361
breaking and entering vessel..... 5362
cutting, destroying cordage, &c 5362
maliciously forcing officer or mariner on shore, in order to leave him in foreign port, &c..... 5363
casting away, &c., or conspiring to cast away vessel, to injure underwriters.. 5364–5366
setting fire or attempting to destroy vessel, on high seas, &c 5367
laying hands on master by seaman..... 5369
robbery on vessel on high seas, &c..... 5370
robbery on shore by crew from piratical vessel..... 5371
on high seas, &c., which, if committed on land, would be capital 5372
piracy, as defined by law of nations..... 5368
under color of commission..... 5373
by making war in violation of treaty 5374
confining negro, &c., on vessel, with intent to make him slave..... 5375
by landing from vessel and seizing negro, &c., with intent to make him a slave, &c 5376
bringing in negro as slave 5377
equipping vessel for slave-trade 5378
citizen transporting negro, &c., for purpose of holding or selling as slave ... 5379
master of vessel hovering on coast, having negro on board with intent, &c 5380
serving on vessel employed in slave-trade. 5381, 5382
feloniously running away with vessel.... 5383
attempting to corrupt master or mariner, &c., to run away with vessel, &c.... 5384
arson of dwelling-house within fort, navy-yard..... 5385
of armory, arsenal 5386
of vessel of war, afloat..... 5387
unlawfully cutting timber on public lands 5388
circulating, selling, &c., obscene literature 5389
misprision of felony, having knowledge of murder, &c., on high seas..... 5390
punishment of, committed in place ceded to United States, to be according to laws of State 5391
Counterfeiting coin 5457–5462
counterfeiting, &c., coin or bars in likeness of gold or silver coin of United States..... 5457
in resemblance of foreign gold or silver coins..... 5457
uttering counterfeited gold or silver coins 5477
having in possession, &c., such coins 5457
counterfeiting minor coins..... 5458
fraudulently mutilating, &c., gold or silver coins..... 5459
debasement of coins by officers of mint, using false weights..... 5460
embezzlement of metals, coins, medals, by by officers of mint 5460
unauthorized making or uttering of coins of gold or silver as money... 5461
making or uttering of minor coins... 5462
Postal crimes 5463–5480, 5534
may be prosecuted before State courts:.. 3833
inclosing letters with printed matter 3887
detaining letters..... 3890
detaining, opening, or destroying letters. 3891

Section.

CRIMES AND OFFENSES—Continued.
Postal crimes—Continued.
intercepting or secreting letters 3892
depositing in post-office for mailing or delivery obscene books, pamphlets, &c., and other unmailable matter... 3893
letters and circulars concerning lotteries and gift enterprises 3894
accessories 5534, 5535
counterfeiting post-office money-orders.. 5463
postage stamps, &c.; using counterfeited; printing without authority... 5464
foreign postage-stamps 5465
injuring mail matter deposited in letter-box, pillar-box, &c..... 5466
maliciously injuring post-office receiving-boxes..... 3869
embezzling letter containing valuable inclosure to be sent by mail 5467, 5468
stealing mail or letter from mail or post-office; criminal opening or destruction of letter with valuable inclosure. 5469
receiving valuable inclosure stolen from mail, post-office, &c..... 5470
delaying, embezzling, destroying newspapers sent by mail 5471
employé opening packages of newspapers not addressed to office where employed 5471
opening, embezzling, &c., package, &c., of newspapers, by persons other than employé of postal service 5471
robbing carrier, &c., of mail..... 5472
attempting to rob mail by assaulting 5473
deserting mail 5474
stealing, embezzling, appropriating, or misappropriating mail-bag or other property of post-office..... 5475
cutting, injuring, &c., mail-bag or pouch. 5476
stealing, embezzling mail-locks or keys; unlawful delivery of, by manufacturer 5477
breaking and entering post-office 5478
counterfeiting bid, bond, &c..... 5479
sending letters with intent to defraud ... 5480
selling stamps for more than face value by persons in postal service..... 3920
receiving rate of postage, gratuity, &c., not authorized by law..... 3899
removing stamps from mail matter by postal employés..... 3922
removal and reuse of old stamps by employés..... 3924
by persons not employed in postal service..... 3925
postmasters making false or illusory certificates, &c., as to sufficiency of sureties or guarantors in contracts with Post-Office Department..... 3947
bidders for postal contracts to whom awards are made, wrongfully failing to enter into contracts..... 3954
obstructing passage of mail 3995, 3996
falsely claiming to be carrier of United States mail, or affixing words "United States mail" without authority to coaches, vehicles, &c 3979
postmaster issuing money-order before receiving the money 4030
offenses against foreign mail in transitu through United States..... 4013
embezzling money-order funds..... 4046
employés in postal service neglecting to deposit postal revenues..... 4053
In Indian country 2128–2146
against Indians 2150–2157
On Guano Islands, how punished 5576

Section.

CRIMES AND OFFENSES—Continued.
Of citizens of United States in foreign countries. (See *Consular Court.*)
Relating to merchant seamen 4596–4612
various offenses by seamen 4596
to be entered in log-book 4597
deserters, how apprehended 4598
arrest without warrant, when 4599
reclamation and discharge of 4600
secreting 4601
drunkenness and neglect of duty 4602
enforcement and disposal of forfeitures .. 4603, 4604, 4610
appropriation of wages to cost of conviction 4605
boarding vessels before arrival 4606
soliciting seamen as lodgers 4607
carrying sheath-knives 4608
extortion for obtaining employment 4609
flogging abolished 4611
Under customs laws,
importing neat-cattle and hides of neat-cattle contrary to law 2493–2495
customs officers failing to keep table of fees in public and conspicuous places. 2635
extortion by 2636, 2637
for owning vessels or engaging in importing 2638
master of vessels departing or attempting to depart from port before entry or report 2773
for not making upon arrival special report of spirits on board 2775
omitting to procure proper certificate or copy of report before departure 2884
for having on board more sea-stores than are in entry or landing sea-stores without permit 2797
concealing dutiable goods in baggage of passengers arriving 2802
bringing merchandise into United States on vessel without proper manifest ... 2809
failing to produce, &c., manifest on arrival of vessel 2814
making false invoices in entry of imported goods 2864
smuggling 2865
unlading without permit merchandise in vessels arriving in United States or transferring same to other vessels ... 2867, 2868
unlading or delivering merchandise brought in vessels from foreign ports, except in day-time 2873
refusing to attend or declining to answer in examination by customs officers of value of goods imported 2923
perjury in examinations before customs officers 2924
declining to act as merchant-appraiser chosen by collector of customs ... 5610, 2945
obliterating, altering, &c., customs marks on packages of warehouse goods 2985
unlawfully opening or fraudulently removing goods from warehouse ... 2986, 2987
breaking and entering cars, warehouses, &c., and other offenses relating to transportation of goods in bond 2998
failing to transport goods withdrawn from warehouse in one district to be transported to another district 3001
landing in United States merchandise exported to Mexico or British American provinces 3008
relanding goods entered for exportation with drawback 3049

Section.

CRIMES AND OFFENSES—Continued.
Under customs laws—Continued.
false statements in entry of goods for exportation for benefit of drawback ... 3050
bringing goods into country in vehicles, vessels, &c., with intent to avoid customs duties 3062
obstructing customs officers in boarding vessels 3068
importing or bringing into country, contrary to law, goods subject to duty, or buying same 3082
non-delivery of manifests of merchandise on vessels and vehicles coming from adjacent countries with goods subject to duty 3099
obstruction of inspection of goods and baggage from contiguous foreign country 3101
breaking or opening vessels, cars, packages, &c., sealed by customs officers, or affixing unauthorized seals, &c... 3105
receiving or depositing in buildings on boundary-line goods subject to duty. 3107, 3108
failing to report for duty saloon stores on vessels engaged in trade on northern, &c., frontier 3113
unlading or delivering, except in day-time, goods taken from one port to another by vessel on northern, &c., frontier. 3120
neglecting, by master of vessel, to comply with requirements as to vessels engaged in trade on northern frontier .. 3125
in relation to registry, enrollment, and licenses of vessels 4373–4380
Under internal revenue laws,
internal-revenue officer omitting or neglecting to render statement of fees, commissions, &c 3158
disclosing operations of manufacturers 3167
being interested in certain manufacturing 3168
guilty of extortion, receiving unlawful fees, and other unlawful acts 3169
district attorney or marshal accepting or demanding anything for compromise of violation of internal-revenue laws. 3170
making false returns or refusing to produce books, &c., with intent to defeat or evade assessments under internal-revenue laws 3179
carrying on business of manufacturer, dealer, &c., in liquors without payment of special taxes 3242
adding substances to spirits before tax is paid to create fictitious proof 3252
defrauding or attempting to defraud United States by distillers in payment of tax 3257
having in possession spirit-still not registered 3258
failing to give notice of intention to carry on business by distiller or rectifier .. 3259
distiller failing to give bond 3260
distilling spirits on certain prohibited premises 3266
breaking locks or unlawfully gaining access to cistern-room or building of distillery 3268
distiller using pipe not painted, &c., as required by law 3269
using distillery, rectifying houses, or wholesale liquor-store without sign required by law 3279

Section.

CRIMES AND OFFENSES—Continued.
Under internal revenue laws—Continued.
carrying on business of distiller without giving bond 3281
gaugers unlawfully employing distillers and others to use their brands or perform any of their duties 3290
making fraudulent inspection, gauging, &c 3292
removing spirits on which tax is not paid to any place other than to distillery warehouse 3296
storekeepers and persons in charge of distillery warehouse allowing spirits to be removed without order of collector 3300
making false entries in or omissions of entries required from distiller's books 3305
using false weights and measures in ascertaining weight, &c., of grain, meal, and other articles used in distillation 3306
breaking, injuring, &c., lock, seal, or fastening of furnace, still, tub, or vessel used at distillery, and other offenses relating thereto 3311
revenue officers affixing or canceling stamps relating to distilled spirits except as provided by law 3316
neglecting to provide proper books, making false entries, or altering entries therein by rectifiers and wholesale liquor dealers 3318
failing to efface and obliterate revenue marks, stamps, and brands on casks when spirits are drawn off 3324
selling casks which have been used for distilled spirits with inspector's marks remaining 3325
changing or altering stamp, marks, or brands on packages of distilled spirits. 3326
fraudulent acts in relation to exportation of distilled spirits with intent to obtain drawback 3330
brewers and others connected with brewing fermented liquor who attempt by fraudulent acts to evade tax on same 3340
neglecting to affix or cancel stamps required by law or affixing false stamps 3342
selling, removing, or buying fermented liquor in packages not properly stamped 3343
making, selling, or using false stamps or dies required by internal-revenue laws 3346
removing or defacing beer-stamps by others than owners 3353
for withdrawing fermented liquor from unstamped packages for bottling or bottling on brewery premises 3354
tobacco manufacturers neglecting to procure certificate required by law, and manufacturing tobacco and snuff without giving bonds 3355
failing to put up sign 3356
neglecting to furnish to collector inventories required 3358
dealers in leaf-tobacco failing to keep required books 3360
selling or offering for sale tobacco and snuff put up in packages other than those allowed by law 3363
fraud by persons manufacturing tobacco or snuff on commission or shares 3370

Section.

CRIMES AND OFFENSES—Continued.
Under internal-revenue laws—Continued.
removing otherwise than as authorized, or selling without proper stamps, tobacco or snuff, by manufacturers 3372
by any person 3373
removing tobacco or snuff from manufactory without stamp, selling unlawfully, &c 3374
affixing false stamps or using stamps twice to tobacco and snuff 3375
buying, selling, or using box, bag, vessel, wrapper, or envelope which has been emptied of tobacco, snuff, or cigars .. 3776
customs officers permitting imported tobacco and snuff to be passed out of his custody without having internal-revenue stamps affixed, &c 3377
selling tobacco or snuff, falsely representing same as made before July 20, 1868 3380
peddling tobacco, snuff, and cigars unlawfully 3384
manufacturing cigars without giving bond 3387
without keeping up sign 3388
neglecting to affix required label to cigars, or removing label therefrom ... 3393
removing cigars without properly boxing, stamping, or branding, using false stamps, and other offenses relating to boxing and stamping cigars 3397
frauds in manufacture of cigars on commission or shares 3399
selling cigars falsely represented to have been made before July 20, 1868 3401
customs officers permitting imported cigars to pass out of his custody without payment of internal-revenue tax, and having stamps affixed, &c 3402
selling imported cigars not stamped as required by law 3403
failing to destroy stamps on empty cigar boxes and packages, or selling, giving away, accepting, or using same fraudulently 3406
omitting, &c., to stamp checks, drafts, &c., required to be stamped, accepting or using same without stamp 3422
to cancel stamps or fraudulently using stamps, dies, &c 3423
forging or counterfeiting stamps, dies, plates for stamps, and other offenses relating to stamps 3429
selling or removing for sale certain drugs, medicines, and other articles not properly stamped 3430
fraudulently claiming drawback 3443
removing or concealing articles with intent to defraud United States of internal-revenue taxes by various devices enumerated 3449, 3450
fraudulently executing or simulating documents required by internal-revenue laws 3451
having property in possession with intent to sell in fraud of internal-revenue laws or to evade tax 3452
sales of goods to avoid forfeiture under internal-revenue laws 3454
disposing of or receiving empty stamped packages, and other offenses relating to stamped packages 3455
Miscellaneous offenses,
refusing to appear as witness or to testify before either house of Congress or their committees 102-104

Section.

CRIMES AND OFFENSES—Continued.
Miscellaneous offenses—Continued.
before officers taking depositions in contested election cases 116
enticing artificer or workman from armory or arsenal, or to break his contract 1668
exacting excessive fees for verifying invoices by consular officers 1716
embezzlement of public money by consular officers 1734
for neglect or omission of consuls and commercial agents to perform duties relating to shipment and discharging seamen, and to deserters, and for malversation in office 1736
for false certificate by consular officers that property belonging to foreigners belongs to citizens of the United States 1737
certain officers of United States taking consideration for procuring government contracts 1781
for taking compensation for services in matters in which government is party 1781
for soliciting presents for superior officers or receiving presents 1784
for aiding in importing or trading in obscene literature 1785
for illegally holding office 1787
for trading in public funds or property by disbursing officers 1788
by collecting officers 1789
for acting as agent of government in business with corporation or firm in which party is interested 1783
unlawfully opening pipes of Washington aqueduct in District of Columbia, breaking pipes, or rendering water impure 1803, 1804, 1806
unlawfully killing fur-seals on islands of Alaska 1956, 1961, 1967, 1968
importing or using fire-arms and spirits on those islands 1955
building, equipping, &c., vessels for cooly trade 2160, 2161
violating laws regulating steam-vessels ... 4500
making false certificate in taking census by marshals, &c 2193, 2202
combinations, agreements, and other unlawful acts to prevent or hinder bidding at sales of public lands 2373
interrupting surveys of public lands 2412
altering, forging, presenting false instruments, and other offenses concerning land-claims in California 2471–2473
imitating United States securities on business cards, notices, circulars, &c., or printing cards, notices, &c., on any such securities 3708
making public contracts, by officers, with members or Delegates of Congress ... 3742
officers of War, Navy, and Interior Departments failing to make return of public contracts to returns office 3744
frauds by Congressional Printer 3784
violating safe conduct or passport, or assaulting, &c., public ministers in violation of law of nations 4062
unlawfully issuing processes of courts against foreign ministers and their servants 4064
misconduct of public officers in relation to recording and registering vessels .. 4187
by neglect of duties required 4188

Section.

CRIMES AND OFFENSES—Continued.
Accessories 5533–5535
before the fact, aiding or counselling murder or piracy on high seas punishable with death 5323
after the fact, to murder, robbery, or piracy, how punished 5324, 5533
to robbery of carrier of mail 5534
to stealing letter or other mail matter or inclosure therein 5535
Proceedings respecting,
jurisdiction over, of district courts 563
of circuit courts ..... p. 110, 629
of courts of United States to be exclusive in cases of crimes against the U. S. 711
capital, in what county to be tried, &c.. 729
challenges in (see *Challenges*) 1031
bail in 1016
offenses punishable by death. (See *Capital Offenses and Punishment.*)
on high seas, in what district to be tried. 730
begun in one district and completed in another, where tried and punished 731
district attorneys to prosecute 771
costs, on conviction, when may be awarded against defendant 974
arrest, imprisonment, bailing, removal of offenders 1014
bail in cases not capital 1015
indictments for two or more 1024
not infamous, how to be prosecuted 1022
other proceedings in courts in relation to 1017–1042
persons in Army accused of, against citizens to be delivered up. p. 235, art. 59, 1342
limitation of prosecution for 1043–1048
under revenue or slave-trade laws 1046
capital punishment inflicted by hanging .. 5325
conviction not to work corruption of blood, or forfeit estate 5326
whipping and standing in pillory 5327
State jurisdiction over crimes 5328
benefit of clergy abolished 5329
pardon, &c., of one of two punishments 5330
Summary trials for offenses against navigation laws, when may be had 4300
complaint and answer 4301
amendments and adjournments 4302
challenges to jurors 4303
limit of sentence 4304
recovery of penalties and forfeitures 4305
Prisoners and their treatment 5536–5550
expenses of prisoners under law of United States to be paid out of public Treasury 5536
marshal, when may hire or procure a temporary jail, or make other temporary provision 5537, 5538
prisoners of United States subject to same discipline as State convicts 5539
selection of penitentiary where judicial district is divided 5540
sentences to imprisonment for more than one year, where executed 5541
and confinement to hard labor, where executed 5542
deduction from term of imprisonment for good conduct 5543, 5544
Attorney-General to pay only reasonable cost of subsisting prisoners 5545
to prescribe regulations for marshals as to prisoners 5545
may designate jail or penitentiary for imprisonment, &c., transportation to prisoners, expenses 5546

Section.

CRIMES AND OFFENSES—Continued.
Prisoners and their treatment—Continued.
to contract for subsistence, proper employment, &c., of prisoners 5547
to contract with managers for subsistence and proper employment of juvenile offenders 5550
to give notice to courts of places for juvenile offenders 5550
when court may order imprisonment in house of correction or reformation .. 5548
juvenile offenders under sixteen years, where to be imprisoned 5549, 5550
CRIMINAL CASES, (See *Crimes.*)
precedence of, in Supreme Court 710
testimony of witness before either House, not to be used in, except 859
pleadings, discoveries in, not to be used in, except 860
penalty of recognizance in, when may be remitted 1020
monthly adjournments of regular terms of district courts for trial of 578
special sessions of circuit courts for trial of. 661
adjournments, business at 661, 662
defendant may be convicted of, or attempt to commit, any offense included in that charged 1035
CRUELTY,
punishment for, in the Navy..p. 277, art. 8, 1624
CULTIVATION OF TIMBER,
homestead-settlers engaged in, to have patents, when 2317
persons planting, &c., forty acres to have patent for quarter-section, when 2464
applications for land for, how made..... 2465
certificate or patent for land 2466
abandoned land to revert to United States. 2467
land acquired by, not liable for prior debts. 2468
CURRANTS,
grown in the United States, exemption from tax of wine made from 3328
CURRENCY,
(See *Coin, United States Notes, National Banks.*)
provisions concerning 3571–3583
legal-tender 3584–3590
letters containing, to and from Treasury, may be registered without fee in certain cases 3932
counterfeiting of, how punished (see *Crimes*) 5413–5456
bureau of national 324–333
Comptroller of Currency, to be chief of (see *National Banks*) 324
expenses of, to be paid out of taxes on national-bank circulation 5173
CUSTOM-HOUSES,
no money to be expended on sites for, until title is approved by Attorney-General and consent to purchase given by State 355
samples of wool and hair deposited in..... 2916
when to be shipping-offices 4503
removal of, in insurrectionary district, residence of collector 5315
Brazilian mail-steamships exempt from dues of 4232
CUSTOMS,
Duties on imports 2491–2516
Collection of duties 2517–3129
collection districts, ports, and officers.2517–2612
qualification, pay, and duties of officers. 2613–2746
revenue cutters and boats 2747–2765
entry of merchandise.....2766–2866
unlading 2867–2898

Section.

CUSTOMS—Continued.
Collection of duties—Continued.
appraisal.....2899–2953
bond and warehouse system.....2954–3008
payment 3009–3014
drawback 3015–3057
enforcement of duty, laws and punishment for violation 3058–3094
provisions applying to commerce with contiguous countries 3095–3129
Regulation of commerce and navigation 4131–4305
registry and recording vessels.....4131–4196
clearance and entry of vessels.....4197–4218
tonnage dues 4219–4227
discriminating duties.....4228–4232
navigation 4233–4251
transportation of passengers and merchandise 4253–4289
suppression of piracy.....4293–4299
regulation of vessels in foreign commerce.....4306–4310
in domestic commerce 4311–4390
laws relating to, extended over Alaska 1954
district attorneys to prosecute for fines, forfeitures, &c..... 838
proceedings on seizures for violation of laws relating to.....938–940
no payments to be made to officers, &c., until they take special oath..... 1790
(See *Appraisers.*
Appraisal of Imports.
Collectors.
Collection Districts.
Customs Duties.
Custom-Houses.
Custom Officers.
Entry of Merchandise.
Entry of Vessels.
Inspectors.
Invoices.
Manifests.
Naval Officers.
Ports of Entry.
Surveyors.)
CUSTOMS DUTIES,
on cotton and cotton goods 2504
reduced 10 per cent, *repealed*..... 2503
on earths and earthen ware.....p. 461, 2504
on hemp, jute, and flax goods....p. 462, 2504
on liquors .....p. 463, 2504
wines, &c., how graded 2907
standard proof of liquors, how determined 2918
on metals .....p. 464, 2504
reduced (*repealed*) 2503
on provisions .....p. 467, 2504
on sugars .....p. 468, 2504
on silk and silk goods .....p. 469, 2504
on spices .....p. 469, 2504
on tobacco.....p. 469, 2504
additional internal-revenue tax on imported cigars, tobacco, and snuff.3377, 3402, 3403
on cigars to be paid by stamps..... 2804
on wood.....p. 470, 2504
on wool and woolen goods .....p. 470, 2504
Class 1. Clothing-wool.
2. Combing-wools.
3. Carpet-wools, &c.
reduction (*since repealed*)..... 2503
exceeding value in invoice..... 2908
of different qualities in same bale 2912
on sundry articles arranged in alphabetical order. schedule M...pp. 473–482, 2504
reduction (*repealed*)..... 2503
on non-enumerated articles..... 2516

Section.

CUSTOMS DUTIES—Continued.
on articles in the similitude of those enumerated 2499
on certain reimported articles 2500
on goods east of Cape of Good Hope... 2501
discriminating, (see *Discriminating Duties*) 4228–4232, 2502
no part of, allowed to be drawback..... 3027
permanent appropriation to refund certain .....p. 726, 3689
tonnage or impost, may be suspended, &c., by President 4228
Prussian vessels exempted from.....4229, 4230
Spanish vessels exempted from 4231
Brazil steamships carrying mail exempt from port charges, &c 4232
on excess of sea-stores 2795–2797
of vessels on northern, &c., frontiers 3112
on saloon stores of certain vessels..... 3113
on articles contained in personal baggage, (see *Baggage*) 2799–2802
ad-valorem duty to be added in certain cases, and provisions respecting same, (see *Ad-valorem Duties*) 2838, 2843–2849, 2900, 2904–2906, 3034, 3114, 3115
table of rates of, to be posted up in office of customs officers, receipts for 2635
articles duty free, free list alphabetically arranged in text.....pp. 482–489, 2505
certain fish and fish-oil from Canada, Prince Edward's Island, and Newfoundland, &c 2506
on merchandise recovered from vessels sunk and abandoned 2507
certain produce of the forests of Maine, upon Saint John River, sawed, &c., in New Brunswick 2508
of forests upon Saint Croix River..... 2509
machinery for manufacture of beet-sugar. 2510
imported for repair only to be free of..... 2511
paintings, statuary, and photographic pictures for exhibition and not for sale. 2512
by United States artists abroad..p. 489, 2505
for presentation to national and other institutions .....p. 489, 2505
materials for construction, &c., of certain vessels may be imported in bond. 2513
coal of steam-vessels exempt from..... 2798
certain articles needed for repair of American vessels may be withdrawn from bonded warehouse free 2514
supplies for foreign war-vessels purchased from warehouses in certain cases.... 2982
peltries and proper goods, &c., of Indians. 2515
merchandise arriving at certain ports for British provinces and Mexico..... 3005
on sea-stores not excessive.....3111–3114
baggage in transit to a foreign country... 2803
of persons arriving from foreign countries to limited extent.....p. 489, 2505
proceedings in relation to.....2799–2803
of railroad-iron partially worn, upon giving bond to re-export after repair or manufacture..... 3021
remitted on imported salt for curing fish. 3022
goods imported for United States..p. 483, 2505
foreign goods on registered vessels taken in at one domestic port to be conveyed to another not dutiable by reason of vessel touching at foreign port 3127
permanent appropriation for the expense of collecting 3687
debentures and other charges, drawbacks p. 725, 3689
distributive shares of fines.....p. 726, 3689

Section.

CUSTOMS DUTIES—Continued.
permanent appropriation—Continued.
repayment of excess of deposits for unascertained duties and duties paid under protest .....p. 726, 3689
marine hospitals .....p. 726, 3689
refunding duties on goods destroyed.. p. 726, 3689
duties under act of July, 1870 ...p. 726, 3689
proceeds of goods seized .....p. 726, 3689
proceeds of unclaimed merchandise.. p. 726, 3689
duty on tea and coffee.....p. 726, 3689
certain discriminating duties....p. 726, 3689
drawback on certain articles for Chicago, p. 726, 3689
collection of, to be superintended by Secretary Treasury..... 249
to be collected in coin or coin certificates.. 3009, 3473, 3474
United States notes not receivable for ..3588–3590
nor national bank notes 5182
receipts from, not to be deposited in bank depositories 5153
application of receipts to pay public debt, &c 3688, 3694
paid under protest, money how credited... 3010
and appeal, how recovered back by suit. 3011
to be collected only on such goods as are landed from vessels from foreign ports destined to different ports or districts. 2779
to be paid before sale of perishable cargo .. 2892
on imported articles omitted in entry without fraud, to be collected 2901
regulations for estimating, in certain cases of depreciated currency 2903
when estimated upon value of goods at date of shipment 2904
when not paid in district of arrival, master of vessel what to do..... 2780
bond for, by master of vessel proceeding to another district 2782
when to be canceled 2783
cargoes for Greenport, N. Y., to pay at Sag Harbor 2537
merchandise for Cold Spring or Port Jefferson, N. Y., to pay at New York..... 2540
certain merchandise imported and destined for immediate transportation, &c., not subject to liquidation of, at port of arrival 2991
not to be finally liquidated in certain cases until invoice received (see *Invoices*).. 2857
collector and naval officer to secure payment of, before granting permit to unlade 2869
merchandise requiring to be weighed, &c., and spirits and sugars requiring proof, &c., not to be removed from wharf until ascertained..... 2882
appraisal and assessment of,
according to value of goods at time of exportation..... 2906
collections on additional entries exceeding ten per centum 2908
where appraisal exceeds ten per centum of invoice (*repealed*) 2909
how assessed on imports of different values invoiced at average price 2910
on wool in same bale of different qualities 2912
on vinegar to be collected according to standard 2917
on distilled spirits collected according to hydrometer proof..... 2918
on grain, how estimated..... 2919
when allowance made in estimating..... 2921

Section.

CUSTOMS DUTIES—Continued.
appraisal and assessment of—Continued.
when bond required of owner to determine rate of, on merchandise 2925
decision of collector as to rate of, final, unless, &c 2931
additional, not deemed fines, penalties, for purpose of distribution, &c 2948
stored merchandise, when sold for 2963
imports, how and where stored, upon non-payment of 2964
payment of, when merchandise withdrawn from warehouse for consumption 2970
merchandise in public store unpaid, after one year, &c., proceedings 2973
duties paid, when may remain in warehouse and be entitled to return duties 2977
to be collected in certain cases of failure to transport merchandise from one district to another withdrawn for that purpose 3001
when permit granted for exportation of merchandise without payment of 2979
Secretary of Treasury to abate or refund, on goods destroyed, &c., by accident 2984
no abatement of, for injury to goods while in public warehouse 2983
what imported merchandise may be withdrawn from warehouse for exportation to Mexico without payment of .. 3002
through port of Lavaca, Tex 3003
through port of Indianola, Tex 3004
debenture for drawback of, in certain cases, at what time payable 3038
debenture certificates, when receivable 3048
drawback of, how allowed (see *Drawback*) . 3015
restrictions on 3016
on merchandise entitled to debenture .. 3017
other provisions concerning 3018–3057
suits to recover, erroneously, not exacted to be maintained unless 3012
improperly collected, how refunded 3012½
refunding, in cases of failure to comply with requirements of appeal 3013
judgment for, what to recite and how payable, &c 3014
no return of duties on exportation when goods have been removed from custody of government officers 3025
punishment for defrauding or attempting to defraud government of, by false invoices and otherwise 2864, 2865
provisions in relation to where merchandise is entered at one port and destined for another 2825–2831
ports in which entries may thus be made 2816–2824
in suits, and information brought upon seizures, and property is claimed, burden of proof is on claimant 909
penalty for willfully concealing or destroying invoice, book, or paper relating to merchandise liable to 5443
collection of 2517–3129
collection districts, ports and officers . 2517–2612
qualification, pay, and duties of officers .. 2613–2746
revenue cutters and boats 2747–2763
entry of merchandise 2766–2866
unlading 2867–2898
appraisal 2899–2953
bond and warehouse system 2954, 3008
payment 3009–3014
drawback 3015–3057

Section.

CUSTOMS DUTIES—Continued.
collection of—Continued.
enforcement of duty, laws and punishment for violations 3008–3094
provisions applying to commerce with contiguous countries 3095–3129
CUSTOMS FEES,
table of, to be posted up in office of customs officers, receipts for 2635
penalty for demanding excessive 2636
accounts of, to be kept by customs officers and transmitted to Commissioner 2639
of collectors for northern, northeastern, and northwestern frontier districts 2644, 2658
of collectors 2654
of collector and naval officer at same port, how divided and accounted for 2655
drawback fees, how shared 2656
of surveyors, inspectors, and deputy inspectors 2657
when customs officers to receive pro-rata fees only 2687
of collectors and surveyors acting as collectors, limit of 2688
paid into the Treasury, how credited 2692
decisions of collectors of customs as to, final, unless 2932
railroad cars with certain imports exempt from manifest-fees 3007
on gaugeable merchandise exported and withdrawn from warehouse 3023
on weighable articles 3024
appropriation of 3687
CUSTOMS OFFICERS, (See *Appraisers, Examiners, Collectors, Assistants and Deputy Collectors, Gaugers, Surveyors, Weighers, Customs Districts.*)
in Alabama 2565, 2606
in Alaska 2592
in California 2583, 2606, 2607
in Connecticut 2534
in Delaware 2547
in District of Columbia 2550
in Florida 2563
in Georgia 2560
for Indiana and Illinois 2569, 2602, 2606
in Louisiana 2569, 2576, 2577
additional for certain ports in other States, in collection districts of New Orleans 2606
in Maine 2518, 2605, 2606
in Maryland 2549
in Massachusetts 2529, 2605
in Michigan 2600, 2606
in Minnesota 2596, 2605
in Mississippi 2567
in New Hampshire 2523
in New Jersey 2542
in New York 2536, 2538, 2539, 2605
in North Carolina 2556
in Ohio 2604, 2605
in Oregon and Washington Territory ... 2587, 2606
in Pennsylvania 2544, 2605
in Rhode Island 2532, 2606
for San Diego, Cal 2607
in South Carolina 2558
in Texas 2579
in Vermont 2526, 2605
in Virginia 2553, 2606
in Wisconsin 2598, 2606
salaries of 2661–2746
apportionment for part year's service 2687
term of office of 2613
additional oath of 2616
bonds of 2619
by whom approved and where filed 2620
general duties of 2621–2629

Section.

CUSTOMS OFFICERS—Continued.
penalty for receiving excessive fees..... 2636
for certifying shipment of merchandise entitled to drawback without inspection 2637
not to own vessels, &c., nor engage in importation..... 2638
accounts of, to be rendered quarterly...2645, 2647
books, blanks, &c., how furnished to...2646, 2648
special agents to examine books and accounts of, and to detect frauds (see *Special Agents*).....2649–2651
to follow instructions and decisions of Secretary of Treasury 2652
when and in what districts certain, may be abolished 2653
clerks not to be paid until they take prescribed oath 2693
to administer oaths..... 2805
demand by, of manifests of vessels arriving within four leagues..... 2811
of vessels arriving in port of discharge... 2812
neglecting to certify production of manifests, penalty 2814
report by, for failure to produce manifests 2815
to board vessels at New Orleans for Natchez or Vicksburgh..... 2832
expenses of, by whom paid..... 2833
in appraisal department at New York not to engage in mercantile business..... 2941
not to enter into contract for use of warehouse before completion..... 2957
to have charge and supervision of private warehouse 2960
powers of, for discovery of frauds and seizure of merchandise relanded contrary to law..... 3049
dwelling-houses not to be entered in making searches by, without warrant..3065, 3066
may board vessel, demand manifest, make searches, &c.....3059, 3067
master of vessel obstructing, &c..... 3068
action of, where articles found separate from cargo 3069
securing goods on board during search... 3070
to make known character in case of searching; to demand assistance..... 3071
seizures of vessels..... 3072
when sued, &c., may give special matter in evidence 3073
what proportion of fines, penalties, and forfeitures to be distributed to..... 3090
powers and duties of, in northern and northwestern frontier districts..... 3097
may retain baggage, &c., imported from contiguous foreign countries and examine; forfeiture..... 3101
may seal vessels and cars to avoid inspection at first port of arrival..... 3102
appropriation of fees paid for services of 3687
to require oath to letters before granting clearances to vessels..... 3987
to search vessels for letters illegally conveyed..... 3989
may seize letters illegally carried..... 3990
disposal of letters seized by..... 3991
to aid in collection of postage on letters carried in foreign vessels..... 4015
to observe State inspection laws in clearing vessels 4202
to pay fees in investigations by steamboat inspectors 4451
to enforce provisions for regulation of steam-vessels 4496
penalty for neglect of such duty..... 4497

Section.

CUSTOMS OFFICERS—Continued.
to require certificate of shipping-commissioner as to effects of deceased seamen before granting clearance..... 4539
two per cent. for privateer pension fund to be paid to and deposited in Treasury. 4759, 4760
appointed to carry into effect licenses relating to supplies in parts of State in insurrection, how compensated 5305
knowingly admitting to entry goods, &c., upon payment of less than duty..... 5444
assaulting, resisting in execution of..... 5447
rescuing property seized by..... 5447
discharging weapon at, in resisting, in execution of duty 5447
making or offering to make gratuity or present to, by importers..... 5452

D.

DAKOTA TERRITORY,
establishment and boundaries of..... 1900
provisions common to all Territories (see *Territories*) 1839–1895
judicial power in..... 1907
jurisdiction of courts in, how limited..... 1866
of district courts in..... 1910
writs of error and appeals to Supreme Court of United States..... 1909
judicial districts in, how organized..... 1913
assignment of judges to..... 1918
terms of district courts in, how fixed..... 1919
of members of council and house of representatives of..... 1922
restrictions upon legislative power in..... 1925
justices of the peace in, jurisdiction of..... 1926
contingent expenses of executive department of, annual appropriation for... 1935
legislative expenses of, provision for..... 1939
mileage of members of legislative assembly. 1942
seat of government in, how changed..... 1944
reservation of lands for school purposes.... 1946
laws of, continued in force in Wyoming... 1948
appointment of surveyor-general for..... 2207
salary of (see *Territories*)..... 2208
boundaries of land districts in.....p. 411, 2256
DAMAGED GOODS,
appraisers of customs to certify rate of percentage of, deductions..... 2927
imported, by whom appraised at New York. 2943
DAMAGES,
for delay, to respondent in error..... 1010
to arms, equipments in Army..... 1220
payment for..... 1303
to military supplies, payment for..... 1304
stores, responsibility for.....p. 231, art. 15, 1342
right of action for deprivation of civil rights.....1979–1981
none for use of article prior to patent on renewed application by party failing to pay fee..... 4897
nor for use of particular articles purchased of inventor or made with his consent prior to application for patent 4899
nor by patentee or assignee failing to make or label patented article, except 4900
for infringement of patent, judgment..... 4919
pleading and proof in action..... 4920
assessment of, in suit in equity to enjoin infringement of patent..... 4921
action for, for infringement of trade-mark.. 4942
action for injuries by reason of person procuring registry of trade-mark by false representations 4942

Section.

DAMAGES—Continued.
for violation of copyright of book 4964
of dramatic composition by publicly performing 4966
for printing manuscript without consent of author or proprietor 4967
unliquidated, in bankruptcy, how assessed. 5067
by seamen to vessel or cargo .....par. 8, 4596
DAMS,
may be constructed across Iowa River, Iowa. 5248
DAY'S WORK,
of labor, &c., to be eight hours 3738
DEAD LETTERS,
regulations as to 3936
unpaid letters 3937
containing valuables, disposition of 3938
accounts to show amount derived from 4049
to show expenditures for 4049
unclaimed money in, to be postal revenue . 4050
embezzlement of money in, by postal employés, how punished 4053
action of Post-Office Department as to foreign 401
DEAF AND DUMB,
Columbia Institution for 4859
terms of deed made part of charter 4860
property of, not devoted to other purpose. 4861
real estate of, not to be sold, except 4861
management of 4862
election of officers 4862
alteration of constitution 4862
government directors 4863
admission of pupils from Dist. Columbia. 4864
from States and Territories 4865
superintendent to make statement to Congress of expenditures 4867
directors, to make annual report to Secretary of Interior 4868
education of indigent blind persons, provision for 4869
justices of peace to report who are, in District of Columbia 4866
DEATH,
of sole party to actions in court 955
of one of several plaintiffs or defendants... 956
of person having paid special tax, rights of representatives 3241
of persons claiming benefit of pre-emption laws 2269
on vessels to be entered in log-book 4290
arriving in United States ten dollars to be paid in each case of, by master to collector 4268, 4269
of citizens abroad, duty of consular officers as to estate of.....1709–1711
of debtors to United States, claims of United States to have priority ...3466, 3468
of seamen abroad, custody, &c., of effects of..... 4538
proceedings in regard to effects of 4539
penalty for neglect 4540
duties of consuls in regard to effects of... 4541
in United States, proceedings in regard to effects of 4542
proceeds to be paid to circuit court..... 4543
distribution of, of 4544
disposal of, of, when unclaimed..... 4545
of soldiers, what unclaimed moneys of estates of, applied to support of Soldiers' Home..... 4818
to be repaid on demand of heirs 4818
of officers and soldiers, effects of, how disposed of by Articles of War..pp. 241, 242, arts. 125–128, 1342
what to be applied to support of National Home for Disabled Volunteers..... 4813
to be repaid on demand of heirs 4831

Section.

DEATH—Continued.
punishment by, (see *Capital Offenses, Trials, and Punishments.*)
DEBASING COIN,
penalty for debasing gold or silver coins at mints of United States..... 5460
DEBATES OF CONGRESS,
how to be printed..... 78
DE BENE ESSE,
depositions, when to be so taken..... 863
mode of taking 864
how transmitted, used, &c..... 865
taken by prize commissioners..... 4622
recognizances of special bail may be so taken by clerks of district and circuit courts in absence or disability of judge 947
DEBENTURES, (See *Drawbacks.*)
merchandise entitled to, when drawback allowed on 3017
when packages may be changed, &c..... 3030
notice of, to whom given..... 3031
how issued and to whom payable 3038
fee for certificate of 4382
when payment of, refused by collector, protest of; suit, how brought 3039
how assigned, &c 3040
for drawback on exportation from port other than that of importation..... 3041
refusal to grant, when over $100 3042
bond for delivery of merchandise at foreign port before receipt of..... 3043
how discharged.....3044–3047
permanent appropriation for paying..p. 725, 3689
how expended; who to pay; certificates of, where receivable for customs 3048
falsely making, forging, altering, uttering as true any false, &c 5423
jurisdiction of district and circuit courts of suits on.....563, 629
judgment at return term, unless 959
interest allowed on 965
DEBT,
imprisonment for, where not allowed..... 990
not allowed of enlisted men in Army.... 1237
nor of enlisted marines..... 1610
homestead lands not liable for those, contracted prior to patent..... 2296
contracted through sale of articles with intent to evade tax to be void..... 3454
DEBTS TO OR BY UNITED STATES,
to be adjusted in Treasury Department.... 236
provisions concerning 3466–3494
what legal tender in payment of ..3473, 3588–3590
due to United States,
First Comptroller to superintend recovery of..... 269
priority of payment.....3466, 5101
when executor, &c., liable for 3467
surety, who pays on bond to United States..... 3468
compromise of..... 3469
only standard coin receivable for, except 3474
fractional currency receivable for, when. 3574
Secretary Treasury may employ persons to collect 256
in suits for, against persons accountable for public money, their commissions not allowed 3624
delinquents in Army to be charged for deficiencies..... 1304
set-off against claims from 1061, 1766
due by United States,
payable in national-bank notes, when... 3475
in interest-bearing Treasury notes, when 3476

Section.

DEBTS TO OR BY THE UNITED STATES—Continued.
due by United States—Continued.
in United States notes, except for interest on public debt ... 3588
in demand Treasury notes ... 3589, 3590
may be sued for in Court of Claims in certain cases (see *Court of Claims*) ... 1059, 1093
to be set-off against certain claims due to United States ... 1061, 1766
DECIMAL SYSTEM,
established ... 3563
DECISIONS OF SUPREME COURT,
appropriation for three hundred copies ... p. 729, 3689
DECK-PASSENGERS,
on river-steamers, provisions for safety and accommodation of ... 4484, 4485
penalty for failure to provide accommodations ... 4486
DECLARATION OF INDEPENDENCE,
text of ... p. 3
DECREES,
from what, of district court appeal may be taken to circuit court ... 631
circuit court to affirm, modify, or reverse, on review, or give directions as to ... 636
from what final, of circuit court, where matter in dispute exceeds $2,000, appeal is allowed to Supreme Court ... 692
on certificate of division of opinion of judges ... 693
what may be directed by Supreme Court on review, in prize causes, mandate on ... 701
final, of supreme court of Territory, how reviewed by Supreme Court, on writ of error or appeal ... 702
statement of, by clerks of circuit and district courts to Solicitor of the Treasury ... 797
of courts of foreign governments relating to lands claimed by or under United States, how authenticated and admitted in evidence ... 907
lien of, on real estate, when and how to cease in the several States ... 967
to include bill of fees of officers, witnesses, &c, in cases where costs are recoverable by prevailing party ... 983
of distribution in prize cases ... 4634
power of district courts to compel obedience to ... 4975
DEDUCTIONS,
from salaries of members and Delegates in Congress ... 40–42
from pay of officers and soldiers in Army ... 1299–1304
on stamps for fermented liquors ... 3341
from bullion covered into Treasury ... 3552
from wages of seamen, enforcement of ... 4603
table of, toward payment of certain fees ... p. 896, *after* 4612
of commissions from delinquents accountable for public money ... 3624
from soldiers' pay for fitting clothing ... 1220
DEED,
when to be made by successor of marshal dying, removed, &c ... 994
of estate sold for internal-revenue taxes ... 3198, 3199
by marshal on sale of estate of delinquent collector of internal revenue ... 3217
former assignee in bankruptcy to make ... 5043
bankrupt's, to pass to assignee ... 5044
debtor to execute all necessary ... 5051
of assignment to assignee, where to be recorded ... 5054

Section.

DEED—Continued.
forging, &c., with intent to obtain money from United States; uttering as true any false ... 5421
having in possession false, with intent to defraud United States ... 5422
DEFACING NOTES, etc.,
of national banks, penalty ... 5189
DEFAULT,
judgment on, how rendered for sum due, in suit to recover forfeiture of bond ... 961
DEFAULTERS,
bids of, for naval supplies may be rejected ... 3722
discharge in bankruptcy not to release debts by defalcation ... 5117
on accounts due United States, proceedings against, by suit ... 3624
priority of payment ... 3466–5101
DEFECTS OF FORM,
in suits not regarded unless specially set down with demurrer, amendments of ... 954
DEFENDANTS,
where several, and one or more not inhabitant of district, &c., proceedings ... 737
in suit to enforce lien where not inhabitant of district, proceedings ... 738
several residing in different districts of same State, where suit brought ... 740, 741
DEFICIENCY,
assessment on distillers for ... 3309
delinquents to be charged for, in Army ... 1304
DEFINITIONS,
of words as used in Revised Statutes ... 1–6
of "judge and justice" ... 605
of "ton," as used in respect to customs-duties ... 2951
of "value and valued," as used in respect to collection of customs duties ... 2952
of "minister and consul," in respect to foreign relations ... 4130
of "master," "vessel," "owner," in respect to merchant-seamen ... 4612
of "obligation or other security of United States" in respect to crimes ... 5413
of words used in bankruptcy law ... 5013
of official designations of diplomatic and consular officers ... 1674
of "merchandise," "port," "master," in customs-revenue laws ... 2766–2768
of "state," in internal-revenue laws ... 3140
of "persons," in deeds, partnerships, associations, company, and corporations in internal-revenue laws ... 3140
of "banks" and "bankers," in laws relating to taxation ... 3407
DELAYING MAIL,
penalty for ... 3995, 3996
DELAWARE,
judicial districts and terms of United States courts in (see *Circuit Court, District Court*) ... 531, 572, 658
collection districts and ports of entry, and delivery in (see *Collection Districts, Ports of Entry*) ... 2546, 2547
permit for land transportation of merchandise across ... 4362
DELEGATES IN CONGRESS,
time of electing ... 25
by whom sworn in ... 30
salary of ... 35–51
right of Territories to send ... 1862
election of ... 1862
declaration and certificate of election ... 1862
rights of, in House of Representatives ... 1862
first election of, how held ... 1863
subsequent elections ... 1863
elections in Washington and Idaho ... 1905

Section.

DELEGATES IN CONGRESS—Continued.
from Washington, Idaho, and Montana, must be citizens of United States.... 1906
not to be interested in contracts.....3739–3742
penalty for fraudulent voting at elections for..... 5511
for fraudulent registration.....5512, 5513, 5514
for violation of duties of officers of elections at..... 5415

DELIVERY BOND,
delivery upon, to claimant, of vessel, goods, &c., seized under customs-revenue laws, &c..... 938
may be ordered by judge in vacation.... 940
property released from arrest upon, by marshal, in admiralty causes other than seizures for forfeiture..... 941

DEMAND NOTES,
of United States (old issue) may be used in payment of duties.....3009, 3473
to be lawful money and legal tender..... 3589
present issue called United States notes, denominations of (see *United States Notes*)..... 3571

DEMURRER,
defect or want of form disregarded unless defects are specially set down with.. 954
to indictment overruled; respondent ouster..... 1026
judgment on, how rendered for sum due in suit to recover forfeiture annexed to bond..... 961

DENOMINATIONS,
of United States coins.....3511–3515
of notes..... 3571
of fractional currency..... 3573
of coins for bullion, &c., to be determined by depositor..... 3544

DENVER MINT,
legal designation..... 3495
business of..... 3558
officers of..... 3559
to be place of deposit of public money..... 3592

DEPARTMENTS, (See *the several departments as named below.*)
what designated as Executive (see below) .158, 159
provisions applicable to all.....158–198
salaries of heads of..... 160
regulations for, how prescribed..... 161
hours of business in..... 162
clerks in, how classified..... 163
examinations of..... 164
women may be..... 165
distribution of..... 166
and employés, salaries of..... 167
temporary, salaries of..... 168
number of, how regulated..... 169
extra services of, when to be paid for.... 170
extra, when to be employed..... 171
compensation of..... 171
subordinate assistants, restriction on employment of..... 172
chief clerks in, duties of.....173, 174
to report monthly to superior officers...174, 175
disbursing clerks in, duties, of..... 176
vacancies in offices of heads of.....177, 179–181
in office of chief of bureau in..... 178
no extra compensation to other officer performing duties of head of, or of bureau, in case of vacancy..... 182
oaths administered by officers or clerks of, detailed to investigate frauds..... 183
in claims before, witnesses, how subpœnaed, compelled to testify, and fees.....184–186
professional assistance in examining witnesses or claims, how obtained..... 187

Section.

DEPARTMENTS—Continued.
evidence to be furnished by, in suits pending in Court of Claims..... 188
heads of, not to employ attorneys..... 189
former employés in, not to prosecute claims pending when..... 190
certified balances of Comptroller, conclusive upon..... 191
may be revised by Congress and courts.. 191
newspapers in, expenditure for..... 192
reports of, time of making..... 195
when to be delivered Congressional Printer and to Congress.....196, 3810
concerning contingent fund..... 193
respecting clerks employed in..... 194
documents accompanying, how edited... 75
inventories of property in..... 197
biennial list of persons employed in..... 198
heads of, may require opinion of Attorney-General..... 356
copies of books, records, documents, &c., in, how evidence (see *Copies*)..... 882
reference by, of claims against, to Court of Claims.....1063–1065
Senators, Representatives, Delegates, head of department, clerk, or other officer not to receive compensation, directly or indirectly, on account of any matter before..... 1782
officers of United States not to act as agent or counsel, nor assist in support of prosecution of claims before, nor receive shares or gratuities from same. 5498
estimates of expenditures and appropriations, how communicated to Congress (see *Estimates*)..... 3660
to include in such estimates sums necessary for printing and binding..... 3661
for compensation of officers to be founded on express provisions of law..... 3662
for new specific expenditures on public buildings, to be accompanied by plan, &c..... 3663
for subsequent expenditures on same work, what to state..... 3663
other requirements of, in making estimates for appropriations.....3664–3686
contracts of, for stationery and supplies, limited to one year..... 3735
printing and binding, general provisions relating to.....3756–3801
where to be done..... 3786
of reports of bureau officers..... 3788
number of annual reports of, to be printed for use of members of Congress..... 3798
upon whose requisition..... 3789
form and style of, for..... 3790
accounts for not to exceed appropriation. 3802
to be notified of newspapers selected by Clerk of House of Representatives in certain States for publication of advertisements in..... 3824
advertisements for, on what authority made..... 3828
special postage-stamps and stamped envelopes to be prepared for..... 3915
punishment for giving or offering to give to officer of, money, &c., to influence action..... 5451
acceptance of bribe by officer of.....5501, 5502
State (see *State Department*).....158, 159, 199–213
Diplomatic officers.....1674–1688
Consular officers.....1689–1739
Provisions common to diplomatic and consular officers.....1740–1752
Treasury (see *Treasury Department*) .158, 159, 233–244

Section.

DEPARTMENTS—Continued.
Treasury—Continued.
Secretary 245–267
Comptroller 268–275
Auditor ..... 276–300 B
Treasurer 301–311
Register 312–315
Commissioner of Customs 316–318
Commissioner of Internal Revenue 319–323
Comptroller of Currency 324–333
Bureau of Statistics 334–342
Bureau of Mint 343–345
War (see *War Department*) 158, 159, 214–235
Army organization 1094–1242
retirement 1243–1260
pay and allowance 1261–1308
Military Academy 1309–1341
Articles of War 1342, 1343
military prison 1344–1361
Navy (see *Navy Department*) 158, 159, 415–436
Navy organization 1362–1427
general provisions relating to officers of Navy 1428–1442
retired officers 1443–1465
rank, precedence, promotion, and advancement 1466–1510
Naval Academy 1511–1528
vessels and navy-yards 1529–1546
general provisions 1547–1555
pay, emoluments, and allowances 1556–1595
Marine Corps 1596–1623
Articles for government of Navy 1624
Post Office (see *Post-Office Department*) 158, 159 388–414
postal service 3829–4061
post-offices and postmasters 3829–3864
carriers, branch offices, and receiving-boxes 3865–3874
mail matter 3877–3895
postage 3896–3913
postage-stamps and envelopes 3914–3925
registered letters 3926–3929
unclaimed, dead, and request letters 2930–2940
contracts for carrying mail 3941–3963
carrying mail 3964–3996
railway service 3997–4005
foreign mail-service 4006–4016
special local and route agents 4017–4026
money-order system 4027–4048
accounts and revenues 4049–4061
Justice (see *Department of Justice*) 158, 159, 346–387
Interior (see *Interior Department*) 158, 159, 347–440
Secretary 441–445
General Land Office 446–461
Commissioner of Indian Affairs 462–469
Commissioner of Pensions 470–474
Patent Office 475–496
superintendent of public documents 477–511
returns office 512–515
Office of Education 516–519
Agriculture (see *Agricultural Department*) 520–529

DEPARTMENT OF JUSTICE,
provisions common to all executive departments (see *Departments*) 158–196
head of, to keep inventory of property 197
to furnish biennial list of employés 198
Attorney-General to be head of (see *Attorney-General*) 346
Solicitor-General, duties, salary 347
Assistant Attorneys-General 348
Solicitors, Assistant Solicitors, Examiner of Claims, &c., to perform duties under Attorney-General 349, 350, 360
chief law clerk and other clerks 351
rooms provided for 352
seal of 353

Section.

DEPARTMENT OF JUSTICE—Continued.
provisions concerning 346–387
general duty of officers of 361
officers of, may be sent to any State to attend to suits 367
money requisitions for, by whom signed 369
traveling expenses of officers of 370
disbursement of moneys drawn for 371
suits for money due Post-Office Department to be under control of 381
may direct proceedings in equity in debts due Post Office 382
to distribute Statutes and Reports of Supreme Court to judges 386, 498
register to be kept of distribution 387
statement to, by district attorneys of suits for moneys due Post Office 775
to furnish counsel and advice to heads of departments 189

DEPOSITS,
Secretary of Treasury may receive gold coin on 254
of pay of soldiers with paymaster on interest 1305–1318
by settlers for survey of townships 2401
to be credited to appropriation for surveys; excess returned 2402
to go in part payment for lands 2403
tax on, in State banks 3408
savings institutions 3408
when payable 3409
assignee in bankruptcy to make what 5059
may be ordered by court in bankruptcy 5060
national banks may receive 5136
proportion of reserve to be kept on 5191
may have, in excess of capital 5202
not to certify checks in excess of 5208
to pay duty or tax on 5214
to make returns of, to Treasurer 5215
duty or tax on, how assessed and collected in default of return and payment 5216, 5217
of bullion by mint superintendents 3503
to be received 3506
what, may be refused 3519
for gold coinage 3519, 3520
payment for 3545
for surveying public lands, appropriation to repay excess of, by individuals ..... p. 728, 3689
of postal revenues may be made in certain cases with national banks 3847
when, with assistant treasurers 3848
of money-order funds, where made 4046

DEPOSITARIES OF PUBLIC MONEYS,
national banks may be designated as depositaries; security; duties 5153
to be designated for safe-keeping of money under internal-revenue laws 3211
receipt of, to collector of internal revenue sufficient voucher 3211
how silver coins to be sent to 3527
may redeem copper, &c., coins 3529
public money in, subject to draft of Treasurer United States 3593
may be transferred by Secretary of Treasury from one to any other 3640
of Post-Office Department in, may be transferred by Postmaster-General 3641
to keep separate accounts of Post-Office Department money 3642
to keep accurate entry of sums received, paid, and transferred 3643
to render accounts of receipts and payments 3644
to report outstanding liabilities to Secretary of Treasury 310
to pay duplicate checks 3646

Section.

DEPOSITARIES OF PUBLIC MONEYS—Continued.
pension checks (*repealed*) 4770
penalty for failing safely to keep moneys of United States 5489
on bankers, &c., who, not being, knowingly receive public moneys on deposit, or loan 5497
to keep safely public money 3639
United States Treasury, assistant treasurers, and depositories 3591–3614
certain, may appoint deputies 3613
to exchange United States notes for fractional currency 3574
compensation of certain 3655, 3656
marshals, district attorneys, and other officers may pay public money to 3616, 3617, 3619
in places where there is no Treasurer or assistant treasurer, Secretary of Treasury may authorize deposit of public money in 3620
penalty for failing to deposit public money in 3621, 5492
clerks and officers of courts to deposit with, money belonging to registry 5504
examination of depositories 3649, 3650

DEPOSITIONS,
in contested elections for Representative to Congress 108–130
under commission 866
to perpetuate testimony 866
when admitted, as under State laws 867
witness, how compelled to give 868
subpœna to bring writings, books 869
at what places witness bound to attend 870
in District of Columbia, how may be taken to be used elsewhere 871–874
of witnesses before courts-martial in Army, p. 239, art. 91, 1342
may be taken by secretries of Legation and consular officers 1750
may be taken by superintendents, agents, and subagents in Indian country 2157
Commissioner of Patents to prescribe rules for taking, in Patent-Office cases 4905
in bankruptcy matters before registers 5004
by creditors in proof of claims 5077
de bene esse, when to be taken 863
mode of taking 864
how transmitted, used 865
taken by prize commissioners 4622
letters rogatory, to take, in foreign country 875
from foreign court, how executed here 4071–4074
witness, how compelled to attend 875
penalties for making or using, by persons in military service of false, to obtain approval, &c., of claim ..... p. 235, art. 60, 1342
in naval service ..... p. 278, art. 14, 1624
by any person 5438
for making or using, by persons not in military or naval service of false, to obtain payment of claim; civil liability 3490

DEPOTS,
for coal and fuel for Navy 1552

DEPRECIATED CURRENCY,
when cost of imports exhibited in, how duties are estimated 2903

DEPREDATIONS BY INDIANS,
paid only from special appropriations 2098

DEPUTY ASSISTANT TREASURER,
at New York 3602, 3603

DEPUTY CLERKS,
not to act as attorney in causes pending in district 748, 749

Section.

DEPUTY CLERKS—Continued.
oath and bonds of 794, 796
of district courts 558
in Indiana and Iowa 559, 560
compensation of 561
of circuit courts 624
in Indiana 625
compensation of, how paid and allowed 626
of Supreme Court 678

DEPUTY COLLECTORS (customs),
in California 2583
at Vallejo, when to perform duties of surveyor 2824
in Indiana and Illinois 2602
in Louisiana 2569
in Maine 2518
at Calais, when to clear vessels 2521
in Maryland 2549
in Massachusetts 2529
in Michigan 2600
in Minnesota 2596
at Saint Paul, to be inspector also 2701
in Mississippi 2567
in Oregon and Washington Territory 2587
in Texas 2579
in Virginia 2553
in Wisconsin 2598
when to perform duties of collector 2625
collector to appoint, duties of 2630
when to act as principal, bond of 2633
salaries of, at New York, Boston, Philadelphia, Baltimore, New Orleans, Portland, Me., and San Francisco 2697
at Eureka and Vallejo, Cal 2698
at Potomac 2699
at Shreveport 2700
at Saint Paul 2701
at Ellensberg, Port Oxford, and Gardiner 2702
at Vallejo, Cal 2824
in northern, &c., frontier districts, oaths administered by 3098
when to search stores, warehouses, &c 3107
when to act as shipping commissioners 4503

DEPUTY COLLECTOR (Internal Revenue),
collector authorized to appoint 3148
bonds, duties, &c 3148
collector responsible for 3148
when to act as collector 3149
oldest, in case of vacancy of office 3149
Secretary may designate who shall act 3149
bond of, available to legal representatives and sureties of collector 3149
compensation of, while acting as collector during vacancy 3150
may administer oaths and take evidence 3165
not to disclose operations, style, or apparatus of manufacturers 3167
to canvass district 3172
duties of, relating to returns by persons liable to taxation 3173
in making lists for such persons 4173
to serve summons 3174
may enter brewery, manufactory, distillery 3177
duty of, with respect to taxable property of non-resident 3180
to give receipts for all sums collected 3183
to make returns of sales to collector 3203
to transmit notice of distiller or rectifier to collector 3259

DEPUTY COMMISSIONER OF PENSIONS,
appointment, duties, and salary of 472
to act in absence of Commissioner 472

DEPUTY COMPTROLLER OF CURRENCY,
appointment, salary, duties, oath, and bond 327

Section.

DEPUTY COMPTROLLER OF CURRENCY—Continued.
not to be interested in national banks 329
DEPUTY COMMISSIONERS OF INTERNAL REVENUE,
two, to be employed under direction of Secretary of Treasury; salary 235
duties of 323
one, by President (*abolished; see* 1874, *ch.* 18, 18 *Stat., p.* 6) 322
DEPUTY CONSULS, (See *Consular Officers.*)
who are included as consular officers 1674
appointed under regulations 1695
prohibition to trade extended to 1700
DEPUTY INSPECTORS OF CUSTOMS,
fees of 2657
DEPUTY MARSHALS, (See *Marshals.*)
not to be, &c., commissioners of circuit court 628
not to act as attorney, &c 748, 749
appointment and removal of 780
oath of, and where may be taken 782
have powers of sheriff, &c., in State 788
to continue in office on death of marshal .. 789
may execute process in hand on removal or expiration of term of office 790
when not indifferent in cause, how writs to be served 803
per diem for attendance, &c., when allowed 831
proportion of fees, &c., allowed to, in accounts of marshal 841
writs, &c., how directed and executed, when marshal or deputy is party 922
duties and fees of, in civil-rights cases, 1982, 1985, 1986
special deputies, appointment 2021
duties of 2021
duties of general and special deputies under laws relating to elections 2022
may summon the posse comitatus 2024
supervisors of election have powers of ... 2023
oath of office of special deputies 2026, 2027
deputies to be qualified voters, when 2028
number of, not to be increased 2030
compensation of special deputies 2031
appointment of, to assist in census 2189
may seize letters, &c., illegally carried 3990
disposal of letters, &c., seized by 3991
refusing to receive or neglecting to execute process under civil-rights laws 5517
obstructing, &c., duties of, connected with elective franchise 5522
DEPUTY PROVOST MARSHALS,
pensions to, provisions concerning .4693, 4695, 4710
DEPUTY NAVAL OFFICERS,
salaries of, at New York, Boston, Philadelphia, Baltimore, New Orleans, San Francisco, and Portland, Me 2705
additional compensation of, at San Francisco 2746
DEPUTY PAYMASTERS-GENERAL,
of Army, number, rank, duties 1182, 1187
DEPUTY SHIPPING COMMISSIONERS,
appointment, duties, &c., of 4505
DEPUTY SURVEYORS OF CUSTOMS,
salaries of, at San Francisco 2721
at New York, Boston, Philadelphia, Baltimore, New Orleans, Portland, Me... 2722
at Savannah 2723
DEPUTY LAND SURVEYORS,
appointed by surveyors-general 2223
oath of 2223
removeable for negligence and misconduct. 2223
to give bond 2230

Section.

DEPUTY LAND SURVEYORS—Continued.
may be required to take additional oath as to correctness of surveys 2231
suit on bond of, &c 2232
in Louisiana, penalty on, for failure to perform contract 2233
DERELICT PROPERTY,
contracts for collection, sale, &c., of, may be made by Secretary of Treasury ... 3755
DESERTERS,
from military or naval service prior to March 3, 1865, penalty 1996
certain men absent without leave not to be held as, &c 1997
penalty hereafter incurred by 1998
for avoiding draft 1998
not entitled to bounty-land 2438
certain soldiers and sailors not to be deemed; forfeiture of pension 4749
enticing soldiers or sailors to become; knowingly harboring, aiding, &c. 1553, 5455
not to be enlisted in Navy 1420
from Army, punishment of .. p. 234, art. 47, 1342
to serve full term ..... p. 234, art. 48, 1342
leaving before acceptance of resignation, punishable as ..... p. 234, art. 49, 1342
by enlisting in one regiment without discharge from another ... p. 234, art. 50, 1342
of officer or soldier advising desertion, penalty ..... p. 234, art. 51, 1342
officers dropped as, ineligible for reappointment 1229
not to be re-enlisted in Army 1118
punishment for ..... p. 230, art. 3, 1342
forfeit of money deposited by them with paymaster 1305
from Navy, in time of war ... p. 276, art. 4, 1624
in time of peace ..... p. 278, art. 8, 1624
harboring persons charged with ... p. 278, art. 8, 1624
officers of post or Marine Corps quitting post on tender of resignation punishable as ..... p. 278, art. 10, 1624
not to be enlisted in 1420
punishment for ..... p. 280, art. 19, 1624
of the mail, penalty for (see *Mail*) 5474
from mercantile marine, penalties ... 4522, 4596
loss supplied by shipment of others, &c.. 4516
warrant of apprehension 4598
apprehension without warrant 4599
reclamation by consuls, &c 4600
harboring, secreting, &c., penalty 4601
from foreign vessels, how arrested and returned according to treaties 5280
DESIGNATED DEPOSITARIES, (See *Depositaries.*)
national banks, when, are such 5153
certain depositaries may appoint deputies, when 3613
to exchange United States notes for fractional currency 3574
to keep separate accounts of Post-Office money 3642
to render accounts of receipts and payments 3644
to pay duplicate checks 3646
pension checks (*repealed*) 4770
district attorneys, marshals, and other officers may pay public money to ... 3616, 3617, 3619
compensation of, in certain cases 3655, 3656
DESIGNS,
patent for, of manufactures, statutes, printing of fabrics, ornaments, &c 4929
when models of, dispensed with 4930
term of patent for 4931
extension of, issued prior to 1861 4932

Section.

DESIGNS—Continued.
rules applicable to patents for 4933
DES MOINES RIVER,
free of toll on property or persons in service of United States 5246
DESTITUTE SEAMEN,
consular officers not to receive fees, &c., on clothing, &c., for 1719
fund for relief of, created 4545
to be returned to United States by consuls, &c 4577
vessels belonging to citizens required to carry; pay for 4578
pay for carrying, from ports where no consul 4579
fund for relief of, part of extra wages received by consular officers on discharge of seaman, to be paid to 4584
unclaimed deserters' wages, to go to 4604
penalties, to go to 4610
DESTROYING LETTERS,
penalty for, by persons in postal service ... 3891
by person before delivery 3892
DESTRUCTION,
of property by persons in Army ..... p. 235, art. 55, 1342
of stills, &c., in certain cases of forfeiture 3332
of tobacco, snuff, and cigars abandoned, condemned, or forfeited 3369
of empty cigar-boxes with stamp thereon .. 3406
of records of courts of justice or deposited in public office 5403
by officer having custody of 5408
DETAILS (in Army),
of enlisted men as artificers and laborers .. 1235
for special service 1236
of cooks from privates 1233
DIAMONDS,
shipper of, to notify carrier 4281
DIES,
of national character may be executed at Mint 3551
for coins at the mints 3510
obverse working-dies to be destroyed at end of each year 3550
of national-bank notes 5172
custody and examination of 5173, 5174
DIPLOMATIC OFFICERS,
provisions concerning 1674–1688
consular officers 1689–1739
when, may perform functions of, and have pay in such case 1738, 1739
provisions common to and to consular officers (see *Consular Officers*) 1740–1752
accepting appointment of, by officers in Army and Navy to be resignation, &c 1223, 1440
not to correspond with foreign governments nor to recommend persons for employment of government where located 1751
not to accept presents, &c 1751
definition of term 1674
of "minister" in laws respecting foreign relations 4130
salaries of 1675
of commissioners and chargés d'affaires .. 1676
secretary of legation at Constantinople 1677
interpreter of legation to Turkey 1678
Japan, salary of 1679
China, salary of 1680
minister at Uruguay, also to Paraguay 1681
one minister to Guatemala, Costa Rica, &c. 1682
to Hayti and Liberia, titles and salaries 1683
chargé d'affaires or secretary of legation, appointment and compensation of 1684

Section.

DIPLOMATIC OFFICERS—Continued.
secretary of legation, salary of, when acting as chargé d'affaires 1685
compensation of person filling two offices .. 1686
fees collected at legations to be accounted for 1687
uniforms and official costumes 1688
term for which salaries payable 1740
absent from post without permission, &c ... 1741
salaries, when absent 1742
compensation to be in full payment for services, &c 1743
not to receive compensation when not citizen of United States 1744
fees, regulation, &c., of 1745
to be collected in United States coin or its value in exchange 1746
stationery, &c., for, shall be provided 1748
dying abroad, allowance to widow, &c 1749
correspondence, &c., by, prohibited, except. 1751
President may make regulations, &c., governing 1752
may require mails to be carried in vessels bound to United States 3976
issue and verification of passports by 4075
returns of passports issued or verified by .. 4077
issuing or verifying passports illegally 4078
judicial authority, &c., in China, Japan, Siam, Egypt, and Madagascar 4083
in islands and countries inhabited by uncivilized people 4088
in Ottoman dominions 4125
in Persia 4126
in Tripoli, Tunis, Morocco, and Muscat .. 4127
in other countries of like character (see *Consular Courts*) 4128
table of fees to be attached to clearances of certain registered vessels 4207
DIRECTOR OF THE MINT, (See *Mints.*)
appointment and term of office of 343
salary and expenses of 344
power and duties of 345
to determine certain salaries 3499
to approve bonds of assistants, &c 3501
to approve appointments to act in case of absence, &c 3502
Secretary of Treasury to designate acting .. 3502
superintendent's control to be subject to approval of 3503
to prescribe time and form of reports of superintendents 3503
reports to be made to 3503, 3504
to approve all appointments of assistants, &c., in mints 3504
may engage artists, &c 3510
shall fix price of silver in gold deposits 3520
to fix coinage charge on trade-dollars 3524
to propose regulations for transmission of silver coins 3527
to approve purchase of metal for minor coinage 3528
discretion as to free delivery of minor coinage in cities, &c 3529
copy of trial-piece, record to be sent to 3539
may prescribe tests of coins 3539
duty as to annual settlement 3543
to prescribe rules for exchange of fine bars for imported bullion 3546
to approve regulations for striking, &c., medals 3551
to estimate value of foreign coins 2366, 3564
may prescribe regulations respecting certain Spanish and Mexican coins 3568
to examine books, &c., of treasurers of mints 3650
DIRECTORS,
of National Bank, board of 5136
when may sell shares of delinquent holder . 5141

Section.

DIRECTORS—Continued.
of National bank—Continued.
votes in selection of 5144
election of 5145
qualifications of 5146
oath of 5147
filling vacancies in board of 5148
proceedings when election is not had on proper day 5149
shall elect president 5150
oath of, required as to facts in relation to organization 5168
penalty for embezzlement by 5209
reports to be signed by 5211
shall give notice of vote to go into liquidation 5221
penalty for violation of laws by, personal liability of 5239
of State bank, how may convert organization into national bank 5154
government directors of certain corporations, how paid 5259
DIRECTORY (Congressional),
to be compiled at each session 77
edition to be ready first week in session ... 3801
DIRECT TAXES,
permanent appropriation to repay purchasers evicted from lands sold for .. p. 724, 3689
purchase-money of redeemed lands. p. 724, 3689
taxes illegally collected ..... p. 724, 3689
DISABILITY,
of district judge; provisions for certifying causes during, to circuit court, &c ..587–590
designation of judge of another district to perform duties 591, 593, 595
in Florida 598
in northern and southern districts of New York 599
jurisdiction of circuit court in cases reserved from district court on account of 637
proportionate rate of pension for 4699
in militia while in service of United States, how cared for 1639
of seamen, fund for relief of, created 4545
contributions of fines, &c., to 4587, 4604, 4610
Navy pension-fund, when to be used for comfort of 4752
of volunteer soldiers, permanent appropriation for asylum for ..... p. 727, 3689
national home for 4825, 4847
to hold office. (See *Disqualification.*)
DISBURSING OFFICERS,
in departments, appointment, bond, duties, and salaries of 176
to make statement of expenditures 193
of Patent Office 496
under War and Navy Departments, President may increase, &c., bonds of 3639
of Navy for foreign stations to be employed only upon appointment by President, &c 1550
to pay moneys appropriated for construction of public buildings 255
under Secretary of Senate and Clerk of House, statements and receipts by ... 62
engineer superintending construction of public work 1153
superintendent for Government Hospital for the Insane 4839
for Indians, annual settlement of accounts by 2091
names, date of appointment, salaries, delinquents to be reported to Congress 2091
restrictions on advances to 2091

Section.

DISBURSING OFFICERS—Continued.
for payment of moneys appropriated for construction of custom-houses and certain other public buildings, collectors of customs to act as 3657
appointment of, where there is no collector 3658
collectors of internal revenue to act as 3144
bonds of 3144
special, to give bonds 3614
of appropriations for Government Hospital for Insane, regulation of 4858
of appropriations for government in Territories, regulation of 1886
in Washington, Idaho, Montana 1940
security by territorial officers 1951
no extra allowance for disbursement by officer having fixed salary, unless, &c .. 1765
when delinquent in payment of money, no commissions to be paid to, until, &c. 1766
to keep separate accounts of money received, paid out, and transferred 3643
advances may be made to 3648
not to exchange funds 3651
to account for premiums on drafts, &c 3652
may be allowed extra expenses for clerks .. 3653
limit of commission on money appropriated for public buildings 3654
estimates on information from, to be distinguished 3660
shall not pay expenses of commissions until, &c 3681
duplicate checks of, how procured 3646, 3647
payment of lost check issued by, in case of death of 300
accounts of, unchanged for three years to be covered into Treasury 309
to report outstanding liabilities to Secretary of Treasury, when 310
to deposit public money in Treasury and draw checks only to persons to whom payments are to be made 3620
depositing, converting, &c., loaning, withdrawing, or applying for purpose not authorized, penalty 5488
to render accounts monthly, &c 3622
proceedings by distress warrant against, when delinquent 3633, 3634
failing to render accounts as required 5491
failing to deposit when so required by head of proper department, penalty 5492
evidence of balance against 5494
prima-facie evidence of embezzlement 5495
what constitutes conversion, &c., by 5496
trading in public funds or property, penalty 1788
upon loss of funds, &c., Court of Claims may grant relief, if found to be without fault; and in that case credit to be allowed by accounting officers ... 1059, 1062
DISCHARGE,
from military service, duplicate to be furnished by Secretary of War in case of loss 224
of enlisted men from Army .... p. 230, art. 4, 1342
punishment by, in Navy ..... p. 282, art. 30, 1624
pay, &c., to militia from place of, to residence 1652
of soldiers from Soldiers' Home on recovery of health 4823
loss of, not to deprive survivors, &c., of war of 1812 of pensions 4740
honorable discharge, when to be returned by accounting officers 282
soldiers re-enlisting after receiving, entitled to extra pay 1284
in Navy 1426

Section.

DISCHARGE—Continued.
form of ... 1427
report of men entitled to ... 1429
pay for re-enlisting in Navy after receiving ... 1573
of seamen, provisions relating to ... 4549–4553
penalty for neglect of duty relative to, by consular officers ... 1736
without fault, wages to be paid on ... 4527
recovery of advance security on ... 4534
manner of ... 4549
account to be rendered by master on ... 4550
certificate to be given by master on ... 4551
form of ... p. 896, *after* 4612
rules to be observed on, for settlement ... 4552
master to give certificate of character on ... 4553
proceedings before shipping commissioners in relation to ... 4555
when consular officers may require ... 4580
penalty for neglect of consular officer to demand extra wages on ... 4581
on sale of vessel in foreign country ... 4582
in case of wreck, &c., of vessel ... 4583
disposal of extra wages received on, by consular officer ... 4584
fees to be paid for ... 4592
who shall pay ... 4593
penalty for taking illegal ... 4595
tables of, C, D ... p. 896, *after* 4612
deduction of wages in payment of, table E ... p. 892, *after* 4612
in bankruptcy, provisions concerning (see *Bankruptcy*) ... 5108–5120
register not to decide upon order of ... 4999
failure of wife to appear for examination a bar to ... 5088
when estate settled by trustees, how granted ... 5103
in case of partnership ... 5121
none to be granted to corporation ... 5122
penalty for fraudulent agreement for ... 5131

DISCIPLINE,
in militia, system of, to be observed ... 1637
reports of particulars relating to ... 1635
returns of brigade-inspector ... 1640

DISCLAIMER,
right of patentee, &c., to make ... 4917
costs not recoverable in default of entering, at Patent Office before suit ... 4922

DISCONTINUANCE,
of prosecution of distillers for defrauding, &c., not allowed without permission, &c ... 3230

DISCOUNT AND EXCHANGE,
national banks may do business in (see *National Banks*) ... 5136

DISCOVERY,
in suits, when not to be used in criminal proceedings, &c., against party ... 860
bill of, to obtain evidence by party paying premium to purchaser of public land ... 2376

DISCRIMINATING DUTIES,
on articles imported in certain foreign vessels ... 2502
no part of, allowed to be drawback ... 3027
permanent appropriation to refund certain ... p. 726, 3689
tonnage or impost, may be suspended, &c., by President ... 4228
Prussian vessels exempted from ... 4229, 4230
Spanish vessels exempted from ... 4231
Brazil steamships carrying mail exempt from port charges, &c ... 4232

DISEASE CONTRACTED IN SERVICE,
who to have pension for ... 4693, 4694

Section.

DISLOYAL CLAIMANTS,
not to be paid claims existing prior to April 13, 1861 ... 3480
cannot maintain suits in Court of Claims ... 1072, 1073
burden of proof as to loyalty in suits in Court of Claims ... 1074

DISMISSALS,
in Army,
officer, dismissed by court-martial not to be restored, &c ... 1228
dismissed by President may demand trial ... 1230
not to be dismissed except by President or on sentence of court-martial ... p. 239, art. 99, 1342
punishment by, for cowardice ... p. 239, art. 100, 1342
for unbecoming conduct ... p. 236, art. 61, 1342
by sentence of court-martial not to be executed in time of peace until confirmed by President ... p. 240, art. 106, 1342
nor by division courts-martial until confirmed by general commanding, p. 240, art. 107, 1342
execution of sentence of, by courts-martial may be suspended until pleasure of President is known ... p. 240, art. 111, 1342
in Navy,
officers, not to be dismissed except by President or sentence of court-martial ... p. 282, art. 36, 1642
nor in time of peace except by court-martial only ... 1229
dismissed by court-martial, or resigning to escape dismissal not to be restored ... 1441
by President may demand trial ... p. 282, art. 37, 1624
sentence of, to be confirmed by President, p. 284, art. 53, 1624

DISOBEDIENCE,
of orders in Army ... p. 232, art. 21, 1324
in Navy, punishment for ... p. 276, art. 4, 1624
of regulations of Secretary Navy ... p. 277, art. 8, 1624

DISORDERLY CONDUCT,
in Army, punishment for ... p. 234, art. 54, 1342

DISQUALIFICATION (to hold office),
of Secretary of Treasury, First Comptroller, First Auditor, Treasurer, or Register of Treasury, when interested in commerce, or purchasers of public lands, public securities ... 243
of officer in Army for taking money on mustering troops ... p. 230, art. 6, 1342
for knowingly making false muster ... p. 231, art. 14, 1342
of Congressmen and government officers, for receiving, &c., consideration for procuring contract, office, &c ... 1781
of persons offering consideration to procure contract, office, &c ... 1781
of Congressmen receiving consideration after election for official services, vote, &c ... 1781
heads of departments, and officers for receiving, &c., pay in matters in which United States is party ... 1782
of disbursing officers carrying on trade in funds, debts, or property of United States, or of State ... 1788
of deserters from military or naval service failing to return ... 1996, 1997
of revenue officers for unlawfully disclosing operations of manufacturers ... 3167
of postmaster for unlawfully detaining mail matter ... 3890

Section.

DISQUALIFICATION (to hold office)—Continued.
of customs officers for making false papers, &c., for vessels, taking illegal fees, &c., and falsely measuring vessels for registry 4187
for willfully neglecting to perform duties 4188
for making records, granting papers, taking illegal fees, &c., contrary to provisions of laws respecting vessels in domestic commerce 4373, 4374
of persons uttering, &c., false sea-letter, Mediterranean passport, and certificates of registry 4191
of persons convicted of treason 5332
of persons inciting, &c., rebellion 5334
public officer for fraudulently withdrawing, destroying, &c., records, papers in his custody, &c 5408
of persons, for bribery of a judge 5449
of judge for accepting bribe 5499
of Congressmen for accepting bribe 5500, 5502
of persons acting for United States, Congress, or committees, for accepting bribe 5501, 5502
of persons obstructing execution of laws prohibiting peonage 5527, 5532
of officers and persons in civil, military, or naval service, for unlawfully bringing, keeping, &c., armed men at places of election 5528, 5532
of officers, &c., in military or naval service, for preventing voters from exercising their right 5529, 5532
for prescribing qualifications of voters .5530, 5532
for attempting unlawful regulations for or interfering with election 5531, 5532
master of vessel, &c., concerned in landing, &c., merchandise contrary to laws respecting collection of duties, disqualified for seven years 2873

DISRATING,
in Navy, for incompetency ...p. 282, art. 31, 1624

DISRESPECT,
in Army, to commanding officer .....p. 232, art. 20, 1342
using words of, against President, Vice-President, Congress, &c. p. 232, art. 19, 1342

DISTILLER, DISTILLERY, DISTILLED SPIRITS,
Distiller,
definition of 3247
of brandy from apples, peaches, or grapes may be exempted by Commissioner from provisions respecting distilled spirits 3255
notice of intention to carry on business and of changes 3259
to give bond, and proceedings thereon ... 3260
bond not to be approved until law, &c., complied with 3261
must be owner in fee of land on which distillery is situated, or have written consent, &c 3262
or may give bond in lieu of consent 3262
to cause plan of distillery to be made 3263
not to use still, boiler, &c., for distilling in certain places 3266
not keeping pipes properly painted 3269
to furnish keys to gates of distillery 3275
hindering, &c., officer from entering distillery by night or day 3276
to furnish facilities for examination of distillery 3277
to put up sign 3279
not to do business until law complied with. 3280

Section.

DISTILLER, DISTILLERY, DISTILLED SPIRITS—Continued.
on premises distant less than six hundred feet from premises used for rectifying 3280
to enter spirits for deposit in warehouse on first day of each month, &c 3293
to give bond for tax on spirits in warehouse 3293
may withdraw spirits from warehouse on application to collector, &c 3294
books to be kept by 3303, 3304
forfeiture, &c., for doing or omitting to do certain acts with regard to 3305
for using false weights and measures .. 3306
oath of, to be attached to monthly return. 3307
returns to be made by 3307, 3308
assessment for deficiencies 3309
notice of suspension of work by 3310
resumption of work by 3310
to give notice of intention to reduce capacity of distillery 3311
penalty for doing business, &c., after time fixed for suspension 3310
for knowingly violating law relative to business, &c., when no specific penalty imposed 3456
doing business without giving bond, or engaging in business with intent to defraud United States 3281
refusal, &c., to comply with requisition to empty and cleanse worm-tubs 3286
evading or defrauding, &c., United States of tax 3256, 3257
and forfeitures for doing forbidden acts, and for not obeying requirements of law 3456–3461

Distillery,
tax on spirits to be first lien on 3251
land of, to be owned by distiller 3262
plan and description of, to be made 3263
alterations in, to be shown on original or supplemental plan, &c 3263
survey of 3264
true spirit-producing capacity of, to be ascertained 3264
not to be within six hundred feet of a rectifying establishment 3266
receiving-cisterns in 3267
drawing spirits from, and removal to warehouse 3287
punishment for breaking locks and seals. 3268
furnaces, tubs, doublers, and worm-tanks 3269
to be protected and secured by walls, keys, &c., and always accessible to officers 3275
officer may enter and examine, &c., by night or by day 3276
may break open doors or windows, or break through walls to effect entrance into 3276
may break up ground, &c., or wall to search for hidden pipes 3278
facilities for examination of, to be furnished 3277
sign to be placed on 3279
forfeiture of, for violation of law 3281
mash, wort, and vinegar 3282
no distilling Sundays, &c 3283
materials not to be removed in absence of storekeeper 3284
emptying fermenting-tubs 3285
drawing off water, cleaning worm-tubs, &c 3286
spirits not to remain on premises of, after tax paid 3288

Section.

DISTILLER, DISTILLERY, DISTILLED SPIRITS—Continued.
Distillery—Continued.
unlawfully removed from, to be forfeited 3299
unlawfully removing, or permitting to be removed by storekeeper, how punished 3300
record of operations at, material used, &c., to be kept by storekeeper 3302
assessment of deficiency tax to be lien on 3309
suspension of work at 3310
resumption of work at 3310
reduction of capacity of 3311
how released after seizure before judgment 3331
forfeiture for having producing capacity of less than one hundred and fifty gallons or because no bond given.... 3332
apparatus set up, to be registered..... 3258
plan and description of, by distiller ... 3263
Commissioner may order changes of .. 3270
storekeeper to have charge of..... 3273
forfeiture of, for violation of law..... 3281
release of, before judgment in certain cases..... 3331
to be destroyed in certain cases of seizure and judgment 3332
distilled spirits,
provisions respecting.....3247–3334
definition of..... 3248
when tax attaches to..... 3248
what shall be proof 3249
inspection, &c., of..... 3249
gallons of, as used in sales..... 3250
tax on, amount of, to be lien on distillery premises and apparatus, and owner jointly liable (see *Stamps*) 3251
adding substances to, to create fictitious proof 3252
assessment of tax on, removed without deposit in warehouse..... 3253
products of distillation containing, to be considered and taxed as..... 3254
to be drawn from receiving-cisterns within what time, &c., and directly removed 3267
tax on, to be paid before removal from warehouse 3271
evading payment of tax on..... 3256
receiving, carrying, &c., to or from distillery, rectifying establishment, &c., where sign not kept..... 3279
drawing off, gauging, marking of casks, and removal of, to warehouse..... 3287
not to remain on premises after tax paid. 3288
entry for deposit of, in distillery warehouse 3293
for withdrawal of..... 3294
tax-paid stamps to be placed on, before removal from warehouse 3295
power of officer to detain packages of, for forty-eight hours on suspicion 3298
unlawfully removed from distillery or warehouse forfeited 3299
assessment for deficiencies in production. 3309
production of, when deemed to have commenced 3310
preparation, form, and use of stamps for.. 3312
3313
accountability of collectors for stamps for..... 3314
restamping of, in certain cases 3315
not to be purchased in quantities greater than twenty gallons by rectifier or liquor dealer, except, &c 3319
gauging and stamping, of rectified..... 3320

Section.

DISTILLER, DISTILLERY, DISTILLED SPIRITS—Continued.
Distilled spirits—Continued.
stamp for rectified, form of 3320
gauging and stamping, on premises of wholesale dealer (*repealed*) 3321
affixing and cancellation of stamps for... 3322
drawn into new packages containing ten gallons or more, to be gauged and branded..... 3323
stamps and brands to be effaced from empty casks, penalties..... 3324
buying casks with inspection marks on.. 3325
changing stamps or shifting spirits 3326
not to be removed at other time than between sunrise and sunset in packages of more than ten gallons 3327
may be withdrawn from warehouse, without payment of tax for exportation in original casks 3330
burden of proof in case of seizure of 3333
sold by order of court, &c., subject to tax 3334
laws imposing taxes on, extended to exterior boundaries of the United States..... 3448
shipping, under false name or brand..... 3449
forfeited, to be disposed of by Commissioner of Internal Revenue..... 3450
manifest of, when carried by vessels in coasting trade between neighboring districts..... 4349
transported by vessel between remote districts without manifest and permit; penalty..... 4354
forfeiture of, and of vessel when not on manifest, &c..... 4356
when not on master's manifest..... 4360
internal-revenue officer becoming interested in the production, &c., of..... 3168
abatement or refunding of taxes on, destroyed by accidental fire, &c....3221–3223
forfeiture of, for certain violations of law 3242
found in casks of five gallons or more without stamps to be forfeited..... 3289
removing, from warehouse without payment of tax or concealing same; how punished 3296
on vessels of war to be admitted only on order of medical officers and for medical purposes.....p. 278, art. 13, 1342
Imported, customs duties on..Schedule D, p. 463, 2504
to be collected according to hydrometer proof 2918
fees of surveyors and inspectors for certificates to accompany..... 2657
report of vessels arriving with 2775
separate entry of, by importer, &c., how subscribed, &c..... 2794
for different districts, how to be inserted in manifests of cargoes 2808
not to be removed from wharf before proof of quality and quantity; forfeiture... 2882
where and how stored..... 2958
change from casks of, how made; drawback on in such case not allowed without inspection..... 3029
permit for unlading, when and to whom produced; penalty for unlading without permit..... 2883
under whose inspection to be landed 2884
when and how casks containing, to be marked 2885, 2886
regulation of importation, &c., of, in Alaska 1955

Section.

DISTILLER, DISTILLERY, DISTILLED SPIRITS—Continued.
Warehouses, for storage of spirits before payment of tax to be provided by distiller and approved by Commissioner ... 3271
declared bonded warehouse and to be under direction of collector, in charge of storekeeper ... 3271
may be discontinued by Commissioner and proceedings thereupon ... 3272
spirits to be directly removed into, after being drawn from receiving-cistern ... 3267
storekeepers, under direction of collectors, to have charge of ... 3273
to keep certain books ... 3301
custody of ... 3274
spirits drawn from receiving-cistern to be directly removed into ... 3267, 3287
tax on, to be paid before removal from ... 3251
assessment of tax on, removed without deposit in ... 3253
warehouse stamp on, form of ... 3287
entry for deposit in ... 3293–3295
bond for payment of tax ... 3293
entry for withdrawal from ... 3294
of alcohol for scientific purposes ... 3297
gauging, stamping, &c., spirits removed from ... 3295
spirits removed from, or concealed, in violation of law; punishment ... 3296, 3299
for exportation without payment of tax ... 3330
Gaugers,
appointment, oath, and bond ... 3156
under supervision of collector ... 3156
compensation of ... 3157
may be transferred or suspended ... 3163
receiving-cisterns and room to be in charge of ... 3267
spirits drawn under his supervision ... 3267
to gauge, prove spirits, mark casks, and place thereon warehouse stamp ... 3287
penalties relating to ... 3290, 3292
to make daily return ... 3291
to stamp spirits removed from warehouse ... 3295
to make daily report to collector of stamps used, other than tax-paid, and return book of stubs ... 3314
to gauge and stamp rectified spirits ... 3320
distilled spirits on premises of wholesale dealer (*repealed*) ... 3321
to gauge and brand spirits drawn into new packages containing ten gallons ... 3323
Commissioner to prescribe rules for ... 3249
Storekeepers,
appointment, salary, oath, bond ... 3153
not to be engaged in other business without permission of Commissioner ... 3153
may be transferred by Commissioner, &c ... 3154
temporary, may be designated by collector ... 3155
may be suspended by supervisor ... 3163
spirits to be drawn from receiving-cistern in presence of ... 3267
to have charge of warehouse ... 3271
of distillery ... 3273
no material for distilling to be used nor spirits removed in absence of ... 3284
warehouse stamp to be placed on spirits by gauger in presence of ... 3287
and tax-paid stamps of, also ... 3295
penalties for unlawfully removing or permitting to be removed spirits from warehouse, by ... 3300
to keep warehouse-book and make returns ... 3301
to keep record of distillery operations ... 3302

Section.

DISTRAINT,
not allowed of goods of foreign minister ... 4063
penalty for suing out or executing process in such case ... 4064
not applicable to minister's servants, in what cases ... 4065
exemption of arms, &c, of militiamen ... 1628
warrant of, against delinquent collectors and other public officers ... 3625, 3634
contents of ... 3626
executions of against delinquent ... 3627
against surety ... 3628
levy of, to be lien ... 3629
sale and conveyances of land, regulated ... 3630, 3631
disposal of surplus money from sale ... 3632
First Comptroller to report delinquents to Solicitor of Treasury, who is directed to proceed under above provisions ... 3633
proceedings by distress-warrant may be postponed by Secretary of Treasury ... 3635
injunction to stay warrant, how obtained ... 3636, 3637
provisions relating to, not to affect remedies for collection of taxes, debts, and demands due United States ... 3638
for internal-revenue taxes, property subject to and exempt from ... 3187
proceedings in case of ... 3188
books subject of, to be exhibited ... 3189
notice and adjournment of sale ... 3190
disposition of proceeds of sale under ... 3191–3193, 3195
taxes on property sold under, how assessed and collected ... 3191
collector to render distinct account of charges incurred in sale ... 3192
property sold under, may be purchased for United States ... 3192
may be resold ... 3192
goods to be restored on payment of tax ... 3193
effect of certificate of sale ... 3194
case of stocks sold ... 3194
property not divisible, whole may be sold ... 3195
successive seizures of different property may be made on, for payment of tax ... 3205
fee and charges in cases of ... 3206
sale of spirits under process of ... 3334, 3458
sale of tobacco, snuff, and cigars under, stamps, &c., for ... 3369, 3458
DISTRIBUTING-OFFICES,
Postmaster-General may designate, &c ... 3859
DISTRIBUTION,
in prize-cases, decree made by district court after appeal ... 565
method of ... 4631
in bankruptcy, jurisdiction of district courts in ... 4972
register may make orders of, &c ... 4998
pro-rata, priority, &c ... 5001
of partnership property ... 5121
of corporations ... 5122
of shares of fines, penalties, and forfeitures, permanent appropriations for payment of ... p 726, 3689
DISTRICT ATTORNEYS,
to be appointed in each judicial district, except, &c ... 767
vacancy in office of, filled temporarily ... 793
term of office and oath of ... 769
President may regulate and increase bonds of ... 3639
salaries of ... 770
amount of fees allowed to be retained by ... 835
surplus fees to be paid into Treasury ... 844
compensation for each year allowed from fees, &c., of same year ... 843
for services in defense of revenue officers ... 827

Section.

DISTRICT ATTORNEYS—Continued.
per diem for attendance, when allowed.. 831
for services in cases where United States are interested but not party, to be allowed as in other cases, with assimilated compensation 299
in prize-causes..... 4646
maximum to be allowed 4647
to render account of sums received and pay excess into Treasury 4647
fees of, in civil-rights cases 1986
in cases where United States liable, how paid 856
in other cases, how to be recovered 857
how taxed, and when included in judgment..... 983
how proven before taxed by judge, or allowed by accounting officer..... 984
to be taxed and paid to, on moneys collected or realized in proceedings under revenue laws, &c..... 825
not allowed to, for suits on bonds in certain cases 826
but one bill of costs for several suits, &c., which should be joined 980
semi-annual return to be made by, to Attorney-General, of fees, &c.....833, 834
accounts to be certified by district judge, &c., subject to revision, &c..... 846
by Attorney-General to have supervision of 368
may send to accounting officers when surplus appears or may exist 845
general duties of..... 771
under direction of Attorney-General 362
counsel to aid, how retained..... 363
to aid in examining titles to land to be purchased by United States..... 355
to observe rules to be made by Solicitor of Treasury, with approval of Secretary, respecting suits in which United States are parties 377
to conduct suits respecting national banks in which the United States are interested..... 380
to obey Department of Justice in suits for money due Post Office 381
may require additional oath of jurors..... 821
to prosecute for fines, &c., under revenue laws; compensation..... 838
to report, &c., facts where declining to prosecute 838
to transmit to Solicitor of Treasury statement of suits for fines, &c 772, 773
to Commissioner, statement of suits under internal-revenue laws, against officers, &c 774
to Attorney-General, statement of judgments recovered for Post-Office Department, &c..... 775
may file informations for prosecution of crimes and offenses not infamous ... 1022
to be notified by Commissioner of application for discharge of poor convicts .. 5296
duties of, on such applications..... 1042
to proceed against marshals failing to pay into Treasury fines against militia in service of United States 1660
to proceed by quo warranto against persons illegally holding office, &c..... 1786
to institute proceedings in cases of prize of insurrectionary property 5311
to prosecute for violation of civil-rights laws, &c..... 1982
to attend special session of court..... 1988
may have indictments remitted from district to circuit court..... 1037

Section.

DISTRICT ATTORNEYS—Continued.
to institute suits on bonds of deputy surveyors, when..... 2232
to proceed for condemnation of property seized under customs laws..... 3076
collectors of customs to make report to, of fines, &c 3084
to cause suit, &c., to be commenced in customs cases, services how compensated 3085
collectors of internal revenue to report violation of law to 3164
accepting gift, &c., for settlement of violation of internal-revenue laws, penalty..... 3170
report of, in compromise of claim of United States..... 3469
duties of, in suits for false claims against United States..... 3492
as to property of United States under attachment, stipulation, &c..... 3753
in trying offenses against navigation laws. 4300
amendment of complaint by..... 4302
for recovery of penalties and forfeitures under laws relating to merchant seamen 4610
may pay over public money to depositaries. 3616, 3617, 3619
failing to deposit money belonging to register of court or receiving same as loan punishable 5504
in case of prize, to file libel against property and to obtain warrant for custody and proceed to condemnation.. 4618
to represent United States and not to act as separate counsel for captors 4619
to examine fees, &c., costs charged on prize fund, and to send statement of condition of cases to Secretary of Navy 4619
special provisions,
in Alabama, where to perform duty.... 767
in District of Columbia, duty of, as to witnesses refusing to testify in Congressional investigations..... 104
in Georgia, where to perform duty..... 767
in Iowa, where to perform duty..... 768
in New York, southern district, compensation in addition to salary..... 836
in Nevada and Oregon, double fees allowed..... 837
in South Carolina, where to perform duty..... 767
in Territories, appointment, &c 1875
how nominated and appointed..... 1877
salary of, and how payable 1880, 1882
fees and costs allowed to 1883
DISTRICT COURTS (of United States),
Judicial districts.....530–550
Organization.....551–562
Jurisdiction.....563–571
Sessions.....572–603
Judges,
appointment and residence of.....551–552
residence for southern district of Florida. 553
salaries 554
oath 712
when disabled, &c., to hold court, cases, to be certified to circuit court, &c..587–589
when interested or had been concerned as counsel, cases, &c., to be certified to circuit court 601, 63
designation of, to perform duties of another judge in cases of disability..591, 593–595
in another district in case of accumulation of business.....592–595

Section.

DISTRICT COURTS (United States)—Continued.
Judges—Continued.
to act in place or aid of another judge. 596
no additional compensation allowed for, except, &c. 596
expenses of, when designated to southern district of New York. 597
disability of, in districts of Florida. 598
in northern or southern districts of New York. 599
of eastern district of New York, when to hold court of southern district. 600
when unable to hold court for bankruptcy cases or office is vacant, circuit judge may make orders in bankruptcy, &c. 4976
in case of vacancy, process, &c., to be continued of course, except, &c. 602
in one of two or more districts in same State what judge to hold court. 603
in Tennessee, when judge does not attend, circuit judge to act. 582
to hold special terms upon requisition of President for trial of offenses against civil rights. 1988
may be assigned to duties of circuit judges respecting elections. 2014, 2015
not to vote in circuit court on appeal, from their own decisions. 614
may hold persons to security of the peace. 727
certificate of vote of Presidential electors to be delivered to and transmitted by, to Secretary of State. 140, 141
may issue writs of habeas corpus. 752
restrictions on power to grant injunctions. 719
to issue warrant for removal of offenders, &c., to district where offense to be tried. 1014
to certify fees of persons appointed to execute warrants of commissioners. 1987
of chief supervisors. 2031
may administer oath to marshal taking census. 2177
duties of, on complaint of importation of obscene articles. 2492
to issue warrant for seizure of books, &c., in customs-revenue cases; proceedings thereon. 3091, 3093
may stay proceedings on distress warrant against delinquent collector, &c. 3636
may summon witnesses under letters rogatory. 4071
for district of Florida may grant license to vessels for wrecking, when. 4241
shall summarily try offenses against navigation laws. 4300
proceeds, of deceased seamen's effects, to be sent to, by consuls. 4541
may summon master of vessel to show cause why libel for wages should not issue. 4546
complaint of unseaworthy vessel may be made to; proceedings. 4556, 4557
may punish seamen for refusal to sail. 4558
report of examination of provisions of merchant-vessels to be sent to. 4565
may adjourn courts to other places in district in case of epidemic disease prevailing. 4799
may direct removal of prisoners in district in case of epidemic disease. 4800
to have powers of court in bankruptcy. 4973, 4988
to appoint registers in bankruptcy; in what manner. 4993
to fix and approve bond of register. 4995
removal of register by. 4997

Section.

DISTRICT COURTS (United States)—Continued.
Judges—Continued.
punishment of witness by, for contempt before register. 5006
to decide issues arising before register. 5010, 5011
penalty for receiving illegal compensation, &c. 5012
may issue warrant to take bankrupt's estate. 5019, 5029, 5121
approval by, of choice of assignees. 5034
to appoint assignees, order new election, &c. 5034, 5041
to direct temporary investment of bankrupt's estate. 5060
summary inquiry by, in proceedings for remission of penalties, &c. 5292
Clerks of, how appointed. 555
number of, in west district of Arkansas. 556
in Kentucky. 557
in western district of North Carolina. 621
of Virginia. 622
of Wisconsin. 623
deputy clerks of. 558
in Indiana. 559
in Iowa. 560
compensation of. 561
records of, where kept. 562
oath of clerk and deputy clerk of. 794
bonds of clerk and deputy. 795, 796
may take recognizance of special bail de bene esse. 947
during disability of judge, to take preparatory proceedings in admiralty causes. 590
and their deputies not to act as attorneys. 748, 749
duties of, as to accounts and returns in prize cases. 4644
Criers of. 715
Jurisdiction of. 563
in cases transferred from courts of Territories when admitted as States, &c., proceedings. 567–569
of certain circuit-court cases in Arkansas, Mississippi, South Carolina, and West Virginia. 571
over violations of revenue laws, &c., in Alaska. 1957
in suits for possession of office. 2010
of actions in name of United States. 3213
of suits for making certain false claims against United States. 3491
of prosecution, &c., of vessels employed in coolly trade. 2159
of admission of aliens to citizenship. 2165–2174
to issue writs. 716
writs of habeas corpus. 751, 752
to enforce awards of foreign consul, &c., in differences between captains and crews. 728
in bankruptcy (see *Bankruptcy*). 4972–4975
appeals from, to circuit courts. 4980–4985
to exercise circuit-court powers in districts where are no circuits. 4988
to enjoin receivers, &c., of national banks. 5237
to adjudge forfeiture of franchises, &c., of national banks. 5239
of proceeding in prize cases (see *Prize*). 4613–4652
of condemnation of property as prize, on account of use, &c., in aid of rebellion. 5309, 5311
of complaints in case of capture of vessels violating neutrality laws. 5287

Section.

DISTRICT COURTS (United States)—Continued.
Jurisdiction of—Continued.
to grant temporary restraining order when notice given of motion for injunction 718
to allow amendments of processes, &c 948, 954
Processes, practice, &c.,
writs and processes, how sealed, signed, bear teste, &c., seal of, how provided. 911
forms and proceeding in equity and admiralty causes in 913
in civil causes other than equity or admiralty 914
remedies by attachment, in common-law causes in, same as by laws of State 915
by execution, to reach property of judgment debtor 916
forms, pleadings, &c., in equity and admiralty to be prescribed by Supreme Court 917
rules to regulate practice 918
trial of issues of fact 566
execution in State with more than one district, where to run 985
signing and notice of citation on writ of error from circuit court 998
writ of error to, when acting as circuit court, prosecuted same as to circuit court 1002
indictments remitted from, to circuit court 1037, 1038
of capital offenses presented to, remitted to circuit court 1039
writs of prohibition to, as court of admiralty, issued by Supreme Court 688
proceedings in case of interest, disability, &c., of judge, or vacancy ..587–589, 591, 593, 601, 637
trial of causes in, not stayed by arrival of time fixed for another session 746
records of northern district of Illinois destroyed by fire, how supplied 902–904
for what purposes always open, as courts of admiralty and equity 574
in Florida, as court of admiralty 575
in Wisconsin, as court of admiralty ... 576
in Kentucky, suits to be tried at place nearest residence of defendant 745
Appeals and writs of error,
appeal to circuit court 631
writ of error to, from circuit court 633
limitation of time for writ of error or appeal from 635
appeals from in prize cases ..695, 1009, 4636–4638
to Supreme Court in cases transferred to, from court on Territory becoming State 704
terms, sessions, and adjournments,
terms of, when and where held 572
effect of altering terms of 573
in Indiana and Kentucky not limited by intervening term elsewhere 577
may be adjourned to, &c., in case of contagious disease 4799
adjournments of, monthly, for trial of criminal causes 578
from time to time, in Indiana, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, and Texas 579
notwithstanding intervention of term in Indiana and Kentucky 580
by marshal, by written order of the judge 583
by clerk in case of non-attendance of the judge, in certain States 584

Section.

DISTRICT COURTS (United States)—Continued.
terms, sessions, and adjournments—Continued.
by written order of the judge in Kentucky and Indiana 585
how held, in case of disability, or interest of judge, or vacancy ..587–589, 591, 593–603, 637
in Tennessee, in case of non-attendance of judge 582
special terms of, where held, and business transacted at 581
may be held to try offenses against navigation laws, when 4300
judges and officers to attend at places designated by President for trial of offenses against civil rights 1988
intermediate terms of, in California, Iowa, and Tennessee, in case of failure to hold regular term 586
DISTRICT COURTS (of Territories),
where and by what justices holden 1865
time and place of holding 1865
jurisdiction of, how limited 1866
chancery and common-law jurisdiction of. 1868
error, exception, and appeals from, to supreme courts, how regulated 1869
clerks, appointment of, &c 1871
in new Territories, times and places of holding, how fixed 1873
error and appeal from, to Supreme Court of United States upon writs of habeas corpus 1909
to have jurisdiction of district and circuit courts of United States 1910, 1911
subject to writs of error or appeal to supreme court of Territory 1910, 1911
in other than Idaho and Montana, writs of habeas corpus, in what cases may be granted 1912
terms of, &c., in Idaho and Montana 1914
in New Mexico and Arizona 1915
in Utah 1916
in Colorado, Dakota, and Wyoming ... 1919
in Washington 1917
in other Territories 1918
in New Mexico, jurisdiction over citizens of El Paso County, Texas 1928
in Colorado and Montana, appeals to, from probate courts 1931, 1932
in Washington, powers of clerks 1933
jurisdiction over certain offenses in Alaska 1957
number of commissioners of, to be increased with reference to civil-rights 1983
jurisdiction of suits for making false claims against United States 3491
in bankruptcy, how exercised 4978
DISTRICT OF COLUMBIA,
to be the seat of government (see *Seat of Government*) 1795
what offices to be exercised in 1796
public buildings and grounds in 1797
appropriations for, how expended 1798
public works, &c., in, under whose charge, &c 1800, 1802
expense of laying water-main pipes 1805
penalty for tapping mains or pipes laid in, by United States 1803
for maliciously injuring water-pipes, &c . 1804
for rendering water impure in (see *Washington Aqueduct*) 1806
plans and surveys of public grounds and reservations to be kept by Chief of Engineers 1809

Section.

DISTRIC. OF COLUMBIA—Continued.
board of public works in, provisions concerning liabilities contracted by 1813
improper occupation of public grounds and reservations in Washington 1818
when laws of, for preservation of public peace to extend to Capitol Square ... 1819
warden of penitentiary for, to make certain reports 1828
commissioners to take testimony in 871–874
collection district in 2550
collector in, residence of 2551
to pay public money to Treasury United States 3615
names of servants of foreign ministers to be posted in office of marshal of 4065
public to have access to such list, &c 4066
distribution of arms to militia of 1667
banks in, to be examined by Comptroller of Currency 332
contracts to rent buildings for government in, not to be entered into until appropriations are made .....(*note after*). 3679
inspection of fuel bought in, for government 3711–3713
publication of public advertisements and notices in newspapers of, regulated..3827, 3826
repealed in part .....(*note after*). 3826
insane persons in, not to be confined in jail of 4857
Government Hospital for, in 4838–4858
admission of insane persons to 4844–4850
Institution for Deaf and Dumb in 4859–4869
instruction of indigent blind persons of, in State institutions by order of Secretary of Interior 4869
punishment for circulating obscene articles in 5389
warden of jail in, to be paid only reasonable cost of support of prisoners 5545
governor of, to be member and regent of Smithsonian Institution 5580
supreme court of, final judgments of, how reviewed 705
power of, to discharge grand jury 811
as to taking depositions to be used elsewhere 871, 874
jurisdiction of, in suits for false claims against United States 3491
certificate of, for admission of insane person to hospital 4845, 4846
delivery by, of insane patients under bond. 4856
jurisdiction of, in bankruptcy 4977
appeal to, from Commissioner of Patents. 4911
notice and proceedings on 4912, 4913
determination of court upon, effect of.. 4914
police court in, has no power to grant naturalization 2173

DISTRICTS,
sea-coast and navigable rivers divided into three great districts for matters connected with customs, commerce, and navigation 4348
customs collection districts (see *Collection Districts—customs*) 2517–2612
internal-revenue collection districts (see *Collection Districts—internal revenue*) to be divided by President 3141
two or more may be united in one 3142
judicial districts of United States courts in the several States 530–550
divided into circuits 604
election of Representatives to Congress by.. 23

DISTRICT JUDGES. (See *District Courts.*)

DITCHES,
rights of way for, over public lands, for agricultural, mining, and manufacturing purposes 2339

Section.

DIVIDENDS,
of national banks (see *National Banks*).. 5191, 5199, 5202, 5204, 5212, 5213
in hands of receivers 5236
in bankruptcy estates (see *Bankruptcy*) assignee to compute 4998
provisions as to .5074, 5084, 5091–5093, 5096, 5097, 5101, 5102
in partnership estates 5121
in corporations 5122
upon fiduciary debts 5117

DIVINE SERVICE,
in Army .....p. 234, art. 52, 1342
in Navy .....p. 275, art. 2, 1624
irreverent behavior at .....p. 276, art. 3, 1624

DIVISION OF OPINION,
of judges holding circuit court, proceedings thereon 650–653
questions, &c., reviewed in Supreme Court. 693, 697

DIVISIONS,
in Army, constitution and command of 1114
in State militia 1630–1632
when called into service of the United States 1647

DIVISION INSPECTOR,
of militia, as organized by State 1631

DIVORCE,
probate courts of Montana have not jurisdiction of 1932

DOCK-YARDS,
assent of States to the purchase of land for 1838
punishment for various offenses in 5339–5391

DOCUMENTS,
document-room of Senate officers 52
of House of Representatives, officers 53
number of, for Congress as "usual number" 3792
motions to print extra copies of 3793–3795
additional number of, printed by order of Joint Committee on Library 3796
accompanying annual reports of departments, number of, to be printed 3798
when to be furnished to Congressional Printer 196
to be edited by person appointed by Joint Committee on Printing 75
printed by order of either House, fifty additional copies for exchange in foreign countries 3799
extra copies of, how sold to any person 3809
money received from sale of, to be deposited in Treasury 3818
to be furnished to library of West Point Military Academy 1332
to certain National Homes for Disabled Volunteer Soldiers 8374
destroying, or carrying away of any court or, deposited in any public office, penalty 540
by the officer having custody of 5408
what to be delivered to Secretary of Interior 3813
Secretary of Interior charged with safe-keeping and distribution of 497, 499
provisions as to distribution of 500–506
superintendent of 507, 508
rooms provided for, in Department of Interior 509

DOMESTIC COMMERCE,
Regulations of vessels in 4311–4390
Registry and recording 4131–4196
Clearances and entry 4197–4218
Navigation 4233–4251
Transportation of passengers and merchandise 4252–4289
Log-books 4290–4292

Section.

DOMESTIC COMMERCE—Continued.
Summary trials for certain offenses against navigation laws.....4300–4305
(See *above chapters and Masters, Coasting-Trade, Enrollment, Vessels, Steam Vessels, Lincensed Vessels.*)
DOMESTIC VIOLENCE, (See *Insurrection.*)
when to be suppressed by use of land and naval forces 5299
DOMESTIC SERVANTS,
of embassadors, &c., exclusive jurisdiction of Supreme Court of suits against.... 687
jurisdiction of courts of United States of suits against (*repealed*) 711
exempt from legal process 4063
in what cases provision not applicable. 4065
register of names of, where to be made.. 4065
list to be posted in marshal's office..... 4065
public access to 4066
DOORKEEPER,
of House, to make roll of members-elect.. 33
salary 53
to render annual account of property.... 72
duty of, during recess of Congress..... 73
of Senate, salary 52
duty of, during recess of Congress..... 73
DOUBLE SALARIES, (See *Extra Compensation.*)
persons holding office with salary of $2,500 not to receive compensation for other duties unless expressly authorized by law 1763
extra allowances for services prohibited.1764, 1765
DRAFT,
forfeiture of citzenship for avoiding 1998
DRAFTS, (See *Checks.*)
drawn on bank, &c., tax on 3418
prompt presentation of draft for public money required 3645
drawn by or upon officers of United States, included in obligation or other security of the United States as used in relation to crimes..... 5413
DRAWBACK (**customs**),
jurisdiction of district courts of suits on debentures for 563
of circuit courts..... 629
provisions relating to (see *Debenture*)...3015–3057
allowance of, on imported merchandise ... 3015
restrictions on 3016
when allowed on merchandise entitled to debenture 3017
on articles manufactured wholly of imported materials 3019
on manufactures, in part, of wood grown in United States 3020
on railroad iron..... 3021
not allowed on oil-cake made from imported seed.....p. 477, 2504
when merchandise may remain in warehouse and be entitled to 2977
restrictions upon entry and exportation of merchandise for 2978
on export of merchandise after removal from custody of government, except. 3025
how ascertained on foreign saltpeter manufactured into gunpowder 3026
of discriminating duties not allowed..... 3027
on articles imported in bulk, and exported, &c 3028
on imported distilled spirits and sugars, change of casks and packages, how allowed 3029–3031
invoice of imports entitled to, to be deposited with collector 3032
inspection of merchandise entitled to, &c.. 3033

Section.

DRAWBACK (**customs**)—Continued.
certain merchandise entitled to, to be accompanied by copy of cost from invoice, &c 3034
on merchandise notified for exportation... 3035
benefit of, on merchandise transported to another district for exportation 3036
merchandise entered for, on incomplete entry, when extension of time, &c..... 3037
debentures for, in certain cases, at what time payable 3038
on certificate of exportation of merchandise from port other than that of importation 3041
duties to be received before payment of ... 3042
exportation bonds for goods on which, is allowed, how given 3043
how discharged..... 3044
appropriation for payment of, how expended 3048
merchandise entered for and relanded, seizure, forfeiture, and penalty..... 3049
false entry of merchandise for, forfeiture .. 3050
when by accident or mistake 3051
imports from British North America entered, &c., may be transported..... 3053
imports exported to British North America entitled to..... 3054
on imports exported from Lake Ponchartrain 3055
imports entered and duties paid, &c., for, may be exported to British North America..... 3056
Secretary of Treasury to prescribe rules ... 3057
permanent appropriation for .....p. 725, 3689
on material to rebuild burnt Chicago.p. 726, 3689
fee for permit to load goods for export 4382
shared by collector, naval officer, and surveyor 2656
DRAWBACK (**internal revenue**),
collector designated to have charge of 3161
appointment of superintendent of..... 3161
papers in bureau of, to be delivered to collector having charge of 3161
on exportation of distilled spirits..... 3329
of tobacco, snuff, and cigars 3386
none on tobacco less than $50 worth 3386
of medicines and preparations, on perfumery, cosmetics, &c., playing-cards. 3441
Schedule A.....pp. 678, 679, *after* 3437
certificates of, receivable for internal-revenue taxes 3442
fraudulent claim for..... 3443
permanent appropriation for payment of, p. 725, 3689
DRAWINGS,
copy of drawings of invention to be annexed to patent as part thereof..... 4884
to be furnished by applicant and copy be attached to patent 4889
model of design dispensed with when drawing represents design..... 4930
DRAYAGE,
customs, appropriation of 3687
DROP-LETTERS,
certain letters paid as, to be forwarded.... 3937
rates of postage on 3904
DRUGS AND MEDICINES,
imported, how examined and appraised.2933–2938
name of manufacturer to be affixed to... 2934
examiners of, to take oath prescribed ... 2611
compensation of examiners..... 2745
one appraiser to be appointed for examination of, in New York 2938
and one for New Orleans..... 2569
instructions by Secretary of Treasury to prevent adulteration of..... 2612

Section.

DRUGS AND MEDICINES—Continued.
adulterated, to be so returned upon invoice 2935, 2936
to be re-exported or destroyed 2937
duty on ..... p. 475, 2504
exportation of, how made 3018
articles intended for, to be manufactured in bonded warehouses 3433
medicinal, uncompounded, exempt from stamp-tax 3436

DRUNKENNESS,
punishment for, in Navy ..... p. 277, art. 8, 1624
on duty in Army ..... p. 233, art. 38, 1342
on merchant-vessels 4602

DUELS,
in Army, engaging in ..... p. 232, art. 26, 1342
suffering ..... p. 232, art. 27, 1342
in Navy, engaging in ..... p. 277, art. 8, 1624

DUPLICATE,
books, how exchanged, in Library of Congress 86
agents for exchange of 87
bonds of United States, provisions concerning issue of 3702, 3705
checks, when and how issued 3646, 3647
to be issued for lost checks of disbursing officers in favor of postmasters 4046
in pension cases (*repealed*) 4770
land-warrants, to be issued in place of lost, when 2441
duty or tax (national banks) paid by national banks in excess of requirements of law, how recovered back ... 5218

DUTIES ON IMPORTS. (See *Customs Duties.*)

DWELLING-HOUSE,
customs officers not to enter, to search, without warrant, &c. 3065, 3066
distilling in, and on premises connected with, and in certain other places, forbidden 3266

E.

EARTHS AND EARTHENWARE,
customs duties on ..... Schedule B, p. 461, 2504

EDUCATION,
bureau of office of, in Interior Department, 516–519

EDGECOMB (in **Maine**),
vessels owned at, where may unlade 2520

EFFECTS,
of citizens dying abroad, disposition of, by consular officers 1709–1711
of deceased officers and soldiers, in Army ..... pp. 241, 242, arts. 125–128, 1342
certain, to be applied toward support of National Home for Disabled Soldiers, 4818, 4831
of deceased seamen, provisions respecting 4538–4545

EGYPT,
judicial authority of minister and consuls in (see *Consular Courts*) 4083–4120
salary of consul-general to (*repealed*) 1675

EIGHT-HOUR LAW,
eight hours to constitute a day's work 3738
permanent appropriation for allowance for reduction of wages under ..... p. 727, 3689

ELECTIONS,
of President and Vice-President 135–149
in case of vacancy, &c. 150, 151
electors, how chosen 131–134
time and place of meeting of 135
list of names of, how furnished 136
manner of voting of 137
certificates of their votes 138, 139

Section.

ELECTIONS—Continued.
of President and Vice-President—Cont'd.
disposition of certificates 140–145
filling vacancies 148, 149
of Senators, when to take place 14
mode of election 15
in case of vacancy 16, 17
certificate of election 18, 19
of Representatives in Congress 20, 22
to be elected by districts 23
time of election 24
in case of vacancy 26
votes to be by ballot 27
provisions respecting contested elections . 105–130
general provisions respecting,
jurisdiction of circuit courts of suits under laws relating to ..... els. 12, 15, 629
offenses against elective franchise, how prosecuted 1982–1989
removal from State courts of prosecutions and suits against officers for acts done under laws relating to 643
troops not to be kept at places of 2002
officers of Army or Navy not to interfere with 2003
all citizens entitled to vote at, and State laws not to impair right 2004
to have equal opportunity for prerequisites 2005–2007
penalty for refusing to receive vote 2008
for obstruction in performance of prerequisite or in voting 2009
rights of persons defeated or deprived of election by denial to any citizen of right to vote at 2010
for purposes of guarding elections, circuit court to be opened on application . 2011, 2013
appointment of supervisors 2012
power of judge in vacation 2013
assignment of district judge 2014, 2015
duties of supervisors 2016–2019
attendance at registration of voters 2016
molestation of supervisors 2020
special deputy marshals 2021
marshals, &c., to keep the peace, &c ... 2022
may summon posse comitatus 2024
immediate examination of arrested persons, &c. 2023
designation of circuit court commissioner as chief supervisor 2025
duties of chief supervisors 2026
papers to be preserved and filed 2027
who may be appointed supervisors and deputy marshals 2028
limit to power of supervisors appointed for counties and parishes 2029
limit to appointment of marshals and deputies 2030
compensation of supervisors and special deputy marshals 2031
permanent appropriation for payment of supervisors of ..... p. 729, 3689
penalties for hindering, &c., citizen from voting or qualifying to vote 5506
intimidating or controlling voters, by bribery, threats, &c. 5507
voting in name of another, or more than once at same election, or without right, or preventing voter from voting. 5511
casting or offering to cast ballot on which candidate might be voted for, prima-facie evidence, &c 5514
officer neglecting, &c., duty, or doing fraudulent acts 5515
conspiring to prevent, &c., citizen entitled to vote from giving support, &c., to election of any candidates ... 5520

Section.

ELECTIONS—Continued.
general provisions respecting—Cont'd.
neglect, &c., of supervisor or special deputy marshal to perform duties... 5521
obstructing, &c., or by bribery preventing supervisor, &c., from performing duty, or preventing free attendance. 5522
refusing to answer or giving false information during verification of list of persons who voted 5523
officer of Army or Navy bringing or keeping troops, &c., at place of, or preventing voter from freely exercising rights, or doing other acts of interference with 5528–5532
conspiracy to prevent advocacy of election of any person, damages 1980
elections in Territories, first 1847
subsequent 1848
of justices of peace and militia officers... 1856
of township, district, and county officers 1857
qualifications of voters 1859, 1860
of Delegates to Congress..... 1862, 1863
in Washington and Idaho 1905
of assignees (see *Bankruptcy*) 5034, 5041
ELECTIVE FRANCHISE,
crimes against, how prosecuted 1982–1989
removal of suit from State to United States courts, when brought against officers for acts done under laws relating to..... 643
jurisdiction of circuit courts under laws respecting.....cls. 12, 15, 629
general provisions as to (see *Elections*)..2002–2031
ELECTORS (of President and Vice-President),
provisions concerning (see *Elections*) 131–149
EMBASSADORS. (See *Diplomatic Officers, Consular Officers, Foreign Consular and Diplomatic Officers.*)
EMBEZZLEMENT, (See *Crimes and Offenses.*)
of public money, by unlawfully depositing, converting, loaning, withdrawing from deposit, &c., by disbursing officer.....5488, 5493, 5494
by unlawfully receiving on deposit or loan, or using or appropriating, contrary to law, by any person, &c..... 5497
by failure of Treasurer, public depositary, &c., safely to keep 5489, 5493, 5494
by loaning, converting, &c., depositing in banks, exchanging by person charged with safe-keeping, &c 5490, 5493, 5494
by failure of officer, &c., receiving, to render accounts.....5491, 5493, 5494
by failure of persons having in possession, to deposit when so required, &c..... 5492
prima-facie evidence against persons charged with safe-keeping, transfer, or disbursement, &c..... 5495
evidence of balances against public officers intrusted with public money.... 5494
by consular officers 1734
of public property, by persons in military service.....p. 236, art. 60, 1342
by persons in naval service..p. 278, art. 14, 1624
property for either service, by any person 5436
of ordnance, arms, ammunition, clothing, or stores of United States..... 5439
by persons in military or naval service .. 5306
by clerks and officers of courts, of money belonging to registry 5504
of implement used, &c., in printing bond, certificate, coupon, stamps, &c..... 5453

Section.

EMBEZZLEMENT—Continued.
of paper for bonds, bills, certificates..... 5453
of metals, coins, medals, at mints or assay offices..... 5460
of postal revenues..... 4053
of money-order funds 4046
of letters, &c., for mail, containing valuables, by persons employed in postal service 5467, 5468
of mail, letter, &c., containing valuables, by persons taking same from post-office 5469
of mail-bag or other property of Post-Office Department 5475
of key suited to lock adopted by Post-Office Department 5477
officer guilty of, who pays to clerk sum less than provided by law and requires receipt for sum greater than paid..... 5483
of letters by persons in postal service..... 3891
by persons taking from post-office, before delivery to party addressed..... 3892
of funds, &c., of national banks, by president, cashier, agent, &c..... 5209
of cargo, by seamen..... 4596
of pension-money, by guardians 4783, 5486
discharge in bankruptcy, not to release debt created by..... 5117
EMIGRATION,
voluntary, from oriental countries not affected by prohibitions as to cooly trade (see *Cooly Trade*)..... 2162
wearing-apparel, tools, and books of emigrants imported free of duty..p. 489, 2505
teams of emigrants admitted free of duty, p. 482, 2505
provisions respecting vessels transporting passengers.....4252–4289
specially applicable to emigrants.....4270–4277
vessels to be examined by collector of customs and reported to Secretary of Treasury 4272
transporting emigrants from Africa..... 4271
ENEMY,
public stores taken from .....p. 231, art. 9, 1342
misbehaving before.....p. 233, art. 42, 1342
compelling a surrender to....p. 234, art. 43, 1342
relieving or harboring .....p. 234, art. 45, 1342
corresponding with.....p. 234, art. 46, 1342
ENGINEERS,
in Army, corps of..... 1094
of what composed 1151
battalion of 1094, 1154
company of..... 1155
officers of 1156
duties of enlisted men..... 1157
officers of, not to be ordered on duties beyond line of profession, except, &c.. 1158
detail from, for signal-duty 1196
promotions in, after examination 1206
after fourteen years' service 1207
superintendent and commandant of cadets to have local rank of colonel and lieutenant-colonel of 1310
detail of officers from, to superintend construction of light-houses..... 4664
what, to be appointed members of Light-House Board 4653
engaged upon public works to act as disbursing officers without additional compensation..... 1153
Chief of Engineers, appointment, &c..1152, 1193
may employ civil engineers for surveys, &c., of certain rivers 5253
to furnish offices for Office of Education 519
employés in office of, in charge, &c.... 1799
what public buildings to have charge of 1797

Section.

ENGINEERS—Continued.
in **Army**—Continued.
Chief of Engineers—Continued.
to have charge of works in District of Columbia 1800, 1801
to keep record of property of aqueduct. 1809
consent of, required to tap mains..... 1803
general control of, oversupply of water. 1810, 1811
annual reports of, as superintendent of public buildings, &c..... 1812
to have supervision of old Hall of Representatives 1814
certain law of District of Columbia extended to Capitol Square on request of..... 1819
no compensation for charge of public buildings, &c..... 1807
apartments, stationery, &c., for..... 1808
of House of Representatives to control electrical apparatus jointly with Architect of Capitol..... 1817
in Navy, corps of 1390
by whom appointed..... 1391
qualifications of..... 1392
engineers of fleet, how designated..... 1393
civil engineers may be appointed for each navy-yard..... 1413
rank to be fixed by President..... 1478
engineer-in-chief..... 1471
relative rank of, on active list..... 1476
retired, after forty-five years' service to have rank of commodore..... 1481
rank of, confers no military command... 1488
cadets at Naval Academy, before graduation, pay of ..... p. 268, 1556
after graduation, may be appointed second assistants..... 1394
or assistant naval constructors 1403
pay of officers retired as third assistant.. 1590
on war-vessels, when to have pensions, &c..... 4693, 4695
in service of Senate, salary..... 52
of House of Representatives..... 53
to have charge of electrical apparatus... 1817
engineer in Treasury Department, salary, and assistant 235
in employ of Post-Office Department, salary, and assistant..... 393
in Revenue-Marine service, rank and pay 2750
of steam-vessels, license of 4438, 4441
penalty for serving without..... 4438
license of, framed and hung up 4446
oath of..... 4445
to answer inquiries, &c., of inspection officers..... 4406
investigation of, for failure of duty..... 4407
liable for damage and loss caused through their negligence 4493
all licensed officers to assist inspectors... 4448
fee for license of..... 4458
penalty for violating rules as to steamers passing..... 4413
when life is destroyed by misconduct of. 5344
civil, of corporations receiving subsidies from United States, appointment and compensation of 5259
one may be appointed to each navy-yard. 1413, 1478

ENGRAVING,
Congressional Printer, foremen of printing and binding, not to be interested in. 3765
of maps, &c., for documents ordered by Congress, &c 3779, 3780
of maps of States, &c., with report of Commissioner of General Land Office.... 3781

Section.

ENGRAVING—Continued.
samples of paper for, to be preserved by Congressional Printer; execution of contract for..... 3782
of specifications and drawings by Commissioner of Patents; advertisement and contract..... 492
on stamped envelopes prohibited..... 3915
of United States notes, &c..... 3575, 3577
engraver of mint at Philadelphia..... 3496
salary, power, and duties of 3498, 3504, 3510
may execute certain dies..... 3551
ENLISTMENT,
opening recruiting-station for, of soldiers to serve against United States.... 5337, 5338
of citizens of United States in foreign countries, &c., prevention of..... 4090
in Army, number of men..... 1115
general qualifications..... 1116
of minors, not without consent of parents. 1117
of miners, under sixteen years, persons insane or intoxicated, deserters, convicts, forbidden..... 1118
term of..... 1119
in one regiment without discharge from another desertion.....p. 234, art. 47, 1342
enlisted men, in Engineer Corps, allowances and benefits..... 1155
in Ordnance Department, as sergeants, corporals, and privates..... 1162
schools for instruction of 1231
not to be used as servants 1232
exempt from arrest for debt 1237
pay of..... 1280–1284
allowance of rations to 1293
deposits of savings by..... 1305–1308
discharge of .....p. 230, art. 4, 1342
when to have pensions 4693
rate of total-disability pension to..... 4695
not mustered, pension to relatives 4710
in Navy, number of men..... 1417
of boys..... 1418
of minors..... 1419
of minors under sixteen years, persons intoxicated, insane, or deserters, forbidden..... 1420
appointment of enlisted men as warrant-officers or rating not to discharge from..... 1409
by transfer from Army..... 1421
disposition of men at expiration of..... 1422
substance of provision respecting, to be inserted in shipping articles..... 1422
petty officers, detained beyond 1422
men detained beyond 1423
limit of detention beyond 1424
pay of men, how fixed 1569
in case of detention 1572
men, when to have pensions..... 4693
rate of total-disability pension 4695
non-enlisted men in temporary service, pension to relative..... 4710
in Marine Corps, term of..... 1608
ENROLLMENT (**in militia**),
who subject to..... 1625
by whom made..... 1626
notice of..... 1627
pension to enrolled officers in Army..... 4693
ENROLLMENT (**of vessels**), (See *Vessels.*)
vessels of twenty tons enrolled, may be employed in coasting-trade or fisheries. 4311
requires same qualifications as for registering, &c..... 4312
provisions concerning registering, (See *Registry of Vessels*)..... 4131–4196
vessels owned by corporations, in whose name issued, oath, &c..... 4313, 4314

Section.

ENROLLMENT (of vessels)—Continued.
to be renewed on death or removal, &c., of officer in whose name issued 4315
may be issued for river or bay steamboats owned by aliens 4316, 4317
for vessels on northern, &c., frontier 4318
record of, form 4319
numbering of, and number to be carved on main beam 4177
registered vessels may become enrolled, and enrolled vessels registered 4322
exchange of, when vessel is in district in which not owned 4322
of foreign build, wrecked and repaired in United States 4136
of pleasure-yacht 4214
on western rivers or northern, &c., frontiers, in district other than district of ownership 4328
renewal of, in case of transfer of vessel by process of law 4329
not to be issued without oath as to foreign repairs 4330
not to issue to steam-vessel until provisions regulating steam-vessels are complied with (See *Steam-Vessels*) 4498
not to be granted until hospital tax is paid 4587
when to be signed by naval officer 4332
when renewed, to be in old name 4333
inspection of, by officers of revenue 4336
at Jersey City 4340
at Camden, N. J 4341
at Wilmington, N. C 4342
at Chesapeake City, Md 4343
at Cold Spring, Greenport, and Port Jefferson, N. Y 4345
by surveyors, by authority of Secretary of Treasury 4344
fees of surveyors for 4346
penalty for forging, altering, &c 4375
for obstructing officers in granting 4376
in case of other offenses relating to ... 4373–4380
for forging, altering, &c., any abstract, official copy, or certificate of; uttering as true any false, &c 5423
for taking enrolled vessel abroad without obtaining register 4337
certificate for, when going abroad from another district 4338
register for vessels in whale-fishery, have privileges of 4339
enrolled vessels trading on northern, &c., frontiers, not liable to entry-fees, &c .. 2793
engaged in coasting-trade or fisheries exempt from tonnage duties 4220
carrying passengers between foreign ports subject to provisions concerning transportation of passengers, (See *Passengers. Steam Vessels*) 4274

ENSIGNS,
in Navy, number of, on active list 1363
to be steerage officers, unless, &c 1490
pay of 1556

ENTICING,
seamen, &c., to desert from naval service 1553
by persons in same .. p. 278, art. 8, par. 21, 1624
artificers from arsenal or armory 1668
soldier or sailor of United States to desert .. 5455
person to go on board vessel, &c., with intent that he be held in slavery 5525

ENTRY OF MERCHANDISE (Customs), (See *Appraisal.*)
when to be made and what to include 2785
of saloon stores on certain vessels 3113
to be verified by oath 2786

Section.

ENTRY OF MERCHANDISE (Customs)—Continued.
when entry is made by agent, factor, or person not owner, or to whom it is not ultimately consigned, bond to be given to collector 2787
when particulars are unknown 2788
when imperfect 2789
of distilled spirits or wines separately 2794
of personal baggage, tools, &c 2799
when not by owner 2800
of cigars, number in package, &c 2804
where made for Albany, N. Y 2816
for Augusta, Ga 2817
for Pilatka, Fla 2818
for Bayport, Fla 2819
for Selma, Ala 2820
for Houston, Tex 2821
on Mississippi River and its tributaries .. 2822
in collection district of New Orleans, La .. 2823
for Vallejo, Cal 2824
schedule of merchandise, manifests, inspection, and other proceedings in such cases 2825–2831
on northern and northwestern frontier district, how made 3097
fees, how accounted for 2658
taken or delivered at intermediate port, by vessels in foreign and coasting trade, how made, &c 3117
fees for 4382
entry and permit for landing 2826
not to be made without invoice, except, &c 2860
invoices required (see *Invoices*) 2837–2865
in case of persons deceased or insolvent, oath and invoice, by whom made ... 2846
certificate of collector upon invoice 2852
to be in triplicate 2853
declaration to accompany 2854–2856
bond required for production of, in case of goods subject to ad-valorem duty ... 2842
by non-residents 2843–2845
when merchandise admitted to, without oath to invoice 2847, 2848
where one of owners resides abroad, on whose oath may be made 2849
on change of destination of merchandise after production of invoice, and non-receipt of triplicate at port of arrival. 2857
when impracticable, &c., to produce invoice at time of, who to authorize making of 2858
certain provisions concerning, not to apply to countries where there are no consular officers of United States 2859
when may be made without production of triplicate invoice, &c 2859
entry by means of false invoice, how punished 2864
using or attempting to use false, smuggling, &c 2865
when duty exceeds bond 2831
for Petersburgh and Richmond collection districts, how made 2836
under treaty of Washington, how made 2866
estimate of duties to be indorsed on 2869
on vessels seeking port in distress, to be made before sale of cargo 2892
additions to cost or value, how made ... 2900–2908
omitted articles to be added to 2901
appraisal before, of imported goods damaged and taken from wrecks 2928
for drawback, when incomplete; extension of time for, &c 3037
penalty on revenue officer admitting goods, &c., upon payment of less than lawful duty 5444

Section.

ENTRY OF MERCHANDISE (Customs)—Continued.
for knowingly entering goods at less than true weight, or by payment of less than lawful duty 5445
sea-stores to be specified, &c 2795–2797
terms for, may be prolonged, varied, or suspended by Secretary of Treasury to conform to State quarantine laws 4796
definition of "merchandise," "port," and "master," as used in laws relating to. 2766–2768
goods from foreign ports not to be imported in vessel unless master has manifests (see *Manifests*) 2806–2815
provisions respecting entry of vessels (see *Entry of Vessels*).

ENTRY OF PUBLIC LAND, (See *Lands.*)
by pre-emptors, how made 2259
where original settler has failed to make .. 2264
for homestead 2290

ENTRY OF VESSELS,
where to be made 2770
where foreign vessels may enter and unlade 2771
where vessels bound to ports of delivery only may enter 2772
penalty for departing from port without making entry 2773
reports by masters of vessels on arrival .2774, 2775
proceedings in case of vessels laden with goods destined for foreign port ... 2776–2778
vessels arriving with merchandise destined for different ports may proceed from port to port, paying duty on goods landed 2779
duties of master and proceeding in such case 2780–2784
ship's papers to be produced to collector ... 2790
not required of vessels of war 2791
nor of ferry-boats 2792
licensed or enrolled vessels on northern, &c., frontier to enter and clear, but not required to pay entry and tonnage fees in certain cases 2793
in report or manifest of master sea-stores to be specified, &c 2795–2797
when vessels obstructed by ice, how made 2896
in foreign trade, after mails delivered 3976
not until delivery of letters at post-office .. 3988–4212
of foreign vessels, production of register, clearance, &c 4209
deposit of papers with foreign consul 4209
exceptions as to certain vessels 4210
yachts exempt from, when 4214, 4216
of yachts returning from foreign country .. 4218
fees for (see *Fees*) 4381, 4382
not to be allowed until hospital-tax is paid 4585
nor until master has made oath as to impressment of crew 4590
terms for, may be prolonged, varied, or suspended by Secretary of Treasury to conform to State quarantine laws ... 4796
and clearance, provisions concerning (see *Clearance of Vessels*) 4197–4218

ENVELOPES, (postal.)
stamped, to be provided by Postmaster-General 3915, 3916
may be sold at discount to designated agents 3919
penalty for using those which have been used before 3923–3925
record of, to be kept by postmasters 3842

Section.

ENVELOPES, (postal)—Continued.
and wrappers of mail matter not charged with letter postage may be removed by postmaster to ascertain rate of postage 3882

ENVOYS EXTRAORDINARY,
salaries of, to Austria—Brazil—Chili—China—France—Germany—Great Britain—Italy—Japan—Mexico—Peru—Russia—Spain 1675
term for which payable 1740
deemed diplomatic officers 1674
provisions concerning diplomatic officers. 1674–1688
when may perform functions of consular officers, &c 1738, 1739
provisions relating to consular officers. .1689–1739
common to diplomatic and consular officers (see *Diplomatic Officers*) 1740–1752

EPIDEMICS,
removal of offices from Washington in case of prevalence of 4798
adjournment of courts 4799
removal of prisoners 4800
of customs-revenue officers to other places 4797
cost of removal of public offices on account of, to be laid before Congress 1776

EQUIPAGE,
lost in military service 3482–3487
condemned to be paid for 3485

EQUIPMENTS,
annual appropriation for, in militia 1661
distribution of, for militia 1667, 1670
exemption of, from bankrupt law 5045

EQUITY,
suits in, not authorized when remedy exists at law 723
for deprivation of civil rights, &c 1979
by applicant for patent to obtain, after rejection of claim, &c 4915
in case of interfering patents 4918
for injunction to prevent infringement of patent, account of profits, &c 4921
for infringement of trade-mark 4942
to obtain evidence of premium paid to purchaser at public sale of public lands, by person sueing for same, and for relief 2376
final record in causes of, what to contain .. 750
mode of proof in causes of 862
forms and modes of proceeding 913
circuit court, jurisdiction of suits in, in which alien is party ..... cl. 1, 629
between citizens of different States. .cl. 1, 629
of suits in which the matter in dispute exceeds $500 and United States are petitioners ..... p. 111, cl. 2, 629
of suits under import, internal revenue, and postal laws ..... p. 111, cl. 4, 629
of suits under patent or copyright laws.. p. 111, cl. 9, 629
may grant injunctions to prevent violations of copyright 4970
of proceedings in bankruptcy ..4979, 4980, 4983, 4986
of appeals to, from district courts 631
limitation of time for taking 635
what copies to be certified up 632
appeals from, to Supreme Court 692
for what purposes always open, &c 638
district court, jurisdiction in, to enforce liens for internal-revenue taxes, &c 563
of suits to redress deprivation of civil rights, &c 563
for what purposes always open 574
appeals from 631, 632, 635

Section.

EQUITY—Continued.
Supreme Court to prescribe forms, procedure, &c., by circuit and district courts 917
appeals to, from circuit courts, &c 692
to be taken within two years 1008
rights in equity of bankrupt vested in assignee 5046
limitation of suits in, by or against assignee 5057
laws of, extended to citizens of United States in certain foreign countries (see *Consular Courts*) 4086
ERROR (writs of), (See *Writs of Error.*)
jurisdiction, &c.....633, 635, 691, 693, 702–706, 709
procedure in case of.....997–1011
district judge not to vote in cases on appeal from his own decision except, &c ... 614
bail when criminal case removed from State court 1017
in bankruptcy proceedings 4980, 4981, 4989
in Territories.....1869, 1909, 1910, 1911
Washington 1911
Colorado 1930
ESCAPE,
civil officer suffering prisoners to..... 5409
of prisoners charged with offense against foreign government 5410
in **Army**, officer suffering prisoner to..p. 237, art. 69, 1342
soldier suffering prisoner to, from military prison 1360
from military prison 1359
in **Navy**, master-at-arms suffering..p. 278, art. 7, par. 18, 1624
ESCHEAT,
of real estate of religious, &c., in Territories 1890
ESTIMATES,
heads of departments to communicate, to Secretary of Treasury 3660
book of, to be submitted to Congress annually by Secretary of Treasury 3669
to contain also statement of appropriations of current year 3670
and proceeds of old material..... 3672
for printing and binding for departments .. 3661
for compensation of officers..... 3662
for public works, by what accompanied ... 3663
to contain explanations of new items..... 3664
to state outstanding appropriation 3665
of Navy Department 430, 3666
for claims, &c., on naval pension fund... 3667
of Post-Office Department 3668
copy of annual, when to be furnished Secretary of Treasury 414
of Congressional Printer for paper..... 3766
for material for printing and binding..... 3783
for expenses of Printing Office to be submitted to Register of Treasury 3814
and to Congress..... 3822
of Light-House Board, expenses of service. 4659
for cost of apparatus and buildings..... 4665
of Commissioner of Internal Revenue 3671
for public buildings to be approved before commencement..... 3734
permanent barracks, &c., not to be constructed until estimates submitted to Congress, &c 1136
for public buildings and grounds in charge of Chief of Engineers..... 1798
EVIDENCE, (See *Witnesses.*)
provisions concerning witnesses and evidence 858–910
all persons have equal right to give 1977
Supreme Court to prescribe modes of obtaining, in equity, &c., cases 862, 917

Section.

EVIDENCE—Continued.
printed copies of United States Statutes at Large to be (*Appendix*, § 8, p. 1091).
of Little & Brown's edition..... 908
new edition of Revised Statutes how far to be (*Appendix*, § 4, p. 1092).
when transcripts and original papers transmitted to Supreme Court on appeals are 698
copies of books, &c., in departments 882–884
of organization certificate of national banks..... 885
proceedings, &c., of Treasury Department, in suits against persons accountable for public money..... 886
and in trials of indictments for embezzlement 887
of return of contracts in returns office of Interior Department, against officer making same, &c 888
of certain Post-Office records, statements, &c., in civil and criminal cases.....889, 890
of records in General Land Office..891, 2469, 2470
in office of surveyor-general for Louisiana..... 2225
in Patent Office 892–894
of journals of Congress 895
of records, &c., in the offices of consuls, &c 896
of new books of certain courts in Florida, Iowa, Kansas, Minnesota, North Carolina, and Wisconsin.....897, 898
of record of courts lost or destroyed....899–904
of foreign records of land-titles in United States 907
authentication, &c., of legislative and judicial proceedings of States, and faith given thereto..... 905
of records and books in public offices of State, Territory, or county 906
burden of proof on claimant of property seized under customs and tonnage laws 909
on white person where Indian is party .. 2126
in case of seizure of distilled spirits..... 3333
on plaintiff in action for recovery of taxes collected on second assessment on alleged fraud..... 3225
in judicial proceedings not to be used in criminal cases against witness..... 860
of witnesses before Congressional committees, &c., not to be used against them in criminal cases..... 859
tending to disgrace witness, not privileged, and witness may be compelled to produce papers..... 103
authority of officers making seizures may be given under general issue..... 3073
courts may require production of books containing..... 724
to establish claim for bounty-land.....2431, 2432
former, to establish pension, admitted in certain bounty land cases.....2435
of value of merchandise in customs cases..... 2852
written, where to be filed, &c 2922
possession of goods imported contrary to law deemed sufficient to authorize conviction..... 3082
absence of stamp from packages of fermented liquor to be prima-facie evidence of non-payment of tax 3352
from packages of tobacco and snuff to be prima-facie evidence of non-payment of tax..... 3373
from packages of cigars prima-facie evidence of non-payment of tax 3398

Section.

EVIDENCE—Continued.
failing or refusing to enter into contract for carrying mail after award, or to carry mail, prima-facie, that same was wrongful 3954
on trial of indictments for embezzling public money, transcript from books of Treasury showing balance to be sufficient, as in civil cases 5494
what prima-facie, of embezzlement of public moneys 5495
of conversion by officers charged with disbursement of public money 5496
casting or offering ballot on which candidate may be voted for with others, prima-facie, of voting, &c 5514
special matter may be given in, under general issue in copyright cases 4969
record or certified copy of assignment of debtor's estate in bankruptcy to be .. 5054
unstamped check not admissible 3421
testimony of female passenger alone not sufficient, for conviction of seduction on voyage 5351
collector, deputy collector, and inspectors of internal revenue may take, in certain cases 3165
Treasury agents in Alaska may take, in certain cases 1976
on hearings upon arrest of persons as fugitives from justice from foreign countries; warrants, depositions, and other papers and copies admissible 5271
in bankrupt proceedings, certified copies presumptive 4992
examinations, &c., before whom and how taken 5003
of assignee's title to sue, &c 5049
of additional proof of debts 5078, 5080, 5081
transfers, &c., presumptive, of fraud by bankrupt 5130
in consular courts (see *Consular Courts*) .. 4097
by depositions, (See *Depositions.*)
de bene esse 863–865
in prize cases 4622
in contested-election cases 108–130
under commissions, &c 866–870
by commissions in District of Columbia . 871–874
by consular officers, &c 1750
of witnesses before courts-martial in Army ..... p. 239, art. 91, 1342
in bankruptcy matters before register and by creditors for proof of claims ... 5004, 5077
rules for, by the Commissioner of Patents 4905
in foreign countries 875, 1750
by letters rogatory from foreign countries (see also § 875) 4071
penalties for taking false, &c 3490, 5438
in Army ..... p 235, art. 60, 1342
in Navy ..... p. 278, art. 14, 1624
for presenting false, to land-titles in California 2473

EXAMINATIONS,
for admission to civil service, rules for 1753
of clerks in departments 164
in **Army**, for appointment or promotion as ordnance officer 1160
as surgeon or as assistant surgeon 1172
for promotion of officers of engineers .. 1206, 1207
in **Navy**, of assistant surgeon, absent 1372
physically, before promotion 1493
in grades limited and not limited 1495
of officers, mentally, professionally, &c .. 1496
of commodores, before promotion 1497
result of failing professionally in 1505
pay of officers delayed in 1562

Section.

EXAMINATIONS—Continued.
in customs matters, of importers, &c:, by customs officers 2922–2924
of imported drugs, medicines, &c 2933–2936
priority to certain merchandise for immediate transportation 2991
of books, &c., seized, by whom made 3093
by internal-revenue officers, of distillery, &c 3276–3278
of vessels, arriving from abroad with emigrants 4272
in bankruptcy matters, (See *Bankruptcy.*)
of bankrupt 4998–5086
of imprisoned bankrupt 5089
of witnesses 5002, 5003, 5006, 5087, 5103
of bankrupt's wife 5088
of assignee, as to his accounts 5096

EXAMINERS,
for appointment in civil service 1753
in Patent Office, (See *Patents.*)
appeal from primary examiners to examiners-in-chief 4909
examiners-in-chief 476, 477, 482
appeal from 4910
of national banks 5227, 5240
of customs, at New York 2538, 2940
compensation of 2745
not to engage in mercantile business 2941
assistant appraiser, to perform duties of 2938
of drugs, at Boston and Charlestown, Mass 2529
at Philadelphia, Pa 2544
at Baltimore, Md 2549
at Charleston, S. C 2558
at New Orleans, La 2569
at San Francisco, Cal 2583
oath of, how administered 2611
salaries of 2743, 2744
in Navy, board of, for promotions, &c 1498
powers, duties, &c 1499–1501
revision of findings of 1502
not to reject until after public examination 1503
form of recommendation by 1504
officers not found qualified by 1505
examiner of claims for State Department 349
examining surgeons of invalid pensioners, biennial certificates required of .. 4771
boards of, may be organized 4774
certificates of, subject to approval of Commissioner 4698½
may be required to make special examinations, fees of, in special cases 4775
medical referee may be appointed to examine, &c., reports of 4776
civil surgeons may be appointed as 4777

EXCEPTIONS,
bill of, how authenticated 953
from district to supreme courts in Territories 1869

EXCESS,
of deposits of unascertained duties, permanent appropriation for payment of ..... p. 726, 3689
assessment of distilled spirits in excess of amount reported or accounted for as manufactured by distiller 3309

EXCHANGE,
of public funds by disbursing officers and others restricted 3639, 3651
without authority, how punished 5490, 5493
of United States coupon for registered bonds 3706

EXECUTIONS,
Supreme Court may issue, on review of final judgment of State court 709

Section.

EXECUTIONS—Continued.
not to issue, in causes removed from circuit and district courts 701
not to issue within sixty days after judgment, where writ of error may be a supersedeas 1007
postponement, &c., of, in capital cases carried to Supreme Court 1040
on judgment for duties, &c., to require satisfaction in coin 962
in State containing more than one district, where to run 985
judgment for use of United States, where to run 986
statement of proceedings upon, by marshals 791, 792
stayed by circuit court, to give time for petition for new trial 987
stayed for one term, according to State laws 988
when not to issue against revenue officer, in suit against him for acts done, &c., or money exacted, &c 989
discharge from arrest or imprisonment under, according to State laws 991
appraisement of goods taken in, under authority of State 993
process to sell lands, &c., to, and deed by, successor of marshal dying, removed 994
against national banks not to issue from State courts, before, &c 5242
to enforce payment of fine or penalty 1041
exemption from, of arms of militia 1628
in customs cases, what to set forth, and how satisfied 3014
when United States may purchase property sold on 3470
process of, upon award by referees in certain countries, to issue 4098
in bankruptcy matters, not to be awarded against assignee 4984
debtor not liable to arrest upon, pending proceedings 5107
may be issued against petitioner, for register's fees 5124
procurement by debtor, act of bankruptcy 5021
to bar discharge, when 5110
to be void, when 5128

EXECUTIVE DEPARTMENTS, (See *the several titles.*)
provisions applicable to all 158–198
include the following 158, 159
State Department 158, 159, 199–213
diplomatic officers 1674–1688
consular officers 1689–1739
provisions common to diplomatic and consular officers 1740–1752
Treasury Department 158, 159, 233–244
Secretary 245–267
Comptroller 268–275
Auditor ..... 276–300 B
Treasurer 301–311
Register 312–315
Commissioner of Customs 316–318
Commissioner of Internal Revenue 319–323
Comptroller of Currency 324–333
Bureau of Statistics 334–342
Bureau of the Mint 343–345
War Department 158, 159, 214–232
Army organization 1094–1242
retirement 1243–1260
pay and allowance 1261–1308
Military Academy 1309–1341
Articles of War 1342, 1343
military prison 1344–1361
Navy Department 158, 159, 415–436
Navy organization 1362–1427

Section.

EXECUTIVE DEPARTMENTS—Cont'd.
Navy Department—Continued.
general provisions relating to officers of Navy 1428–1442
retired officers 1443–1465
rank, precedence, promotion, and advancement 1466–1510
Naval Academy 1511–1528
vessels and navy-yards 1529–1546
general provisions 1547–1555
pay, emoluments, and allowances 1556–1595
Marine Corps 1596–1623
Articles for government of Navy 1624
Post-Office Department 158, 159, 388–414
postal service 3829–4061
post-offices and postmasters 3829–3864
carriers, branch officers, and receiving-boxes 3865–3874
mail matter 3875–3895
postage 3896–3913
postage-stamps and envelopes 3914–3925
registered letters 3926–3929
unclaimed, dead, and request letters 3930–3940
contracts for carrying mail 3941–3963
carrying mail 3964–3996
railway service 3997–4005
foreign mail service 4006–4016
special local and route agents 4017–4026
money-order system 4027–4048
accounts and revenues 4049–4061
Department of Justice 158, 159, 346–387
Interior Department 158, 159, 437–440
Secretary 441–445
General Land Office 446–461
Commissioner of Indian Affairs 462–469
Commissioner of Pensions 470–474
Patent Office 475–496
superintendent of public documents 497–511
returns office 512–515
Office of Education 516–519

EXECUTIVE OFFICERS,
of States to take oath to support Constitution of United States 1836
(See *Departments and titles of different officers.*)

EXECUTORS,
when excluded as witnesses 858
made party to pending suit, continuance 955
may sell homestead for benefit of children 2292
oath of, to invoices in customs cases 2846
may carry on business without additional special tax 3241
when liable for debts due United States 3467
granting of patent to, oath 4896
in bankruptcy, register not to be, &c 4996
of assignee, to execute instruments 5043
holding bank-stock, not liable, &c 5152

EXEMPTIONS,
from service as jurors, same as in States 800
of artificers and workmen at arsenals 1671
of distiller of brandy from apples, &c., from internal-revenue tax 3255
from stamp-tax, of official instruments 3420
of certain medicines, chemicals, &c 3436
of property of debtor from operation of bankrupt law 5045
of certain property from distraint for internal-revenue taxes 3187
of homestead of Stockbridge Munsee Indians from levy on execution 2311
of pensions from levy 4747
rights to patents for certain timber lands on public domain exempt from liabilities contracted before patent issued 2468
of marines in Marine Corps, from arrest for debt or contract while in service 1610

Section.

EXPATRIATION,
inherent right of, affirmed; claims of foreign allegiance disavowed; officers not to question right of 1999
EXPIRATION OF SERVICE,
of seamen in Navy, disposition of men 1422
subject to laws, if detained after 1423
limit of detention after 1424
shipping articles to contain conditions 1425
pay in case of detention 1572
EXPLORING EXPEDITIONS,
collections of, to be under care of Commissioner of Patents 495
proceeds of material sold, how disposed of. 3618
EXPLOSIVE SUBSTANCES,
excluded from mails 3878
from steam passenger-vessels 4472
penalty for transportation of, or delivery for transportation on passenger conveyances 5353, 5354
death caused by such transportation, &c., deemed manslaughter 5354
EXPORTATION,
condensed statement of exports to be furnished by Secretary of Treasury annually 3812
of goods, &c., under treaty of Washington. 2866
of fire-arms, spirits, &c., to Alaska 1955
of merchandise in bonded warehouse 2971
when entitled to return duties, &c 2977
restriction upon entry for drawback 2978
when permitted without paymenf of duties. 2979
what may be withdrawn from warehouse for, to Mexico 3002
through port of Lavaca, Tex 3003
through port of Indianola, Tex 3004
penalty for landing in United States goods exported to Mexico or British American provinces 3008
of drugs, medicines, how made 3018
manufactured in bonded warehouse 3433
rejected by examiners on importation as adulterated or impure 2937
of articles imported in bulk 3028
of merchandise, from district other than that of importation 3041
of bonded imports from warehouse 3052
to British provinces 3054–3056
superintendent of 3161
provisions relating to drawbacks upon .. 3015–3057
of fine-cut, shorts, refuse scraps, clippings, &c., of tobacco 3362
stamps for tobacco, snuff, and cigars furnished to collectors internal revenue. 3385
of tobacco, snuff, and cigars 3385
of matches 3430
drawback upon articles exported, general provisions (see *Drawback*) 3015–3059
on spirits withdrawn from warehouse. 3329, 3330
of internal-revenue tax on fermented liquor and other articles 3441, 3442
penalty for fraudulently claiming 3443
collector to render monthly account ... 3444
EXPRESSES,
private, for carrying letters or packets, prohibited 3982, 3983
sending letters by, forbidden 3984
EXTORTION,
by internal-revenue officer 3169
by officer, under color of office 5481
by receiving money, &c., under threat of informing, or for not informing 5484
EXTRA COMPENSATION,
limit of, for disbursements 3654
of public officers, none to be allowed where salary is fixed, unless explicitly stated in appropriation 1763–1765

Section.

EXTRA COMPENSATION—Continued.
nor to officers, &c., on public buildings at seat of government 1835
nor for signing United States notes 3578
nor to engineers of Army acting as disbursing officers on public works 1153
of soldiers detailed for constant labor 1287
EXTRA WAGES TO SEAMEN,
consular officers not to receive fees, &c., for collecting, &c 1719
to be paid on discharge, by consular officers, from unseaworthy vessel 4561
penalty for refusal to pay, on discharge 4563
consul, &c., may require, on discharge 4580
penalty for neglect to require 4581
on sale of vessel in foreign ports 4582
when, may be remitted 4583
disposal of 4584
when may be paid to deserters 4600
EXTRADITION,
provisions concerning 5270–5280
for extradition to foreign countries limited to time of existence of treaty 5274
of persons charged with crime in foreign country, arrest 5270
evidence admissible on hearing 5271
surrender by Secretary of State 5272
discharge of if not conveyed out of United States within two months after commitment, &c 5273
of person delivered by foreign government, transportation, safe-keeping, and use of land and naval forces for, &c 5275
agent to receive person to have powers of marshal in districts through which he passes 5276
penalty for obstructing, &c., agent 5277
from one State, &c., to another, of fugitives from justice 5278
authority of agent of State, &c., to transport prisoner, penalty for rescuing .. 5279
arrest of seamen deserting from foreign vessels, on application of consul, &c.. 5280
delivery, detention, &c 5280
EXTRA DUTY,
compensation for, when not allowed. (See *Extra Compensation.*)
punishment by, in Navy ..... p. 281, art. 24, 1624
by court-martial ..... p. 282, art. 30, 1624

F.

FALSE, (See *Forging.*)
dating instrument relating to title, under Mexican authority, of lands, &c., in California, penalty 2472
making false obligations or securities of United States 5414
note in imitation of national-bank notes 5415
letters patent 5416
bid, proposal, guarantee, bond, &c., to defraud United States 5418, 5479
military bounty-land warrant, &c 5420
abstract, &c., of registry, or enrollment of, or license to vessels, &c., passport, clearance, permit, debenture, &c 5423
coin or bars in similitude of coin or bars, &c., by law current in United States 5457
coin in similitude of minor coinage of United States 5458
any order purporting to be money-order issued by Post-Office Department ... 5463
presenting false evidence to title to lands, &c., in California, penalty 2473

Section.

FALSE—Continued.
falsifying record, writ, process, &c., of court, whereby judgment is reversed or does not take effect, &c. 5394
accounts, penalty for keeping, by persons in the military or naval service 5306
alarms, punishment in Army for occasioning p. 233, art. 41, 1342
brand, shipping, &c., liquors or wines under, penalty 3449
certificates, by consular officers, relative to property 1737
by internal-revenue officer par. 8, 3169
of guarantors on bid for mail contract 3947
relating to absence or pay of officers or soldiers p. 231, art. 13, 1342
claims, suits to recover damages, &c., for presenting par. 6, 563
by persons in military service p. 235, art. 60, 1342
entry, by internal-revenue officer 3169
in books of distiller 3305
of brewer 3340
of tobacco manufacturer 3372
of cigar manufacturer 3400
lights at sea, holding out, with intent to bring vessels into danger, &c. 5358
muster in Army, of persons as soldiers who are not so p. 230, art. 5, 1342
of man or horse, or allows signing roll knowing it to contain false muster p. 231, art. 14, 1342
in Navy, punishment p. 278, art. 8, 1624
oath, by person in military service, to obtain approval, &c., of claim against United States p. 235, art. 60, 1342
by person in naval service p. 279, art. 14, 1624
by owner, to obtain register of vessel 4143
by agent, &c., to obtain register 4163
by bankrupt, to bar discharge 5110
when, constitutes purjury 5392
papers, making or using, in Navy, to obtain approval, &c., of claim p. 279, art. 14, 1624
personation, by applicant, or witness for naturalization 5424
of holder of public debts, or person entitled to annuity, pension, prize-money, wages, &c. 5435
of revenue officer, &c. 5448
receipts, by persons in military service p. 235, art. 60, 1342
in naval service p. 278, art. 14, 1624
by persons not in either service, in claims against United States, &c 3490
for purchase-money of lands, &c. 5420
to obtain money from United States 5421, 5422, 5438
for more than proper amount, &c. 5438
returns, in Army, penalty p. 231, art. 8, 1342
in military or naval service 5306
stamps, making or using, for beer-stamps 3346
statement, by internal-revenue officer relative to fees 3158
by planter, &c., relative to leaf-tobacco 3361
by dealer in leaf-tobacco 3359, 3391
weights or measures, used in ascertaining distillery materials 3306

FALSEHOODS,
punishment for, in Navy p. 277, art. 8, 1624

FARRIERS,
for troop of cavalry 1103
pension to dependent relatives of 4710

FAST-DAY,
not included in computing time in bankruptcy cases 5013

FEES, (see *titles of different officers.*)
for transcripts of journals of Congress 71

Section.

FEES—Continued.
of witnesses, &c., in contested elections 128, 129
in claims in departments 185
under letters rogatory 4074
passport clerk not to have, for oaths 212
for copies of at Department of State 213
for exemplification of patents or papers on file, by General Land Office 461
general provisions 823–857
of attorneys, solicitors and proctors 823, 824
of district attorneys, in proceedings under revenue laws 825–827
retained by district attorney 835
by district attorney for southern district of New York, for expenses 836
of district attorneys and marshals in Oregon and Nevada to be double, &c. 837
to district attorney in proceedings to recover fines and forfeitures in revenue cases 838
of clerks of courts of United States 828
of marshals 829–846
for services to United States, for expenses, &c 830
of different officers,
when no per diem, and when only one per diem, allowed to district attorneys, clerks, and marshals, &c., for attendance, &c 831
of marshal of Supreme Court 832
return of, by district attorneys, clerks, and marshals to Attorney-General 833, 834
of clerks of circuit and district courts 839
in California, Oregon, and Nevada to be double, &c 840
retained by marshal 841
of clerks and marshals in prize causes 842
allowances to district attorneys, clerks, and marshals to be from fees, &c., of the year 843
surplus paid into Treasury 843, 844
returns of, by district attorneys, clerks, &c., to be examined, &c 845
to be certified by district judge, &c. 846
of district attorneys, clerks, marshals, &c., where United States are liable, when paid 856
of officers, &c., how recovered 857
of commissioners of circuit courts 847
of witnesses 848–851
none to officer of courts as 849
expenses to officer sent from place of business as 850
to seamen, &c., sent to United States from foreign port to give testimony 851
of jurors 852
of printers for advertising, &c. 853
folio to contain how many words 854
of jurors and witnesses, where United States are parties, how paid 855
of commissioners for Court of Claims, how paid 1085
of supervisors of elections 2031
permanent appropriations for payment of p. 729, 3689
miscellaneous provisions,
when informer, &c., alone liable for 976
taxation of, for witnesses before commissioner in criminal case 981
bill of, of officers, witnesses, &c., where costs recoverable by prevailing party, to be taxed, &c. 983
at legations to be accounted for 1687
judicial, &c., in Territories, how prescribed 1833
in civil-rights cases of attorneys, marshals, and clerks, &c 1986

Section.

FEES—Continued.
miscellaneous provisions—Continued.
for taking census 2197–2201
by applicant to enter land for homestead. 2290
when officers to receive pro rata, only... 2687
postal employés not to receive 3858
for registering letters accounted for..... 3927
for money-orders, schedule of..... 4032
in consular courts..... 4120
of collectors of customs for granting certificates of registry, &c., of vessels... 4185
of surveyors for measurement of vessels. 4186
of collectors for certificate as to bills of sale, mortgage, &c., of vessels..... 4194
for furnishing certified copies of, &c... 4195
of vessels to be paid before clearance.... 4206
table of consular, &c., to be attached to clearances of registered vessels... 4207
copy of receipts for, by consuls, &c., to be furnished collectors on entry 4213
of surveyors of customs for enrolling and licensing vessels 4346
by owners, &c., of vessels navigating otherwise than by sea, &c 4381, 4382
table of, to be posted by customs officers. 4383
of vessels subject to enrollment or license. 4384
lighters and boats exempt from, when .. 4385
for inspection of steam-vessels 4458
of shipping commissioners..... 4592–4595
table of, C and D.....p. 896, *after* 4612
of special counsel in prize cases 4649
of witnesses in prize cases 4651
of examining surgeons of pensioners..4774, 4775
of pension agents 4782
of attorneys and agents of pensioners.... 4785
illegal, by inspector of steamboats 5482
demand, &c., of illegal, for prosecuting claim for pension or bounty land.... 5485
demanding by pension agent for services. 5487
in bankruptcy proceedings, Supreme Court to regulate..... 4990–5127
of register, by whom paid 5008
officers receiving illegal 5012
to be paid in full..... 5101
of register, &c..... 5124
of messenger 5126
of consular officer. (See *Consular Officers.*)
of registers and receivers (public land). 2238
in consolidated land districts 2239
limit of 2240
for quarter or fractional part of quarter.. 2240
excess of, to be paid into Treasury 2241
penalty for receiving illegal..... 2242
when compensation to commence..... 2243
none for administering oaths 2247

FEMALE PASSENGERS,
seduction of, by person employed on vessel; punishment; subsequent intermarriage, &c 5349–5351

FERMENTED LIQUORS, (See *Brewers.*)
wholesale and retail dealers in, to pay tax... 3244
provisions concerning..... 3335–3354
brewer, notice of business 3335
bond of 3336
books and statements 3337
entries in books verified by oath 3338
tax on, by whom paid, &c., and measure of barrel 3339
evasion of tax on 3340
fraudulently failing to make entry, &c., of..... 3340
stamps for..... 3341, 3342
mode of affixing and canceling stamps..... 3342
selling, removing, in packages, without stamp or with false stamps 3343
drawing without stamp, &c..... 3344
removal of, under permit..... 3345

Section.

FERMENTED LIQUORS—Continued.
becoming sour, may be removed for sale for manufacturing purposes, without affixing permit, when..... 3347
selling, at retail at brewery..... 3348
marking by brand packages of..... 3349
purchased by one brewer from another with brand of purchaser..... 3349
unfermented worts for enlivening..... 3351
after removal, when tax not paid may be seized..... 3352
absence of stamps notice that tax not paid.. 3352
removal or defacement of stamp or permit by other than owner..... 3353
withdrawing from unstamped packages or bottling in brewery premises, forbidden, penalty..... 3354
withdrawing from unstamped packages by retail dealers, penalty..... 3344
laws imposing taxes on, extended to exterior boundaries of United States... 3448
shipping, under false name or brand 3449
internal-revenue officers interested in production of, penalty..... 3168
certain restrictions respecting mash, wort, &c., not to apply to brewers..... 3282

FERRY-BOATS,
not required to enter and clear..... 2792
what reports required of..... 2792
to carry what light..... 4233
employed by foreign railroad company.... 4370
steam, to have boilers and hull inspected.. 4426

FERRYMAN,
punishment of, for delaying mail..... 3996

FIDUCIARY DEBTS,
not released by bankrupt's discharge..... 5117

FIELD OFFICERS' COURTS,
for trial of offenses not capital.p. 238, art. 80, 1342
jurisdiction of, &c .....p. 238, art. 83, 1342

FIFTEENTH AMENDMENT,
to Constitution, text of, &c., page 32.
preventing, &c., persons from exercising rights guaranteed by.....5507–5509

FINANCIAL AND FISCAL AGENTS,
national banks may be employed as..... 5153
public officers to perform no duty as..... 3639
allowed certain expenses 3653

FINE ARTS, (See *Art, works of.*)
Joint Committee on Library may accept and place in Capitol..... 1831

FINES AND PENALTIES,
district attorneys to prosecute for, under revenue laws 838
statement by, of suits to Solicitor of Treasury 772
to report to Secretary of Treasury, &c., cases where they decline to prosecute. 838
suits for, to be in name of United States... 919
jurisdiction of suits for.....563, 629, 711, 732
when special bail may be required in prosecutions to recover pecuniary..... 942
costs in suits for, when United States not subject to under internal-revenue laws 969
to be paid by defendants 974
when to be paid by informer or plaintiff. 975
when plaintiff to pay fees of clerk, marshal, &c 976
execution to enforce payment of 1041
within what time suit or prosecution for, to be commenced, &c..... 1047
suits in customs cases, when and by whom commenced 3086
to be sued for by collector of internal revenue 3213
in States, &c., all persons to be subject to like, and to no other 1977

Section.

FINES AND PENALTIES—Continued.
for making false census certificates 2193
cases in which naval court-martial may inflict ..... p. 279, art. 14, 1624
in militia in service of United States. 1659, 1660
incurred for violation of revenue laws, to be reported to district attorney within ten days 3084
distribution of 3090
moneys recovered as, to be paid into Treasury 3216
on sail-vessel navigated in violation of navigation rules 4234
for offenses against navigation laws 4305
for violation of regulations of vessels in domestic commerce 4380
under merchant-seamen shipping laws 4610
under laws relating to business of Post-Office Department to be subject to rules of Postmaster-General as to enforcement, remission, &c 409
separate accounts to be kept of 4049
to be deposited in Treasury as part of postal revenues 4050
one-half to go to use of informer and prosecutor 4059
relating to taking live-oak and red-cedar timber from lands reserved .. 2460–2463, 4751
in bankruptcy matters .. 5006, 5013, 5037, 5104, 5132
incurred under statutes in Revised Statutes, prior to repeal, &c 5598
limit to emoluments of customs officers, not to extend 2690, 2691
under customs laws appropriated to expense of collecting the revenue 3687
permanent appropriation to pay distributive shares ..... p. 726, 3689
application of certain, to naval hospital ... 4809
to Soldiers' Home 4818
to National Home for Disabled Volunteers 4831
persons interested in, may be witnesses 5295
punishment by, in consular courts 4101–4104
by naval courts-martial .... p. 279, art. 14, 1624
remission of, and discharge, in case of vessels subject to seizure under customs registering laws 5292
methods of, prescribed by Secretary of Treasury 5293
under laws relating to steam-vessels 5294
incurred in district of Alaska 1958
incurred under postal laws 409
by governors of Territories 1841
collected without authority, abated, &c., by Commissioner of Internal Revenue 3220
discharge of poor convict 1042, 5296

FIRE-ARMS,
in Alaska, importation, &c., of 1955
killing seal by use of, prohibited 1960

FIRE-CRACKERS,
storage of 2962, 2975

FIRE-EXTINGUISHERS, BUCKETS, PUMPS, AND HOSE,
steam-vessels, when to keep, &c .. 4471, 4479, 4483

FIREMEN,
for Senate, salary 52
for House, salary 53
in Post-Office Department, salary 393
in Navy, enlistment of 1417
pay of, how fixed 1569
additional to seamen, &c., as 1570

FISCAL YEAR (of United States),
commencement of 237
accounts to be settled within 250
observed in accounts of collectors of internal revenue 3146

Section.

FISH, FISHERIES, ETC.,
Commissioner of Fish 4395
duties of 4396
departments to aid investigations 4397
powers of, to take fish, &c 4398
vessels engaged in fisheries, when deemed vessels of United States 4131
belonging to citizens, exempt from tonnage duties 4220
what may engage in 4311
license, how obtained, &c 4320
form of 4321
subject to same fees and tonnage charges as registered vessels if change of masters is not reported 4335
enrollment and license, at Jersey City 4340
at Camden, N. J 4341
permit in, to touch at foreign port 4364
penalty for being within three leagues of coast, &c., without permission 4365
when engaged in, without license 4371
agreement with fishermen for voyage 4391
penalty for violating 4392
recovery of shares under 4393
discharge of vessel on giving bond 4394
fish and fish-oil, duties on ..... p. 468, 2503
from Canada, Prince Edward's Island, and Newfoundland, free of duty, when, &c 2506
fish for bait or immediate consumption, free of duty ..... p. 485, 2505

FLAG-OFFICERS,
selection and assignment of; authority and obedience due to 1434

FLAGS,
of United States, design of 1791
additional star for each new State 1792
furnished to diplomatic officers, &c 1748
of revenue-cutter service 2764
captured from enemy by Army 218
by Navy, disposition of 428, 1554, 1555

FLEEING FROM JUSTICE, (See *Extradition.*)
time for finding indictment of capital offense, &c., not to apply to persons 1045
into Indian country to be demanded of chiefs or otherwise obtained 2152

FLEET,
captains' share of prize-money 4631
engineers, pay of 1556
paymasters, pay of 1556
surgeons, pay of 1556

FLOGGING,
forbidden in Army ..... p. 239, art. 98, 1342
in Navy ..... p. 284, art. 49, 1624
in military prisons 1354
on merchant-vessels 4611

FLORIDA,
protection of live-oak and red-cedar timber in 2460, 2463
clearance of vessels laden with live-oak timber from ports of 2463, 4205
property wrecked on coast of 4238
forfeiture of vessel conveying to foreign port 4240
judicial districts, courts, &c., in .. 534, 572, 575, 598, 658, 897
collection districts and ports in (see *Collection Districts—Ports of Entry*) 2562, 2563
Indian agent in 2207
militia and volunteers employed in suppressing Indian depradations in 1657
surveyor-general of public lands in 2052
public lands in, to be disposed of only under homestead laws (*repealed, and lands required to be offered at public sale*) 2303

Section.

FLOTILLA MEN,
when entitled to bounty-land 2425–2427
FLOUR,
manufacture of, permitted at distillery only for distillation of spirits 3266
for Navy, how may be purchased 3727
FOG-SIGNALS,
on vessels in thick weather, &c., day or night ..... p. 817, 4233
under way 4233
not under way 4233
on coal-boats, canal-boats, &c 4233
FOLDING-ROOM,
of Senate, officers in, salaries 52
of House, officers and salaries in 53
FOLIO,
number of words in 854
FORAGE (for Army),
allowance of, in kind 1270
to whom furnished 1271
on what conditions 1272
purchases not to exceed necessities of year. 3732
to mounted companies of militia when in service 1653
masters, employment of, by Quartermaster's Department 1137
not to deal in public property on private account 1137
FOREIGN AFFAIRS, (See *Foreign Relations.*)
to be managed by Secretary of State, &c ... 202
papers relating to, and number to be printed 3798
FOREIGN ALLEGIANCE,
of naturalized citizens, disavowed 1999
FOREIGN TRADE WITH CONTIGUOUS COUNTRIES,
(See *British Provinces, Canada, Mexico, Northern, Northeastern and Northwestern Frontiers.*)
provisions applying to commerce with contiguous countries 3095–3129
vessels in, on northern, &c., frontiers, master purchasing foreign merchandise, to report, &c 3111
equipments of, liable to entry and duty, failing to report, &c 3114
refund of certain duties, on, &c., of vessels in 3115
master, when and to whom to present duplicate manifests, &c 3116
entry for goods taken or delivered at intermediate ports by vessels in 3117
in departing for ports where no custom-house, how to obtain clearance, &c 3118
steam-tugs in, when not required to report and clear 3123
masters of vessels on departing from ports where no custom-house, what to do on arrival at port of destination 3122
declaration to be made to accompany invoice in case of merchandise from foreign country adjacent to United States 2856
consular officers not to grant certificate for merchandise which has passed other consulates 1717, 2861
entry of merchandise destined for export to British provinces under treaty provisions 2866
FOREIGN BILL OF EXCHANGE,
jurisdiction of circuit courts of suits in favor of assignee of 629
FOREIGN-BUILT VESSELS,
wrecked and repaired in United States may be registered 4136

Section.

FOREIGN COINS,
how estimated in payment of consular fees. 1722
received in payment for public lands 2366
value of, to be estimated annually by Director of the Mint and proclaimed by Secretary of Treasury 3564
of pound sterling 3565
Spanish pillar dollar and Mexican dollar to be received in certain cases 3567
to be recoined 3566, 3568
not a legal tender 3584
false making, counterfeiting, &c 5457
passing, selling, &c., any falsely made, counterfeited, &c 5457
fraudulently mutilating, diminishing, &c .. 5459
making, passing, &c., without authority, any coins, &c., for purpose of current money, in resemblance of 5461
FOREIGN COMMERCE, (See *Vessels.*)
regulation of vessels in 4306–4310
vessels engaged in, on northern, &c., frontiers (see *Northern, Northeastern, and Northwestern Frontiers*) 2793, 3111–3118, 4318
FOREIGN DIPLOMATIC OFFICERS (in United States),
jurisdiction of courts over 563, 687, 688
exclusive in United States courts (*repealed*) 711
ministers and servants of, not to be arrested in certain cases 4063, 4064
penalty for assaulting 4062
powers of, over disputes among seamen, how executed 4079–4081
enforcement of awards of, in differences between captains and crews of vessels 728
arrest of, on application of, of deserting seamen 5280
deposit with, of register and papers of foreign vessel on entry 4209
exception as to certain 4210
return, &c., of papers, on production of clearance, &c 4211
FOREIGN HYDROGRAPHIC SURVEYS,
appropriations for publishing 3686
FOREIGN MAIL SERVICE,
provisions relating to 4006–4016
rates of postage 3912
contracts for 4007
mail to be carried in steamships, except ... 4008
pay for carrying 4009
fines on contractors 4010
stipulations in contract 4011
through United States 4012
offenses against, in transitu 4013
payment of postage on letters by consuls. 4014
rates of postage in foreign vessels 4015
penalty for illegally carrying, &c 4016
letters not to be carried in vessels unless received from post-offices except .. 3987, 3993
FOREIGN MERCHANDISE, (See *Importation, Customs Duties, Entry of Merchandise.*)
manifest of, by vessels in coasting-trade between neighboring districts 4349
penalty for transporting, by vessels in coasting-trade between remote districts without manifest and permit 4354
forfeiture of, &c., when 4356, 4360
transportation of, across New Jersey, Delaware, and Maryland 4362
penalty for failure to report such merchandise on arrival 4363
FOEIGN MONEY. (See *Foreign Coin.*)
FOREIGN RELATIONS,
Provisions concerning 4062–4130
Diplomatic officers 1674–1688

Section.

FOREIGN RELATIONS—Continued.
Consular officers 1689–1739
Provisions common to diplomatic and consular officers 1740–1752
Extradition 5270–5280
Neutrality 5281–5291
The slave trade 5551–5569
to be managed by Secretary of State under President 202
documents relating to, accompanying message, number printed 3798
settlement of certain accounts of expenditures for, may be made by the accounting officers, on certificate of Secretary of State, without specifications, when 291
right of expatriation maintained 1999
naturalized citizens in foreign countries 2000
citizens imprisoned by foreign powers, &c. (see *Citizenship*) 2001
violence to public minister; penalty 4062
safe-conduct or passport 4062
privilege of foreign ministers and servants 4063–4066
removal of alien enemies 4067–4070
testimony for use in foreign countries (see *Letters Rogatory*) 4071–4074
passports to citizens (see *Passports*) 4075–4078
marriages in foreign countries 4082
prisons in foreign countries 4121–4124
judicial authority of minister, &c 4083–4130
in China, Japan, Siam, Egypt, and Madagascar 4083–4120
in uncivilized countries 4088
in Ottoman Dominions 4125
in Persia 4126
in Tripoli, Tunis, Morocco, and Muscat 4127
in other countries of like character 4129
meaning of words "minister" and "consul" (see *Consular Courts*) 4130
laws, judgments, &c., of foreign nations relating to title to lands, how authenticated, &c 907
citizens of powers at war with United States, when deemed alien enemies 4067
mails of adjoining nations, when may be carried through United States 4012
rights of nations under treaties not impaired by laws relating to commerce and navigation 4227
unauthorized correspondence with foreign government, &c., prohibited 5335
making war against United States, cruising, &c., by subject of other powers, when piracy 5374

FOREIGN SEAMEN,
jurisdiction of foreign consular officers over, in case of disputes 4079–4081
power to enforce awards of consular officers in cases of disputes between officers and crew 728
arrest of, on application of consular officers, for desertion 5280

FOREIGN STATIONS,
purchases of supplies for vessels on, proposals need not be advertised, &c 3721
contract for supplies, how made 3723

FOREIGN TRADE,
vessels engaged in, on northern frontiers, &c 2793, 4318
regulations of vessels in 4306–4310
(See *Collectors, Consular Officers, Customs-Officers, Duties on Imports, Vessels.*)

FOREIGN VESSELS,
rates of postage on letters carried by 4015
letters carried by, disposition of 4016
production of register, &c., on entry of 4209

Section.

FOREIGN VESSELS—Continued.
exception of vessels of certain nations 4210
delivery of register of, by foreign consul 4211
yachts granted certain privileges 4216
coastwise, manifest and permits for 4367
delivery of manifest before unlading 4368, 4369
importations in, when prohibited 2497, 2498
discriminating duty on importations in 2502
where to enter and unlade 2771
from territory adjacent northern frontiers, where to report, &c 3109
loaded in northern frontiers and transported to foreign ports for reshipment; forfeiture and tonnage duty 3110
of war, not required to make entry 2791
supplies from public warehouse 2982

FORFEITURES, (See *Fines and Penalties.*)
jurisdiction of district courts of suits for 563
proceedings on seizures under laws relating to insurrection 564
circuit courts have jurisdiction of suits to recover, under laws to enforce right to vote 629
no jurisdiction of suits for, under laws providing revenue from imports or tonnage 629
seizures for, in what district to be prosecuted 734
proceedings on seizures of vessels liable to, for violation of customs laws 923
judgment on default, &c., how rendered in suit to recover, annexed to bond, &c. 961
costs to be paid by defendant, when 974
limit of time for prosecution 1047
for what offenses, may be remitted by governors of Territories, when 1841
of real estate held by religious, &c., associations in Territories, when 1890
of teams and vehicles transporting dutiable goods to avoid duties in violation of customs laws 3062, 3063
not incurred by deviation from official documents required in customs laws and substantially complied with 2769
of merchandise not invoiced at cost, &c 2839
entered, &c., by false appliances, &c 2864
remission of, in case of non-production of invoices of goods 2858
of vessels, cars, and packages to which customs locks, seals, or fastenings have been unlawfully broken 3106
of dutiable goods in stores on boundary line, deposited there without payment of duties 3107
for landing goods entered for drawback 3049
for making false entry as to goods entered for drawback 3050
no forfeitures for accident or mistake 3051
in customs-revenue case, who to cause commencement of suits for 3087
application and distribution of proceeds of, under customs laws 3089, 3090
money in Treasury from forfeitures in certain cases appropriated toward expense of collecting revenue 3687
of goods laden at ports on northern, &c., frontier, in foreign vessels, to evade transportation laws 3110
how sued for by collector of internal revenue 3213
of distillery, apparatus, and spirits for defrauding United States 3257
distillery to be destroyed in certain cases. 3332
prosecutions for such cases not to be discontinued without written permission of Secretary of Treasury and Attorney-General 3230

Section.

FORFEITURES—Continued.
of casks and packages of adulterated spirits. 3252
of distilled spirits found in casks of five gallons or more without stamps..... 3289
of spirits unlawfully removed from warehouse..... 3299
of packages of distilled spirits for absence of marks or brands..... 3323
sale of distilled spirits under.....3334, 3458
for violation of various provisions of law relating to manufacture and stamping cigars..... 3400
in case of boiler, stills, distillery, &c., sales to be at public auction..... 3450
in case of spiritous liquors, to be disposed of by Commissioner..... 3450
of property found in possession in fraud of revenue laws..... 3453
on account of sale of goods and to avoid taxes due on same..... 3453
of property found in possession in fraud of revenue laws..... 3453
by distillers, rectifiers, liquor-dealers, and manufacturers of tobacco and cigars for omitting requirements and doing forbidden acts.....3456, 3457
proceedings in cases of seizures for, under internal-revenue laws.....3458, 3459
when value of property does not exceed $500..... 3460
for offenses against navigation laws..... 4305
by violation of regulation of vessels in domestic commerce..... 4380
on account of desertion, when applied to Soldiers' Home..... 4818
when to National Home for Disabled Volunteers..... 4831
of estates, not worked by conviction of crime..... 5326
distribution of, under laws relating to slave-trade..... 5565
under statutes in Revised Statutes prior to repeal..... 5598
of estates in case of attainder of treason, limited (*Constitution*, art. 3, § 3, par. 2, p. 25).
remission of (see *Remission*).....5292–5296

FOREMAN,
of grand jury, appointment, power to administer oaths to witnesses..... 809
of printing, and of binding, in Government Printing Office, appointment and salaries of..... 3761
to make estimates and file requisitions for materials..... 3783
what monthly statements to be made by, to Congressional Printer..... 3819
not to be interested in publication of newspapers or periodicals, nor in printing, binding, &c..... 3765

FORGING,
of signature to procure approval of claim, &c., by persons in military service p. 255, art. 60, 1342
by persons in naval service.p. 278,art. 14, 1624
writing in relation to title to lands, mines, &c., in California..... 2471
punishment for various acts of forging and fraud.....5413–5456
obligations, &c., of United States.....5413, 5414
note in imitation of national-bank notes.. 5415
letters-patent..... 5416
certificate of entry of goods, &c..... 5417
bid, guarantee, public record, &c., to defraud United States.....5418, 5479
signature of judge, register, &c., or seal of court..... 5419

Section.

FORGING—Continued.
military bounty-land warrants, &c..... 5420
deed, power of attorney, &c., to obtain money from United States, &c..... 5421
having in possession false, altered, &c., deed, power of attorney, &c..... 5422
abstract, certificate of registry of vessel, passport, clearance, debenture..... 5423
record, &c., of naturalization..... 5424
passing, selling, or concealing forged obligations..... 5431
coin or bars, or of foreign coin..... 5457
coin in similitude of minor coinage..... 5458
money-order of Post-Office Department.... 5463
postage-stamp or stamped envelope, postal card, &c..... 5464
foreign postage-stamp..... 5465
key suited to lock adopted by Post-Office Department..... 5477

FOURTH OF JULY,
not computed in bankruptcy proceedings.. 5013

FOURTEENTH AMENDMENT (to Constitution),
text of.....p. 32.
reduction of representatives to States abridging rights under..... 22
exclusion of jurors from cases concerning rights under, when in complicity to prevent enforcement of..... 822
proceedings against persons holding office contrary to third section of.....1786, 1787

FORTS,
money not to be expended upon sites for, until Attorney-General approves title and State assents to the purchase ... 355
punishment for various offenses committed in.....5339–5391

FRACTIONAL NOTES OR CURRENCY,
provisions relating to.....3572–3581
issue by private parties prohibited..... 3583
printing cards in imitation of, or upon, forbidden..... 3708
certain letters to United States Treasurer containing, may be registered free... 3932

FRAUDS,
and forgeries against operations of government (see *Crimes*).....5413–5480
duty of Solicitor of Treasury in relation to. 376
district courts to have jurisdiction of suits for forfeiture, &c..... 563
when Court of Claims may adjudge claims to be forfeited for..... 1086
punishment for, in Navy.....p. 277, art. 8, 1624
in procuring payment of claims, &c., by person in Army.....p. 235, art. 60, 1342
by person in Navy.....p. 278, art 14, 1624
detail of clerks in Pension Office to detect. 474
on revenue when and to whom reported by consuls, &c..... 2863
how punished in certain cases..... 2864
by internal-revenue officers.....3168, 3179
in manufacture of tobacco and snuff on shares..... 3370
in manufacturing cigars on shares..... 3399
by removal or concealment of goods, &c., with intent..... 3450
in execution, &c., of documents required by internal-revenue laws..... 3451
in having in possession goods with intent to sell in violation of law to avoid tax thereon.....3452, 3453
taxable articles held with intent to defraud revenue..... 3453
Commissioner of Internal Revenue may pay for detection of..... 3463
for drawbacks on distilled spirits..... 3330

Section.

FRAUDS—Continued.
by placing in or taking from post-office letter, &c., in execution of scheme to defraud by opening correspondence, &c 5480
by Congressional Printer 3784
in bankruptcy matters, by debtor, when acts of bankruptcy 5021
by bankrupt to bar discharge, &c 5110, 5132
forfeiture by creditor making 5131
void and property recoverable 5128, 5129
claim to be rejected 5081
what presumptive evidence of 5130
in registration, &c., of voters, marshals, and deputies to prevent 2222
in use of marked or stamped spirit cask or package 3326
of empty or partially empty stamped packages for tobacco and snuff 3376
of stamps for cigars 3397
of empty stamped cigar-box 3406
FRAYS,
of officers in Army to quell...p. 232, art. 24, 1342
FREEDMEN,
accounts for expenses for 2034
Hospital and Asylum in District of Columbia 2038
FREE OF DUTY (imports),
free-list alphabetically arranged in text, pp. 482–489, 2505
articles imported for use of United States, p. 483, 2505
certain fish and fish-oil from Canada, Prince Edward's Island, and Newfoundland, &c 2506
on merchandise recovered from vessels sunk and abandoned 2507
certain produce of forests of Maine sawed, &c., in New Brunswick.....2508, 2509
machinery for manufacture of beet-sugar 2510
imported for repair only to be free of.... 2511
paintings, statuary, and photographic pictures for exhibition, &c 2512
certificate of consul, &c., on American artist's declaration, to admit free, &c, p. 489, 2505
materials for construction, &c., of certain vessels may be imported in bond.... 2513
coal of steam-vessels exempt from..... 2798
certain articles needed for repair of American vessels may be withdrawn from bonded warehouse free 2514
peltries and proper goods, &c., of Indians 2515
merchandise arriving at certain ports for British provinces and Mexico..... 3005
foreign merchandise on board registered vessels 3127
baggage in transit to a foreign country..... 2803
of persons arriving in this country... p. 489, 2505
and of tools and implements of passengers arriving in United States how ascertained 2799–2803
on railroad-iron partly worn by giving bond for exportation after repair or manufacture..... 3021
remitted on imported salt for curing fish... 3022
FREIGHT,
punishment for receiving, without authority, on vessels of war....p. 277, art. 8, 1624
lien for, on merchandise in warehouse; payment of; when goods forfeited 2981
FREIGHT-BOATS,
steam-pressure allowed to, on Mississippi River and tributaries..... 4420

Section.

FRENCH LAND-GRANTS,
rights of pre-emptors on lands reserved as, and afterward found invalid 2280
FRICTION MATCHES. (See *Matches.*)
FUEL,
for Congress, by whom provided..... 73
to officers of Army in kind 1270
purchased for distillery.....3302, 3303
for government use in District of Columbia 3711, 3713
for Navy, how may be purchased 3728
contracts for, for Army or Navy, not to exceed necessities of current year..... 3732
for seamen, vessels to provide..... 4572
for superintendents of national cemeteries.. 4875
FUGITIVES, (See *Extradition.*)
from justice,
limitation of time for finding indictment of capital offense, &c., not to apply to. 1045
judges may issue warrants for arrest of .. 5270
copies of foreign depositions, on which original warrant was granted, receivable as evidence 5271
executive of State or Territory to arrest and deliver, upon demand from authority of another State, &c..... 5278
authority of agent appointed by State, &c., to transport prisoner, &c 5279
penalty for rescuing prisoner from agent.. 5279
in the Indian country to be demanded of chiefs, or otherwise obtained..... 2152
from service, return of, by persons in Navy prohibited .....p. 277, art. 8, 1624
FUNERAL EXPENSES,
allowance for in Navy..... 1587
FUR-BEARING ANIMALS, (See *Alaska.*)
in Alaska, killing, prohibited, except, &c... 1956
regulations for taking 1956–1976
FURLOUGH,
in Army, to enlisted men.....p. 231, art. 11, 1342
in Navy, authority to place officers on 1442
pay of officers on 1557
of officers retired on 1593
transfer from, to retired pay-list..... 1594
FUSIBLE PLUGS,
of boilers of steam-vessels, inspection of ... 4418

G.

GALLON,
of distilled spirits, definition of..... 3250
fractional, how taxed.....3251, 3313
GAMBLING,
punishment for, in Navy.....p. 277, art. 8, 1624
bankrupt spending estate in 5110, 5132
GARNISHEES,
proceedings by United States against debtors of corporations as.....935–937
GARRISON COURTS,
appointment of.....p. 238, art. 82, 1342
jurisdiction of.....p. 238, art. 83, 1342
GAUGE-COCKS,
of boilers of steam-vessels, inspection of ... 4418
GAUGERS (customs),
for certain ports 2606, 2607
extortion by, neglect of duty, &c..... 2637
salary of head gauger at New Orleans 2740
at New York, limitation on..... 2741
at Boston..... 2742
to make returns of goods gauged 2890
merchandise not to be removed from wharf before being gauged, &c 2882
when invoice of, does not contain weight, &c., gauger's expense to be paid by owner..... 2920
GAUGERS (internal revenue),
appointment, oath, and bond..... 3156
under supervision of collector..... 3156

Section.

GAUGERS (internal revenue)—Continued.
compensation of 3157
may be transferred or suspended..... 3163
receiving-cisterns and room to be in charge of..... 3267
spirits drawn under his supervision 3267
to gauge, prove spirits, mark casks, and place thereon warehouse stamp 3287
penalties relating to.....3290, 3292
to make daily return..... 3291
to stamp spirits removed from warehouse.. 3295
to make daily report to collector of stamps used, other than tax-paid, and return book of stubs..... 3314
to gauge and stamp rectified spirits..... 3320
distilled spirits on premises of wholesale dealer (*repealed*)..... 3321
to gauge and brand spirits drawn into new packages containing ten gallons 3323
Commissioner to prescribe rules for 3249

GENDER,
masculine includes females 1

GENERAL ISSUE,
in actions for infringement of patents..... 4920
under copyright laws..... 4969

GENERAL LAND OFFICE, (See *Lands, Public.*)
Commissioner of, appointment, salary..... 446
general duties of..... 453
custody of seal and books 454
to make plats, and furnish information, &c., to President or either house.... 455
to audit accounts relating to public lands. 456
recorder of, appointment, salary 447
principal clerk of public lands and principal clerk of private land-claims 448
chief clerk of, to perform duties of Commissioner in his absence 448
principal clerk of surveys..... 449
secretary and assistant to sign land-patents.....450, 451
clerks, &c., not to be interested in purchases of public lands..... 452
warrants for military lands to be recorded.. 457
patents issued from, how issued and signed. 458
duties of recorder of..... 459
authenticated copies of papers in..... 460
fees for exemplification, &c., of papers 461
copies of books, &c., in, when in evidence.. 891
duplicate of oaths of pre-emption claimants to be transmitted to..... 2262
map and statement of town-sites to be filed 2382

GENERAL OFFICERS (of Territorial Militia),
election, appointment of.....1856, 1857

GENERAL OF THE ARMY,
office of, when to cease..... 1094
pay and title of..... .....1095, 1561
aids to 1096

GENERAL ORDERS (in Navy),
punishment for disobeying...p. 277, art. 8, 1624

GEODETIC SURVEYS,
continued in Oregon and California 2409

GEOLOGICAL SURVEYS,
no further, to be made without authority.. 2406

GEORGIA,
judicial districts in..... 535
district judge in..... 552
terms of district courts in..... 572
adjournment of, in, or non-attendance of judge 584
terms of circuit courts in..... 658
district attorney of southern district of, to perform duty in northern..... 767
marshal of southern district of, to perform duty in northern 776

Section.

GEORGIA—Continued.
office of marshal in northern district of, where to be kept, mileage, &c 777
collection districts, ports of entry and delivery, and officers in (see *Collection Districts, Ports of Entry*) 2559, 2560
collectors of customs at Savannah and Brunswick, may grant permits to unload vessels 2561
merchandise for Augusta, may be entered at Savannah..... 2817

GIFT ENTERPRISES,
registered letters to persons conducting, may be returned to sender 3929
money-orders to, refused payment 4041
letters, &c., concerning, not mailable..... 3894

GIFTS,
diplomatic and consular officers not to take. 1751
penalty for soliciting or receiving, from employes, by superiors in office..... 1784
for acceptance of, by inspector, gauger, weigher, or measurer of customs 2637
by internal-revenue officers for compromise, &c., of violation of law 3169
by marshals or district attorneys for compromise, &c 3170
for officers of customs receiving, for services performed, &c.....4187, 4373
for making or offering, to, by persons engaged in importation, &c., of goods.. 5452
for judge or officer of court of bankruptcy receiving 5012

GLASS,
excluded from mail 3878
duties on.....p. 476, 2503

GLOVES,
imported kid and other, how appraised.... 2913
duties on.....p. 476, 2504

GOLD, (See *Assay, Coin, Mints.*)
shippers of, to notify carrier, &c 4281
banks, organized to issue notes payable in 5185
reserve of, redemption by 5186
of San Francisco not required to redeem notes in New York..... 5195
not required to take notes of currency banks at par..... 5196
bars, may be cast by mints 3518
bullion, deposited for coinage, &c 3519
weighing and ascertaining fineness of.... 3521–3523, 3525
coinage-charge on, *repealed by act of* 1875, *note after* 3524
coins (see *Coins*), duties on imports to be paid in.....3009, 3473, 3474
when receivable at nominal value..... 3505
denomination, weight, and fineness of.. 3511, 3514
certain, to be recoined..... 3512
silver, to be exchanged for, at par..... 3527
deviations allowed in..... 3535
trial-pieces of..... 3539
to be a legal tender 3585
coinage to be reported by mint superintendents 3503
ingots, deviation allowed in 3533
assay commission to examine and test coins. 3547
sale and purchase of, by Secretary of Treasury 3699, 3700

GOVERNMENT PRINTING OFFICE, (See *Congressional Printer.*)
under Congressional Printer..... 3758
materials, &c., purchased for 3760
foremen of printing and binding in..... 3761
clerks in, appointment and salaries of 3762
employés in, wages, &c., of..... 3763
when printing in, to be done at night 3764

Section.

GOVERNMENT PRINTING-OFFICE—Continued.
- Congressional Printer and foremen not to be interested in publishing newspapers, nor in certain contracts ... 3765
- paper for, estimates required ... 3766
- standards of, how fixed ... 3767
- advertisements for proposals to furnish ... 3767
- what to specify ... 3768
- samples of standard, for ... 3769
- award of contracts for ... 3770
- time for filling contract for ... 3771
- approval of contract for ... 3772
- comparison of, furnished with standard ... 3773
- disputes as to quality of, furnished ... 3774
- default of contractor for, how new contract made and temporary supplies procured ... 3775
- contractor liable for increased cost ... 3776
- prosecution of defaulting contractor ... 3777
- purchases in open market for, how authorized ... 3778
- account of, to be kept and reported to Secretary of Interior ... 3820
- engravings of maps, diagrams, &c., for documents, how procured ... 3779, 3780
- maps for report of Commissioner of General Land Office ... 3781
- payment for engraving, &c ... 3782
- foremen of, to make estimates and file requisitions for materials ... 3783
- what printing and binding may be done at ... 3785, 3786
- registered bonds and written records may be bound at the Treasury Department ... 3787
- reports of officers in charge of bureaus ... 3788
- form and style of printing, &c., for departments, how determined ... 3790
- number of copies of bills, joint resolutions, and documents to be printed ... 3791–3801
- accounts kept with departments ... 3802
- extra copies of documents for private persons ... 3809
- estimates of amounts required for salaries, wages, engraving, and other expenditures to be submitted annually to Register of Treasury ... 3814
- accounts of, to be rendered quarterly to the Secretary of the Treasury ... 3815, 3817
- advances, how made to Congressional Printer ... 3816
- foremen of printing and binding in, to furnish monthly statements ... 3819
- report concerning, to Congress ... 3821
- estimate of expenses of, to be submitted to Congress by Congressional Printer ... 3822

GLYNOIN OIL,
- not to be shipped on passenger-vessels ... 4278
- penalties for carrying on passenger conveyances in violation of law ... 5353–5355
- how packed and marked for shipment ... 4279
- regulations of traffic in, may be made by States ... 4280

GRAIN,
- customs duties on ... p. 468, 2504
- how estimated ... 2919
- how stored in bonded warehouse ... 2959
- quantity of mash to represent one bushel ... 3264
- may be ground on distillery-premises for distillation ... 3266
- penalty for delivery of, at distillery having no sign ... 3279
- not to be mashed at distillery between Saturday and Monday ... 3283
- fifty-six pounds to the bushel in determining quantity of, used at distillery ... 3309

Section.

GRAND JURY,
- by what number of jurors indictments to be found ... 1021
- number of persons in ... 808
- foreman of ... 809
- when to be summoned ... 810
- when discharged ... 811
- in district court may take cognizance of offenses in jurisdiction of circuit court ... 813
- in western district of Arkansas ... 814
- in Indiana and Kentucky ... 815
- in North Carolina to attend special terms ... 816
- in South Carolina to attend district court sitting in western district ... 817
- in Vermont to be charged by circuit court as to crimes cognizable in district ... 818
- causes of disqualification and challenge of ... 820
- additional oath which may be required of ... 821
- in cases for enforcing fourteenth amendment, persons excluded who are in complicity, &c., oath ... 822
- corruptly endeavoring to influence, intimidate, &c ... 5404, 5405
- conspiring to influence, or to injure, on account of indictment ... 5406

GRAPES,
- brandy from, exempt from certain internal-revenue laws ... 3255
- exemptions from tax of wine, &c., made from ... 3328

GRATUITY, (See *Gifts.*)
- to seamen on promotion for distinguished conduct in battle ... 1407

GREAT BRITAIN,
- gold coins of, may be received in payment for public lands ... 2366
- par of, exchange with ... 3565
- vessels of, in coasting-trade on lakes, &c., under treaty ... 4347
- suspension of privilege by President ... 4347
- salaries of minister and secretaries to ... 1675

GREENPORT, N. Y.,
- cargoes for port of, to be entered and duties paid at Sag Harbor ... 2535, 2537
- enrollment and license of vessels at ... 4345

GUANO ISLANDS,
- when discovery of, considered as appertaining to United States ... 5570
- notice of discovery and proofs to be furnished to Department of State ... 5571, 5572
- exclusive privilege of discoverer ... 5573
- restrictions upon exportation, &c ... 5574
- regulation of guano trade ... 5575
- crimes and offenses committed on ... 5576
- President to employ land and naval forces for protection of discoverer's rights ... 5577
- United States may abandon ... 5578

GUARD (in Army),
- punishment for quitting ... p. 233, art. 40, 1342

GUARDIANS,
- when excluded as witnesses ... 858
- may sell homestead for children ... 2292
- of children of soldiers, &c., under homestead law to be accredited by Interior Department ... 2307
- register in bankruptcy not to be, &c ... 4996
- holding national-bank stock not liable ... 5152
- pension to be paid to ... 4703, 4706, 4766
- to joint pensioners having different ... 4707
- penalty for embezzling, &c ... 4783, 5486

GUNBOATS,
- persons serving on, when to have pension ... 4693
- rate of total-disability pension to ... 4695
- pension to dependent relatives of persons killed, &c., on ... 4710

Section.

GUNPOWDER,
in bonded warehouse when to be sold 2975
storage of, in public or private warehouse.. 2962
drawback on foreign saltpeter manufactured into, &c 3026
for Navy, purchases of, not subject to provisions as to advertising, &c 3721
penalty for shipping, without notice 4288
on steam passenger-vessels not to be carried except under special license 4472
license to carry, on passenger-vessels..... 4422
penalty for carrying, contrary to law..... 4424
how packed and marked for shipment..... 4475
penalty for shipping, contrary to law..... 4476

GUNNERS,
in Navy, number and appointment of 1405
to be known as warrant-officers..... 1406
assimilated rank to 1491
pay of..... 1556

H.

HABEAS CORPUS,
writ of, in cases removed from State court against person denied civil rights, &c.. 642
in cases removed, &c., against officers and others acting under revenue law or elective franchise law, &c..... 643
may be issued by Supreme Court, circuit and district courts 751
granted by justices and judges, &c 752
not to extend to prisoner in jail unless 753
application for, how made and verified.... 754
to be issued unless, &c.; how directed..... 755
return of, time for 756
to show cause of detention..... 757
body to be brought on return of 758
hearing of, time for 759
traverse of return, counter-allegations; amendments 760
summary hearing upon 761
notice to attorney-general of State 762
appeals to circuit court, in what cases 763
from circuit to supreme court, in what cases..... 764
on what terms taken..... 765
pending appeals, proceedings in State courts or by State authorities, void 766
courts of Territories may grant..... 1912
writs of error and appeals from, to Supreme Court of United States..... 1909
seamen committed for refusal to sail not discharged for want of form, &c..... 4558

HALF-PAY PENSIONS,
to widow or child of officer, private, &c., in militia, dying in service 1656
under former acts to continue..... 4725
to continue how long 4726
not to exceed what rate 4727
to naval officers, &c..... 4728
to Navy widows, &c 4729
to soldiers, &c., in Mexican war 4730
to widows, &c., of soldiers in Mexican war..... 4731
in war of 1812 and Indian wars 4732
continued, &c 4733

HARBORING,
deserters from naval service 1553
by persons in same.....p. 277, art. 8, 1624
workmen of armory or arsenal..... 1668
seamen deserters, penalty for..... 4601
soldier or seaman who has deserted, knowing, &c..... 5455

HARBORS,
rivers and, provisions concerning 5244–5255
harbor of Michigan City, Ind., to be free of toll and charge 5247

Section.

HAY,
loose, not to be carried on passenger-vessels. 4472

HEADS OF DEPARTMENTS. (See *Departments, Executive Departments.*)

HEALTH, (Public,)
quarantines and other health laws of States observed by United States officers, &c. 4792
States not to collect tonnage or impost duties without consent of Congress 4792
collector may allow vessel to discharge elsewhere than at port of entry 4793
warehouses to be erected for deposit of merchandise in quarantine 4794
deposit of cargoes in, rate of storage, &c. 4795
entry of vessels subject to quarantine..... 4796
no part of cargo to be unladen otherwise than allowed by law 4796
in case of contagious or epidemic disease, revenue officers may be removed to other places 4797
public offices may be removed from seat of government in 4798
Supreme Court may adjourn to any other place 4799
circuit and district judges may adjourn .. 4799
prisoners may be removed..... 4800
cost of removal of officers to be reported to Congress 1776

HEMP, JUTE, FLAX, ETC.,
hemp, statistics of, in census returns 2184
not to be carried loose on steam passenger-vessel 4472
baled, how carried..... 4472
penalty 4473
in Navy, contracts for.....3718–3722
American growth, &c., preferred 3725
customs duties on, flax, hemp, manila, tow, jute, sunn, and sisal grass..p. 462, 2504
brown and bleached linens, ducks, canvas, &c., linen yarns for carpets, linen thread, twine, &c .....p. 462, 2504
thread-lace, insertings, burlaps, oil-cloth foundations, &c.....p. 463, 2504
bagging for cotton, cotton bags, &c..... p. 463, 2504
cables and cordage tarred and untarred, seine, sail-duck, &c .....p. 463, 2504
Russia sheetings, grass-cloth, jute-yarns, and all other manufactures of..p. 463, 2504

HIGH SEAS,
offenses committed upon, in what district to be tried..... 730
and places within exclusive jurisdiction of United States punishment for various offenses upon (see *Offenses*) ..5339–5391

HIGHWAYS,
right of way granted for construction of, over public lands 2477
all navigable rivers in former Territories of Orleans and Louisiana to be public . 5251
in territory of public lands to remain public 2476

HOGSHEAD,
of fermented liquors, contents of..... 3339

HOME (Soldiers'), (See *Soldiers' Home.*)
provisions concerning 4814–4824
retired officers assigned to duty at..... 1259
permanent appropriation for..... 1259
National Home for Disabled Volunteers,
provisions for (see *that title*) 4825–4834

HOMESTEAD,
entry of public land for purpose of..... 2289
oath of applicant; fees 2290
certificate and patent..... 2291
proof of residence, occupation, or cultivation (*new*)..... 2291
rights inure to benefit of children..... 2292

Section.

HOMESTEAD—Continued.
affidavit before clerk of county court..... 2294
record of applications for, how to be kept..... 2295
not liable for debts prior to patent..... 2296
land abandoned to revert to government .. 2297
limit of quantity of land for..... 2298
laws not to impair pre-emption rights..... 2299
settlers may have patent on paying for lands, when..... 2301
no distinction of race or color..... 2302
mineral lands excluded..... 2302
lands in certain States named to be disposed of only for (*repealed, and lands required to be sold*)..... 2303
soldiers, sailors, and persons in military and naval service may acquire, &c....2293, 2300, 2304, 2305
must reside on, &c., for at least a year .. 2305
who have entered less than 160 acres, may enter additional land..... 2306
widow and minor children of, entitled to homesteads, when..... 2307
service in Army or Navy equivalent to residence..... 2308
patent to second tract determined by residence, &c., on first..... 2308
entry by attorney, &c., or in person..... 2309
chiefs, &c., of Stockbridge Munsee Indians may acquire..... 2310
their homesteads exempt from tax, &c .. 2311
become citizens; rights, &c..... 2312
Ottawa and Chippewa Indians may enter certain lands as..... 2313
selection of homesteads for children..... 2314
certain settlers on their lands may acquire homesteads..... 2315
selections, by Indians, heretofore made, to be patented, &c..... 2316
granted for cultivating trees, &c..... 2317
not impaired by mining claims..... 2330
agricultural lands in mining districts subject to..... 2331
subject to water rights..... 2340
on lands reserved as mineral, but no mines discovered, rights of settlers on..... 2341
segregation of agricultural from mineral lands..... 2342
commissions to be paid by applicants..... 2238
right of, attaches to land withdrawn from market in California..... 2367

HONORABLE DISCHARGE,
certificate to be returned by accounting officers..... 282
pay for re-enlisting in Army..... 1284
in Navy..... 1426
form of..... 1427
report of men entitled to..... 1429
pay for re-enlisting in Navy under..... 1573

HORSES,
soldiers losing or selling, &c..p. 231, art. 17, 1342
allowance of forage for, in Army..... 1271
of mounted companies of militia called into service..... 1653
condemned, for unfitness for military service, to be paid for..... 3485
lost in military service, provisions concerning.....3482–3487, 3489
permanent appropriation for.....p. 727, 3689
when mail may be carried on railway routes by..... 3999

HOSPITALS,
Hospitals for relief of seamen.....4801–4813
Soldiers' Home.....4814–4824
National Home for Disabled Volunteer Soldiers.....4825–4837
Government Hospital for Insane....4838–4858

Section.

HOSPITALS—Continued.
Columbia Institution for Deaf and Dumb.....4859–4869
on vessels carrying passengers..... 4254
in Army, allowance of sick-diet in..... 1175
employment of women as nurses..... 1238
of matrons in..... 1239
pay of matrons and nurses..... 1277
attendants in, to have gratuitous issue of clothing in certain cases of contagious disease..... 1298
stewards authorized..... 1094
appointment of, for posts..... 1179
attachment to Medical Corps..... 1180
grading of..... 1181
pension to relatives of..... 4710
in Navy, Secretary to have general superintendence of..... 4807
deduction of pay from officers and men for fund of.....1614, 4808
fines imposed on officers and men to be appropriated to fund of..... 4809
purchase and erection of..... 4810
allowance of rations to..... 4812
pensions to be deducted from account of pensioner during his stay in..... 4813
asylum for aged, &c., officers and men established at one of.....4810, 4811
clerk to paymaster at.....p. 268, 1556
half-pay in lieu of benefits of..... 4756
Marine, President may receive gifts in aid of..... 4801
supervising surgeon of, appointment and duties..... 4802
fund for, deposits by collector of customs; appropriation and employment of... 4803
persons employed on canal-boats in coasting-trade excluded from..... 4804
sick foreign seamen admitted to..... 4805
buildings, &c., leased or sold, when..... 4806
tax to be collected from masters or owners of vessels..... 4585
from master or agent of vessel sold abroad..... 4586
to be deducted from wages of seamen. 4587
disposition of proceeds of sale of....3618, 3692
permanent appropriation for.....p. 726, 3689

HOUSEHOLD FUNITURE,
to amount of $300, exempt from distraint for internal-revenue taxes..... 3187
exemption of, in bankruptcy proceedings.. 5045

HOUSE OF REPRESENTATIVES, (See *Congress.*)
Apportionment and election of..... 20–27
Organization and meetings..... 28–34
Compensation of members..... 35–51
Officers and persons in employ of..... 52–79
Congressional investigations.....101–104
Contested elections.....105–130
members, apportionment of..... 20
on admission of new States..... 21
reduction of, from State abridging rights under fourteenth amendment to Constitution..... 22
elected by districts..... 23
at what time..... 24, 25
by ballot..... 27
in case of vacancies..... 26
Delegates from Territories..... 1862
election in Washington and Idaho 1905
from Washington, Idaho, and Montana, must be citizen of United States 1906
organization of..... 30–34
oath of Speaker and members..... 30
roll of members..... 31–33
compensation of..... 35–51
of Speaker..... 37

Section.

HOUSE OF REPRESENTATIVES—Continued.
in case of contested elections..... 38
payable monthly 39
officers and employés and their salaries.... 52–55
contingent fund of..... 63, 76
copies of documents, books, and journal of, to be deposited in Congressional Library 97, 98
officers and employés of, not to act as agent, or attorneys, or assist in support of claims against United States, nor receive share of, nor gratuity from..... 5498
members of, to be appointed on Joint Committee on Public Printing (see *Joint Committee on Printing*)..... 3756
three, to be on Joint Committee on Library (see *Joint Committee on Library*)..... 82
committee to have direction of superintendent and employés of Botanical Garden 1827
as visitors to West Point Military Academy 1327
duties and compensation as such visitors. 1328, 1329
as regents of Smithsonian Institution. 5580, 5581
candidates as cadets-midshiman at Naval Academy to be nominated by..... 1514
expenditures of, when made up and reported 3680
mileage of officers serving process (*repealed*)..... 74
furniture and carpets for, how purchased.. 1816
Sergeant-at-Arms of, to make rules for protection of property, &c., at Capitol.. 1820
Clerk of, oath, salary..... 30, 53
bond of 58, 59
to make roll of members, &c..... 31–33
statements by, to Congress 60, 61, 70, 72
to publish annually statement of appropriations, offices created, and salaries increased..... 64
to advertise for stationery 65–68
may contract for stationery in parts..... 68
home manufacture to be purchased by .. 69
fees of, for transcripts from journals..... 71
to transmit petitions, &c., for private claims to Court of Claims..... 1060
printing, binding, &c., on requisition of. 3789
to select papers in certain States in which advertisements to be published, &c.. 3823–3826
to notify such selection..... 3824
in District of Columbia..... 3826
to furnish documents to National Home for Disabled Volunteer Soldiers..... 4837
Doorkeeper of, to make roll of members, when..... 33
salary of 53
to render annual account of property.... 72
duty of, during recess of Congress..... 73
Contested elections of members.....105–130
notice and answer 105, 106
taking testimony in.....107–109
subpœnas, by whom issued, &c.....110, 111
justices of peace may act, when..... 112
depositions taken without notice..... 113
witnesses in, provisions in regard to....114–117
additional officer to take testimony..... 118
party may appear by agent or attorney.. 119
examination of witnesses.....120–122
production of papers 123
adjournments in taking testimony 124
subpœna, &c., to be attached to depositions..... 125

Section.

HOUSE OF REPRESENTATIVES—Continued.
contested elections—Continued.
certifying, transmission, &c., of testimony.....126, 127
opening of deposition 127
fees of witnesses and officers.....128, 129
expenses of parties not paid by House... 130
HYDROGRAPHIC,
office attached to Bureau of Navigation.... 431
maps, charts, &c., to be prepared at..... 432
surveys, restrictions on publishing foreign.. 3686
HYDROMETERS,
to be adopted for proof of imported liquors..... 2918
for use by Commissioner of Internal Revenue..... 3249
HYDROSTATIC PRESSURE,
in testing boilers of steam-vessels..... 4418
HYPOTHECATION,
of vessels to be recorded by collectors of customs.....4192, 4193
collectors, to keep index of, &c..... 4194
fee for recording..... 4382

I.

IDAHO TERRITORY,
provisions common to all Territories (see *Territories*) 1839–1895
establishment and boundaries of..... 1902
Delegate from 1905
to be citizen of United States 1906
elections of Territorial officers, &c 1905
judicial power, &c., in.....1866, 1907
writs of error and appeals in, to Supreme Court 1909
district courts in, courts of United States, &c..... 1916
judicial districts in, &c..... 1914
members of council and house of..... 1922
extra sessions of legislature..... 1923
justices of peace in, jurisdiction..... 1926
penitentiary in, care and custody of..... 1936
maintenance of prisoners by..... 1937
contingent expenses of executive department of, annual appropriation for... 1935
legislative expenses of, provisions for..... 1940
salaries of governor, &c., of, not payable until duties entered upon..... 1941
mileage of members of legislature 1943
seat of government may be changed 1945
public lands for school purposes in..... 1946
Indian agencies, &c., in, continued..... 1949
disbursing officers in, to give security 1951
appointment of surveyor-general for..... 2207
salary of 2210
office of, to be located at Boise City 2213
fifty per cent. addition to certain fees of registers and receivers in 2238
land districts in..... 2256
customs collection district in, (see *Collection Districts*) 2593, 2594
ILLINOIS,
United States courts in (see *Circuit Court, District Court*) 536, 572, 604, 658
records of courts in northern district of, destroyed by fire, how supplied..... 902
land districts in..... 2256
collection districts and ports of entry and delivery (see *Collection Districts, Ports of Entry*) 2601, 2602
additional officers for 2569, 2606
ports of, in the collection district of New Orleans 2568
merchandise for certain ports in, may be entered at New Orleans 2823

Section.

IMITATION WINES,
internal-revenue tax on 3328
IMMIGRATION,
from Oriental countries, involuntary, prohibited 2158–2162
States not to impose unequal charges upon. 2164
IMMORAL AND INDECENT ARTICLES,
not mailable 3893
not to be imported 2491, 2492
IMPORTS AND IMPORTATION, (See *Entry of Merchandise, Customs Duties, Commerce, and Navigation.*)
Secretary of Treasury to direct superintendence of collection of duties and taxes, on imports and tonnage 249
to give instructions to prevent importation of impure and adulterated drugs, medicines, and chemicals 2612
to make regulations as to bond for exportation without payment of duty of imported railroad iron partially worn after being repaired or manufactured 3021
to furnish condensed statement of amount of, to Congressional Printer before November annually 3812
bond and warehouse system for storage and transportation of imported goods 2954–3008
privilege of transporting in bond from or to Europe, Asia, and adjacent islands .. 2997
from British North America, how transported to ports from which exports may be made with allowance of drawback 3053
transportation of, to British North American provinces, how made 3054
may be brought into United States in collection districts on northern and northwestern boundaries in vessels of any burden or in rafts or carriages ... 3096
not to be brought into other districts except in vessels of thirty tons or otherwise, as prescribed 3095
prohibition
of obscene articles and their condemnation 2491, 2492
of neat-cattle and their hides, when .. 2493–2495
of watches, &c., with trade-mark, &c., of domestic manufacture 2496
in foreign vessels in certain cases 2497, 2498
of dutiable articles in public vessels ..... p. 278, art. 12, 1624
regulation of importation of fire-arms and spirits in Alaska 1955
IMPRESSMENT OF SEAMEN,
duty of master of vessel in 4589
penalty for neglect to protest 4590
report as to, to Secretary of State 4591
IMPRISONMENT,
not allowed in case of division of opinion between judges 651
nor for debt-processes of United States courts in States where, abolished 990
before indictment not extended by summoning grand jury during term 810
bail may be taken in States where imprisonment for debt is not abolished 942
Postmaster-General may discharge persons imprisoned on execution in civil cases under Post-Office Department laws. 410, 411
privilege of jail-yard in cases of 992
by whom offenders against United States may be committed to 1014
execution to enforce payment of fine, &c., not a discharge from 1041
discharge from, as by State laws 991

Section.

IMPRISONMENT—Continued.
when, for non-payment of fine or fine and costs 1042
by Secretary of Treasury 3471
by President 3472
in Territorial penitentiaries 1894, 1895
of public minister, penalty for 4062
process for, or their domestics, void 4063
consular courts may punish by 4101
for debt, when foundation for adjudication in bankruptcy 5021
from malice, &c., of crews of vessel 5347
INCORPORATIONS. (See *Corporations.*)
INDEPENDENT TREASURY, (See *Public Money.*)
provisions respecting 3591–3613
INDIANA,
judicial district of 531
deputy clerks at New Albany and Evansville 559
district court in, terms of 572
duration of, at one place not limited by intervening term elsewhere 577
according to convenience and in case of intervening term 577, 579, 580
adjournment of, in case of non-attendance of the judge 584
by clerk, by written order of the judge. 585
circuit court in, terms of 658
special sessions of 665
what business may be transacted at 670
deputy clerks of, for what places appointed 625
suits instituted at New Albany and Evansville, how commenced 743
petit and grand juries, how summoned in .. 815
boundaries of land district in, established .. 2256
collection districts and ports of entry and delivery in 2601, 2602
additional officer for 2569, 2606
ports of entry, &c., of, in collection district of New Orleans 2558
merchandise for certain places in, may be entered at New Orleans 2823
for Jeffersonville, inspected at Louisville, may be entered at former place. 2967
INDIANOLA (Texas),
imports for exportation in bond to Mexico without payment of duties may pass through port of 3004
port of entry, provisions for 2578, 2579
INDIAN AFFAIRS,
officers of, their duties and compensation 2039–2078
additional security may be required of officers of 2075
compensation for traveling expenses of officers of 2077
compensation allowed to be in full for all services except contingent expenses and travel in certain cases 2076, 2077
Commissioner of, appointment and salary of 462
to have management of Indian affairs ... 463
duties as to accounts of Indian affairs ... 464
regulations of Indian affairs by President. 465
as to claims for Indian depredations ... 466
sales of arms, &c., in territory of uncivilized Indians 467
annual reports of 468, 469
to report to Congress Indian hostilities .. 2100
to consult Indian commissioners in making purchases for Indians 2041
to direct purchase of goods for Indians .. 2083
to remove persons from reservations 2149
Agents, appointment of 2052
dispensed with when practicable 2053

Section.

INDIAN AFFAIRS—Continued.
Agents—Continued.
required to perform additional duties.... 2053
to report direct to Commissioner, when.. 2054
salary of; term of office; bond.....2055–2057
duties of 2058
to live near tribes..... 2060
not to depart without permission..... 2060
residence of, &c., in California..... 2061
military officers may be required to perform duties of 1224, 2062
restrictions on pay of, for extra services.. 2063
may take depositions, acknowledgments, administer oaths, &c 2064, 2157
evidence in pension cases taken before... 4721
appointment of subagents 2065
of special agents 2067
may suspend interpreters, when..... 2068
additional security may be required of, and of other officers..... 2075
to be present at and certify to delivery of goods and annuities 2088
restrictions on advances to..... 2092
advising or sanctioning illegal contracts.. 2105
payments on receipts of, how restricted.. 2107
to protect Indians desiring to adopt habits of civilized life..... 2119
to sell cattle for Indians, when..... 2127
to approve and issue trading-licenses, when 2129
may refuse trading-licenses, when..... 2130
to grant passports to foreigners entering Indian country 2134
may search for concealed liquors..... 2140
to destroy distilleries in Indian country.. 2141
to remove persons in Indian country contrary to law 2147
to procure arrest, &c., of Indians guilty of crimes..... 2152
to apply to tribes for satisfaction for injuries to property by Indians, &c..... 2156
Agencies in Idaho and Montana, continued. 1949
may be discontinued or transferred, when. 2059
limits of, how established 2066
Annuities under treaties may be paid in coin, when 2081
when may be paid in goods..... 2082
purchases and payments, how made..... 2083
commissioners, board of..... 2039
to serve without compensation..... 2039
secretary to 2040
to supervise expenditure for Indians..... 2041
to inspect goods purchased 2041
may investigate contracts, expenditures, and accounts of Indian service..... 2042
special appointment of 2067
contracts to be in writing, and other provisions respecting..... 2103
restrictions upon payments under..... 2104
penalty for receiving money under prohibited contracts..... 2105
assignments of, restricted..... 2106
country, government of 2127–2157
sale of cattle of Indians in, by agents of. 2127
trading with Indians in 2128
license to trade in.....2129–2131
prohibition of trade in 2132–2133
foreigner entering, without passport..... 2134
purchasing certain articles from Indians. 2135
selling arms to hostile Indians in, &c 2136
hunting and trapping in, by whites 2137
removing cattle from, penalty 2138
selling spirituous liquors in, penalty..... 2139
search for and destruction of such liquors 2140
distillery in, to be destroyed, &c 2141
assault with intent to kill, penalty 2142

Section.

INDIAN AFFAIRS—Continued.
country—Continued.
arson, penalty 2143
laws relating to forgery and mail depredations extended to..... 2144
laws as to crimes extended to.....2145, 2146
removal of persons in, contrary to law..2147, 2149
penalty on person removed returning to. 2148
employment of military force in enforcement of laws in, &c 2150, 2151
arrest of Indians in, fugitives from justice 2152
executing process in..... 2153
reparation to friendly Indians in, for injury to property by whites.....2154, 2155
injury by Indians in, reparation 2156, 2157
depredations, militia employed in suppressing, in Florida 1657
paid only from special appropriations ... 2098
funds, restrictions upon application of.... 2097
inspectors, appointment and term of office of 2043
salary and allowances of..... 2044
statement of expenses of 2044
interpreters, appointment, &c..... 2068
preference of Indians in appointment of. 2069
salaries of 2070
to witness delivery of annuities and goods 2089
lands, United States may regulate, in Territories..... 1840
disposal of proceeds of sales of..... 2093
reservations, how to be surveyed..... 2115
scouts, in Army..... 1094
enlistment of 1112
pay of..... 1276
subagents, limits of subagencies..... 2066
appointment of 2065, 2067
duties, compensation, and bond of..... 2065
to be present and certify to delivery of annuities and goods..... 2088
when to approve and issue trading-licenses..... 2129
to grant passports to foreigners entering Indian country 2134
to search for and destroy concealed liquors and distilleries in Indian country.2140, 2141
to procure trial of Indians guilty of crimes 2152
to apply to tribes for reparation for injury by Indians 2156
superintendents, appointment of, for certain tribes..... 2046
offices of four, abolished..... 2047
assignment or discontinuance of remaining four by President..... 2047
superintendencies in Idaho and Montana continued..... 1949
examination of, by Indian inspectors.... 2045
limits of, how established 2066
term of office, bond, duties of.....2048–2050
temporary clerks for 2051
to be present at and certify to delivery of goods and annuities to Indians..... 2088
disbursements of moneys to Indians..... 2089
restrictions on advances to..... 2092
restriction on payments on receipts of... 2107
to protect Indians desiring to adopt habits of civilized life..... 2119
to suspend, &c., chiefs or headmen for trespass, when..... 2120
to approve and issue trading-licenses.... 2129
to refuse licenses, when 2130
appeal from, to Commissioner 2130
revocation of license by..... 2131
to grant passports to foreigners entering Indian country 2134

Section.

INDIAN AFFAIRS—Continued.
superintendents—Continued.
to search for concealed liquors 2140
to destroy distilleries in Indian country.. 2141
to procure trial of Indians guilty of crimes 2152
to apply for reparation for injuries to property by Indians.....2156, 2157
supplies, in place of money annuities, how purchased and disbursed 2083, 2084
claims for unauthorized purchases of 2085
modes of distributing.....2086, 2087
who present and certify to delivery of... 2088
to fulfill treaty, how disbursed..... 2089
distributed to chief for tribe 2090
annual accounts by officers charged with. 2091
not to be delivered to chiefs who have violated treaties..... 2101
restrictions on payments to contractors.. 2107
report to be made of number of Indians present and receiving 2109
rations to Indians visiting military posts. 2110
treaties, revision of, to be bound and deposited with Secretary of Interior. (*Appendix*, p. 1091.)
not to be made hereafter 2079
obligations of, prior to 1871..... 2079
may be abrogated with tribes hostile 2080
annuities under, paid in coin, when..... 2081
purchases of merchandise to fulfill 2082
disbursements to fulfill, how made..... 2089
disposal of proceeds of lands ceded by... 2093
appropriation to carry out, ceding lands.. 2094
investments of stock required by..... 2095
investment of proceeds of lands ceded by 2096
jurisdiction of Court of Claims not to extend to claims growing out of..... 1066
trust lands of Osage Indians.....2283, 2284
INDIANS, (see *Indian Affairs.*)
rights of, not impaired by statutes relating to Territories, &c 1839
United States may make regulations respecting, in Territories 1840
not taxed, excluded in basis of representation in Territories..... 1849
supervision of, expenditure of appropriations for, &c..... 2041
examinations as to number and condition.. 2045
preference to, to be interpreters..... 2069
instruction of..... 2071
tribes may direct employment of teachers and mechanics and others in certain cases. 2072
services of agents, subagents, interpreters, and mechanics may be discontinued by Secretary of Interior 2073
employés of United States not to trade with. 2078
performance of engagements between United States and 2079–2110
not to be recognized as independent nations nor treaties made with 2079
treaties before March 3, 1871, valid..... 2079
treaties with hostile tribes may be abrogated 2080
payment of annuities to, in coin..... 2081
in goods..... 2082
purchase of goods for, how made.....2083, 2084
without authority not to be paid..... 2085
paying annuities and distributing goods to. 2086, 2090
no delivery to chiefs violating treaties... 2101
prevention of sale of liquors to..... 2087
certification of delivery of goods and money. 2088
disbursement of money to fulfill treaty 2089
annual settlement of accounts for disbursement of money or goods to 2091
restrictions on advances to superintendents. 2092

Section.

INDIANS—Continued.
sale of lands of, disposal of proceeds..... 2093
appropriation to carry out treaties with.... 2094
investments of stock according to treaties.. 2095
investment of proceeds of lands of, sold.... 2096
misapplication of funds prohibited 2097
depredations by, to be paid only from special appropriations therefor..... 2098
restrictions on appropriations for education. 2099
no payment to hostile tribes..... 2100
report to Congress of cases of hostilities by tribes of, in certain cases 2100
holding captives not to be paid until their surrender 2102
agreements or private contracts with 2103
restrictions on payments to agents, &c..... 2104
penalty for unlawfully receiving money under contracts..... 2105
assignments of contracts restricted 2106
restriction on payments to contractors for goods, &c., furnished..... 2107
payment to orphan and incompetent 2108
reports as to number of Indians present and receiving food, &c..... 2109
rations, when may be issued to 2110
government and protection of.....2111–2126
penalty for sending seditious messages, &c., to Indians.....2111, 2112
corresponding with foreign nation to incite Indian war..... 2113
feeding stock on Indian lands..... 2117
settling on lands of..... 2118
President to care for, &c., those removed west of Mississippi 2114
survey of Indian reservations..... 2115
purchases of grants of land from, void..... 2116
adjustment of claims for, lands in States when extinguished..... 2116
desiring to adopt habits of civilized life.... 2119
trespassing on lands of civilized.....2120, 2121
sale of buildings on lands reverting to United States.....2122, 2123
penalties under laws relating to..... 2124
proceedings against goods seized 2125
trials between Indians and whites..... 2126
sale of cattle of, by agents, when..... 2127
trading with..... 2128
licenses to trade with 2129
refusal of license to trade with 2130
revocation of license..... 2131
prohibition of trade with, by President.... 2132
penalty for trading with, without license .. 2133
for trading in prohibited articles with ... 2135
for selling arms to hostile..... 2136
competent as witnesses in certain cases 2140
assault on, by whites, penalty 2142
trial of, by laws of tribe, when..... 2146
arrest and trial of, for crimes and offenses.. 2152
reparation for property of friendly Indians destroyed, &c.....2154, 2155
reparation for injury to property by..... 2156
chiefs, warriors, &c., of Stockbridge Munsees may acquire homesteads, when 2310
Ottawas and Chippewas of Michigan may enter homesteads 2313–2316
provisions of bounty-land laws as to..... 2434
peltries and proper goods, &c., of, when admitted free of duty..... 2515
pension claimants, declarations of, may be made before United States agent.... 7414
limitation as to pension-claims of, extended, not required to take constitutional oath, &c..... 4721
INDICTMENT,
by number of jurors to be found 1021
what offenses may be prosecuted by..... 1022
several charges included in one 1024

Section.

INDICTMENT—Continued.
defect of form not to affect, &c. 1025
when demurrer to, is overruled, &c 1026
several, against same person, one warrant for commitment 1027
in capital cases copy to be delivered to person indicted 1033
defendants entitled to counsel, to processes of court to compel attendance of witnesses, and to make full defense. 1034
offense included in that charged in, when may be found 1035
when against several, verdict as to part 1036
remitted from circuit to district court, and *vice versa* 1037
from district to circuit court, when important questions involved 1038
of capital offenses, remitted from district to circuit court 1039
limitation of time for finding, for capital offense 1043
of offenses not capital, except, &c. 1044
when above not to apply 1045
of crimes arising under revenue or slave-trade laws 1046
for perjury, what to set forth 5396
for subornation of perjury 5397
evidence of balance due, against person for embezzling public money 5494
prima-facie evidence of embezzlement, against person charged with safe-keeping, &c., public moneys 5495

INDORSER,
of debentures, liable for non-payment as upon bills of exchange 3039
discharge in bankruptcy of maker or drawer of notes and bills, not to affect liability of 5118

INFANTRY,
regiments, number of 1094
composition of 1106, 1107
regiments, of colored men 1108
corps of States, not incorporated with militia, privileges of 1641

INFLAMMABLE MATERIALS,
shippers of, to notify carrier 4288

INFORMATIONS,
costs on several, against cargo, &c., seized as forfeited for same cause 978
offenses not infamous may be prosecuted by 1022
demurrer overruled; respondeat ouster 1026
limitation of time for instituting 1044, 1046
proceedings as to property used in aid of insurrection 5311

INFORMERS,
when liable for defendant's costs 975
when alone liable to clerk, marshal, and attorney, for fees of prosecution 976
moiety to, of fines 4273, 4476, 4499
may be witness in proceedings to recover fine, &c., in 5295

INFRINGEMENT,
damages not recoverable for, by patentee who fails to mark, &c., patented article, &c 4900
action for, of patent 4919
pleading and proof in 4920
injunction to prevent, of patent, &c 4921
recovery for, where specification too broad, through inadvertence, &c 4922
of trade-mark; remedies for 4942, 4943
no action for, of copyright, unless notice inserted in book, or inscribed upon article 4962
forfeiture and damages for, of copyright 4964
of copyright of maps, musical compositions, engravings, &c. 4965

Section.

INFRINGEMENT—Continued.
damages for, of copyright of dramatic composition, &c 4966
limitation of time for actions 4968
pleading and evidence in defense of action. 4969
circuit courts may enjoin 4970
publishing, &c., book, map, or composition composed by a person not a citizen or resident of United States not an infringement 4971

INGOTS FOR COINAGE,
who shall make 3530
assay, &c., of 3531, 3532
to be delivered to coiner 3532
deviation from standard 3533

INHABITANTS,
of United States, enumeration of (see *Census*) 2175–2206
jurisdiction of circuit courts in cases between those of different States 629
suits to be brought only in district of residence, or where they are found, except, &c. 739–745
proceedings when part of several defendants cannot be served with process 737
when defendant is not inhabitant of district 738

INJUNCTIONS,
to remain in force, &c., on removal of suit from State court to circuit court 646
granted by supreme, circuit, and district court judges 718, 719
not to be granted to stay proceedings in State court, except, &c 720
against Comptroller of Currency by national bank, in what district 736
not granted to restrain collection of taxes. 3224
to stay proceedings on distress-warrant against delinquent collector, &c. 3636, 3637
to prevent violation of right secured by patent 4921
to restrain transfer of bankrupt's property. 5024
upon Comptroller of Currency and receivers, &c., of national banks 5237
against national banks not to issue from State courts, &c., before, &c 5242

INLAND WATERS, (See *Lakes, Rivers.*)
vessels navigating, to carry what lights 4233
property taken upon, by naval forces not to be regarded as maritime prize 5310

INSANE,
person, term includes what 1
not to be enlisted in Army 1118
punishment for enlisting. p. 230, art. 3, 1342
in Navy, not to be enlisted 1420
punishment for enlisting. p. 280, art. 19, 1624
provision for care of 1551
limitation as to commencement of pension not to apply to 4709
not to be confined in jail of District of Columbia 4857

Government Hospital 4838–4858
for Army, Navy, and District of Columbia. 4838
superintendent of 4839
board of visitors, duties, &c 4840–4872
admission from military or naval service. 4843
of indigent insane of District 4844
order of admission, how granted 4845
certificate of judge, &c 4846
applications, &c. 4847
conveyance of indigent person to 4848
expenses of witnesses, &c 4848
admission of persons having property, &c. 4849
admission of indigent non-residents 4850
of insane persons accused of crime 4851
of insane convicts 4852
of private patients 4853, 4854

Section.

INSANE—Continued.
Government Hospital—Continued.
criminals restored to sanity 4855
delivery of patients under bond 4856
disbursement of appropriations for 4858
INSOLVENT DEBTOR,
claims of United States against, to have priority 3466, 5101
when surety of, on bond of, to United States to have priority 3468
oath to customs invoices by assignees of ... 2846
INSPECTOR-GENERAL,
department of, in Army 1094
number and rank in 1131
appointments and promotions in, suspended until, &c 1194
one of inspectors to visit once in three months and examine affairs of military prison 1348
INSPECTORS OF CUSTOMS,
for what ports appointed 2606, 2607
for Chelsea, Mass 2529
at Philadelphia, Pa., powers of 2544
at New Orleans, La., additional temporary. 2576
in Texas 2580
in California 2583
additional, for certain collection districts .. 2605
females may be employed as, for searching women coming into United States, and their baggage, in certain cases .. 3064
compensation of 2733
by fees 2657–2738
persons acting as, to be paid same compensation 2738
at Chester, Pa 2736
may be increased 2737
at San Antonio, Eagle Pass, Presidio del Norte, San Elizario, and places on routes to Mexico 2734
at Monterey, Sacramento, Benicia, Stockton, San Pedro, and Santa Barbara .. 2735
when proceeding from one district to another 2878
provisions and accommodations for, on vessels 2878
wages of, in case of delay of delivery of cargo, by whom paid 2879
for extended time for unlading salt and coal, by whom paid 2881
collectors may provide small boats for 2763
services of occasional, to be specified, &c .. 2642
to oversee unlading of vessels seeking port in distress to keep an account 2891
where stationed in cases of transportation of merchandise in bond 2994
special agents as, to superintend transfers between Atlantic and Pacific ports in foreign territory 2999
duties of 2830, 2876, 3070
inspection laws of States to be observed by 4202
to inspect passenger-vessels from abroad ... 4264
when to examine baggage (see *Baggage*) ... 2801
to inspect goods, baggage, &c., from contiguous foreign countries 3100–3102
to accompany vessels for certain ports in Connecticut and New Jersey, &c 2834
to examine and superintend delivery of cargoes of vessels, &c 2875
to attend to delivery of cargoes 2877
not to deliver merchandise disagreeing with description in permit 2870
distilled spirits landed under inspection of. 2884
to sign returns of delivery of goods 2889
penalty for extortion by, and for certifying shipment of goods for drawback, &c., without inspection 2637

Section.

INSPECTORS OF CUSTOMS—Continued.
merchandise liable to inspection not to be delivered without 2890
inspection by, of imported merchandise for exportation 3035
INSPECTORS OF TOBACCO, SNUFF, AND CIGARS,
appointment, bond, fees 3151, 3152
may be transferred or suspended by supervisor of internal revenue 3163
may enter building where articles liable to tax are made, &c 3177
rules for inspection of cigars may be made by Commissioner 3396
INSPECTION OF VESSELS,
of transports, detail of Navy officers for 1437
of passenger-vessels from abroad 4264
enrollment or license of vessel always subject to inspection by revenue officer. 4336
complained of by crew as unseaworthy. 4556–4558
in a foreign port 4559–4563
of steam-vessels (see *Steam-Vessels*) .. 4399–4462
punishment of inspectors for receiving illegal fees 5482
of boilers and of hulls (see *Steam-Vessels*) 4414–4437
penalty on, for certifying falsely 4425
INSURRECTION,
jurisdiction of district courts of prize and capture 563, 564, 735
of circuit courts ..... p. 111, par. 6, 629, 735
President may call forth militia to suppress 1642–1644
by citizens of United States against foreign governments, jurisdiction of ministers in certain countries (see *Consular Courts*) 4090
provisions concerning 5297–5322
against State government, how President may suppress 5297
against United States, how President may suppress 5298
in violation of civil rights or to prevent protection of laws, how suppressed 5299
proclamation to disperse insurgents 5300
suspension of commercial intercourse ... 5301–5303
license for commercial intercourse with part of State in, in certain cases 5304, 5305
trading without a license, &c 5306
investigations to prevent frauds, &c., in trade between States, &c 5307
confiscation of property employed in ... 5308–5311
transportation of property intended for aid of, may be prohibited 5312
prohibition of trade in captured and abandoned property and requirements to turn over same to government agents. 5313
President may change ports of entry, &c. 5314, 5315
vessels in districts in, not to be taken from customs officers except, &c 5316
forfeiture of vessels attempting to enter closed ports 5317
vessels at sea, &c., belonging to inhabitants of States in, when forfeited 5319
suspected, bound for ports in 5320
collectors of customs may require bond that no part of cargo of vessels, &c., shall be used in aiding 5321
claims of loyal creditors to be provided for in condemnations of vessels, &c 5322
setting on foot, aiding, &c.; punishment; incapacity to hold office 5334
conspiracy to levy war, destroy government by force, &c., how punished. 5336–5338
INTERCEPTING LETTERS,
penalty for 3892

Section.

INTEREST,
in suits on bonds for duties 963
for balances due Post-Office 964
on debentures 965
in Court of Claims 1090, 1091
against delinquents accountable for public money 3624
on judgments of circuit and district courts . 966
on investments for Indians 2096, 2108
on internal-revenue taxes overdue 3184, 3185
in cases of stamping instruments by collector, where stamp-duty exceeds $50 ... 3422
postmasters not allowed to take interest on deposits of public money 3847
on temporary deposit of bankrupt funds ... 5060
rebate of, in bankruptcy matters 5067
on loans by national banks, rate, &c ... 5197, 5198
on public debt, permanent appropriation for ..... p. 725, 3689
coin from duties set apart to pay 3694
Secretary of Treasury may anticipate 3699
bank-notes not receivable for 5182
to cease on called bonds, when 3697
on bonds held by banks, taxes to be deducted from 5217
on bonds to Pacific railways, permanent appropriation for ..... p. 725, 3689

INTERFERENCES (patents),
notice of, to applicant; priority, &c 4904
appeal to board of examiners 4909
from board of examiners to Commissioner 4910
no appeal to supreme court of District 4911
bill of equity to adjust 4918

INTERIOR DEPARTMENT, (See *the several titles.*)
Department 437–440
provisions common to all executive departments (see *Departments*) 158–198
Secretary to be head of 437
Assistant Secretary 438, 439
clerks and employés in 163–169, 440
revision of Indian treaties to be deposited in. (*Appendix*, p. 1091, § 10.)
permanent appropriations for matters in ..... p. 728, 3689
Secretary, general duties of (see *Secretary of Interior*) 441
powers as to Territories 442
powers of, as to census 443
requisitions to be signed by 444
annual reports of 445
to furnish Congressional Printer, on or before November 1, annually, with documents accompanying reports ... 196
to keep inventories of property 197
to cause to be filed biennial list of employés 198
General Land Office 446–461
Commissioner of Indian Affairs 462–469
Commissioner of Pensions 470–474
Patent Office 475–496
Superintendent of public documents .. 497–511
Returns Office 512–515
Office of Education 516–519
Census 2175–2206
Public lands 2207–2490
surveyors and deputy surveyors 2207–2233
registers and receivers 2234–2247
land districts, general provisions respecting certain lands 2248–2256
pre-emptions 2257–2288
homesteads 2289–2317
mineral lands and mining resources .. 2318–2352
sale and disposal of 2353–2379
reservation and sale of town sites on . 2380–2394
survey of 2395–2413

Section.

INTERIOR DEPARTMENT—Continued.
Public lands—Continued.
bounty lands 2414–2446
miscellaneous provisions relating to .. 2447–2490
Pensions 4692–4791
The Government Hospital for Insane 4838–4858
Columbia Institution for Deaf and Dumb 4859–4869
Patents 4883–4936
Trade-marks 4937–4947

INTERNAL IMPROVEMENTS,
grant of land to new States for 2378
lands, how selected 2379

INTERNAL REVENUE, (See *the respective titles.*)
Officers of 3140–3171
Assessments and collections 3172–3231
Special taxes 3232–3246
Distilled spirits 3247–3334
Fermented liquors 3335–3354
Tobacco and snuff 3355–3386
Cigars 3387–3406
stamps, &c., for those imported, in addition to duty 2804, 3400, 3402
Banks and bankers 3407–3417
Stamp-taxes on specific objects 3418–3437
Legacies and successions 3438–3440
Provisions common to several objects of taxation 3441–3465
taxes on fur-seals from Alaska 1969
regulations for enforcement of laws prescribed by Secretary of Treasury 251
permanent appropriation for payment of drawbacks, taxes illegally collected, &c ..... p. 725, 3689
jurisdiction of district courts to enforce liens for taxes 563
circuit courts under laws providing 629
where taxes may be sued for 733
district attorneys to prosecute for fines, forfeitures, &c 838
suits for taxes, penalties, or forfeitures to be in name of United States 919
when United States not subject to costs 969
national-bank notes received for 5182
officers and clerks to make oath that they have received no moneys from manufacturers, &c., before being paid ... 1790
receiving money, &c., under threats of informing, penalty 5484
meaning of the words "State" and "person" as used in laws relating to 3140
officers of, whose compensation depends upon fees, in whole or in part, to render statement under oath 3158
may make seizures in certain cases 3166
punishment of, for disclosing operations, style, or apparatus of manufacturers visited by them 3167
penalty for being interested in certain manufactures 3168
punishment of officers of, for extortion and various other offenses 3169
officers of, suffering injuries for acts done under laws, may maintain suits for damages 3171
all collections on account of, to be paid in gross into Treasury 3210
officers of, may enter and examine distilleries 3276–3278
to detain packages of distilled spirits, when they have reason to believe tax not paid 3298

INTERPRETERS,
of legations in Turkey 1678

Section.

INTERPRETERS—Continued.
Japan, salary of 1679
China, as secretaries of legation 1680
at consulates 1692
at consulate of Bangkok 1693
of legations and consulates, term during which salary of, is payable 1740
Indian 2068
preference for Indians as 2069
salaries 2070
to witness delivery of annuities, &c 2089
INTOXICATED PERSONS,
enlistment of, in Army forbidden 1118
penalty ..... p. 230, art. 3, 1342
enlistment of, in Navy forbidden 1420
penalty ..... p. 280, art. 19, 1624
INVALID PENSIONS,
persons in Army, &c., not to draw pay and pension as 4724
biennial examinations of, &c 4771
special examinations of 4775
terms on which granted, time of 4692
who shall be entitled to 4693
provisions concerning pensions in general (see *Pensions*) 4692–4791
INVASION,
President may call militia to repel 1642
INVENTIONS, (See *Patents.*)
provisions concerning 4883–4936
INVENTORIES,
of public property in Departments, by whom to be kept 197
by manufacturers of tobacco and snuff 3358
by dealers in tobacco and snuff 3378
by cigar manufacturers 3390
in prize cases (see *Prize*) 4615, 4622, 4624
in bankruptcy matters 5014–5017, 5020, 5030, 5031, 5110
INVESTIGATIONS (Congressional),
witnesses in, by whom sworn 101
refusing to testify 102, 104
when not privileged 103
testimony taken in, when not to be used in criminal prosecutions 859
INVOICES (of imported merchandise),
how made, signed, &c 2853, 2854
consular officers not to certify unless, &c 1715
nor of goods shipped from countries adjacent to United States which have previously passed a consulate 1717, 2861
fees of 2851
exacting excessive fees, penalty 1716
fees of, for certifying of, for goods from British North America 1721
may exact proof and shall report fraudulent verifications of 2862
produced to, declaration, and what to contain 2853, 2854
indorsement by, delivery, filing, and transmission of 2855
nearest to port of clearance, may take oath to goods from countries contiguous to United States 2856
authentication in absence of 2844
knowingly and falsely certifying to 5442
original to be produced to collectors of customs, &c 2785
when entry imperfect for want of 2789
what weights and measures used in 2837
of merchandise subject to ad-valorem duty 2838
to be according to actual cost 2839
customs duties not to be assessed on amount less than 2900
when incorrect, what to do 2840
oaths to accompany 2841

Section.

INVOICES (imported merchandise)—Continued.
in case of packages not contained in, how entry may be made (*act of* 1876, *ch.* 89, *p.* 550, *after*) 2841
when bond required for production of 2842
of goods of non-residents, how verified 2843, 2845, 2849, 2850
oath to, when made by executors, assignees, &c 2846
when merchandise not accompanied with, admitted to entry 2847, 2848
when merchandise admitted upon, collector to certify evidence 2852
change of destination after production of, and non-receipt of triplicate entry, how made 2857
when impracticable to produce entry, how made 2858
when triplicate not required to be produced 2859
no merchandise admitted to entry without, except, &c 2860
entry of merchandise on false, &c 2864
attempting to pass false, forged, &c 2865
tare on imports estimated 2898
designation of packages to be opened, examined, &c 2901
charges in purchase, how distributed in appraisal, &c 2907
of same material at average price, duties, how assessed on 2910
when not containing weight, quantity, or measure, expense of ascertaining, how paid 2920
officers of customs may require production of, in examinations 2922
in absence of, goods, where deposited 2963
with right of drawback, &c., where deposited, &c 3032, 3033
copy from, of cost, &c., of goods subject to ad-valorem duty, variance from, &c. 3034
Secretary of Treasury to make rules concerning authentication, of, &c 3103
canceling or destroying to suppress evidence of fraud 5443
IOWA,
judicial district of 531
divided into northern, southern, western, and central divisions 537
deputy clerks for divisions of district 560
district court in, terms of 572
adjournment of, in case of non-attendance of the judge 584
intermediate term to be held in case of failure to hold general term 586
suits against defendants residing in different divisions of 744
circuit court in, terms of 658
district attorney to perform duty in all the divisions of district of 768
marshal for, to perform duty and keep offices in the several divisions, mileage, &c 778
transcript into new books of records of district court in 897
surveyor-general for Nebraska and 2207, 2208, 2213
boundaries of land-districts in 2256
IOWA RIVER,
in State of Iowa, north of Wapello, not deemed navigable river 5248
ISLANDS,
Saint Paul and Saint George, special reservations (see *Alaska*) 1959
removal of persons landing or remaining on, without authority 1959
regulation of seal-fishery on 1960–1978

Section.

ISLANDS—Continued.
Guano Island, provisions concerning (see *Guano Islands*) 5570–5578

J.

JAILS. (See *Prisons, Prisoners.*)
JAMES RIVER, VA.,
vessels bound up, need not stop in Hampton Roads, &c 2835
JAPAN,
subjects of, not to be transported as coolies. 2158–2161
voluntary emigration of, not impeded ... 2162
postal agents authorized in 4023
on steamers carrying mails to and from 4022
judicial authority of United States minister and consuls in (see *Consular Courts*). 4083–4120
marshal for consular court in 4111
hire of prison for convicts in 4121, 4123
hire of constables 4123
wages of keepers, &c 4123
rent of court-house and jail at Jeddo 4124
salary of minister and secretary to 1675
interpreter of legation in 1679
JEFFERSONVILLE, IND.,
merchandise imported into Louisville for, where and how landed, &c 2967
port of delivery for New Orleans, La 2568
surveyor to reside at, duties of 2569
JEWELRY,
shipper of, to notify carrier, &c 4281
JOINT COMMITTEE ON PUBLIC PRINTING,
number and appointment of 3756
appointment of editor of documents 75
direction by, of printing debates 78
to remedy delays and neglect in public printing 3757
superintendents, assistants, and laborers in Botanical Garden and green-house to be under direction of 1827
to fix standards of paper and remedy neglect or delay in public printing 3767
to determine minimum portion of each quality of paper required 3768
award of contracts for paper by 3770
to designate time for filling contracts 3771
approval by, of contracts for paper 3772
disputes concerning quality of paper 3774
default of contractor for paper, &c 3775
may authorize purchases of, in open market. 3778
immediate contracts for lithographing and engraving 3780
sale of extra copies of documents 3809
JOINT COMMITTEE ON LIBRARY,
selection and powers of 82, 85–87, 94
use of engraved plates of Wilkes's Expedition may be granted to Navy Department 427
may direct printing of additional number of documents 3796
supervise, &c., works of art in Capitol 1831
superintendent, assistants, and laborers in Botanical Garden and green-houses to be under direction of 1827
JOURNALS,
of Congress, fees for transcripts from 71
transmission of, to States for distribution .. 503
extracts from, when evidence 895
number to be printed 3798
copies of, to be deposited in library of Congress 97
journal clerk of Senate 52
of House 53

Section.

JUDGE-ADVOCATES (Army),
Judge-Advocate-General, rank and duties 1094, 1198, 1199
assistant judge-advocate-general 1198
proceedings of courts-martial to be transmitted to ..... p. 240, art. 113, 1342
judge-advocates, number and rank of. 1094, 1200
duties of 1201, 1202
may employ reporter of military court ... 1203
oath of, on courts-martial. p. 238, art. 85, 1342
to be prosecutors and in part counsel for prisoner on courts-martial .... p. 239, art. 90, 1342
JUDGES, (See *Supreme, Circuit, District, and Territorial Courts, and Court of Claims.*)
not to act as attorneys, counsel, &c 713
salary after resigning 714
to try issues of fact in admiralty cases 566
may arrest, imprison, or bail offenders against United States 1014
who may take bail in capital cases 1016
who may issue warrants for apprehension under treaties of persons charged as fugitives from justice 5270
penalty for forging signature of 5419
for bribing, &c 5449
accepting bribe 5499, 5502
in States to take oath to support Constitution 1836
of district courts, where to reside 551–553
salaries 554
to decide where records shall be kept in certain cases 562
may direct removal of prisoners in case of prevalence of epidemic or contagious disease 4800
judge of district court of eastern district of Pennsylvania to be one of assay commission to examine and test coins ... 3547
of circuit and district courts may grant warrants to internal-revenue officers to search premises 3462
JUDGMENTS,
compromise of, for debts due Post-Office Department 295
not to work corruption of blood or forfeiture of estate 5326
penalty for stealing, altering, falsifying, &c. 5394
acknowledging, in name of another not privy or consenting to same 5394
statement of, by clerks of courts to Solicitor of Treasury 797
of courts of foreign governments relating to title to lands, how authenticated and admitted in evidence 907
at return term in suits by United States against officers accountable for public money 957
in suits arising under postal laws 958
in suits upon debentures, &c 959
in suits to recover duties 960
on default or demurrer in suit for forfeiture annexed to bond, &c 961
interest on, when and at what rate allowed. 966
lien of, on real estate, &c., in the States ... 967
to include fees of officers, &c., where costs are recoverable 983
stay of execution on 988
of Court of Claims in favor of claimant 1089
interest 1090, 1091
when a discharge and bar 1092, 1093
in customs cases of non prosequitur 3012
what to recite and how payable, &c 3014
for internal-revenue taxes 3216
by consular officers in uncivilized countries. 4088
upon award by referees in certain countries (see *Consular Courts*) 4098

Section.

JUDGMENTS—Continued.
of circuit court on appeal in bankruptcy ... 4985
confession of, an act of bankruptcy 5021
to be discharged by proof of debt 5105
upon application to annul discharge 5120
of district courts reviewed in circuit courts 633, 636
of circuit courts reviewed by Supreme Court 691, 693, 701
of courts of Territories reviewed by Supreme Court 702

JUDICIARY, (See *the several titles.*)
Judicial districts 530–550
District courts, organization 551–562
jurisdiction 563–571
sessions 572–603
Judicial circuits 604
Circuit courts, organization 605–628
jurisdiction 629–657
sessions 658–672
Supreme Court, organization 673–683
sessions 684–686
jurisdiction 687–710
Court of Claims, organization, &c 1049–1058
jurisdiction, power, and procedure ... 1059–1093
State courts, (See *States.*)
jurisdiction in suits for possession of office 2010
in postal cases 3833
suits againts seamen for breach of articles 4522
respecting seamen deserters 4599
in naturalization 2165
removal to and review of cases by United States courts. 639–647, 709–711, 720, 999, 1017
Supreme court of District of Columbia, provisions concerning 705, 811, 871–874, 3491, 4845, 4846, 4911–4915, 4977
Territorial courts, supreme courts ... 1864–1874, 1907–1915, 1930–1934, 2165–2174, 4978
district courts .. 1909–1918, 1928–1933, 1957, 1983, 3491, 4978
Provisions common to more than one court or judge 711–750
Habeas corpus 751–766
District attorneys, marshals, and clerks . 767–799
Juries 800–822
Fees 823–857
Evidence 858–910
Procedure 911–1042
on error and appeal 997–1013
criminal 1014–1042
Limitations 1043–1048
Naturalization 2165–2174

JURIES,
issues of fact tried by supreme and circuit courts 648
may be tried by circuit court without intervention of 649, 700
trial by, not allowed in cases removed to supreme courts of Territories 1869
for offenses against navigation laws 4301, 4303
special juries in circuit courts 805
petit jury for district court of Vermont 807
in circuit courts holding adjourned terms at Albany and Utica 806
to assess forfeitures on bonds and other specialty in certain cases 961
conspiracy to influence verdict, &c., of 1980
to injure, on account of verdict, &c 1980
corruptly, &c., endeavoring to influence ... 5404
attempting to influence decision of 5405
conspiring to influence verdict of, &c 5406
jurors' qualifications, selection of, &c., as in States respectively 800
in Pennsylvania, selection of 801

Section.

JURIES—Continued.
to be returned from such parts of district as courts shall direct, &c 802
writs of venire facias 803
talesmen to complete petit jury 804
no persons to be summoned as, more than once in two years 812
in western district of Arkansas to attend district court at Helena 814
in Kentucky and Indiana to attend circuit and district courts 815
in North Carolina 816
in South Carolina to attend district court sitting in western district 817
challenges, number of; how tried 819
additional causes of challenge, &c 820
what oath may be required of 821, 822
in cases under laws enforcing fourteenth constitutional amendment and civil rights 822
fee and mileage of 852
in Territories, fees of 1883
list of, to be furnished before trial in capital cases 1033
peremptory challenges of, in capital offense 1031
artificers and workmen at arsenals exempted from service as 1671
verdict of, when there are several defendants and jury disagree as to some ... 1036
grand jury 808
foreman 809
how summoned 810
discharge of 811
of district courts may act for circuit courts 813
in western district of Arkansas 814
in Indiana and Kentucky 815
in North Carolina to attend special term. 816
in South Carolina to attend district court in western district 817
in Vermont, charge to, by circuit court .. 818
challenges of 819, 820
additional oath in certain cases 821
in cases under laws for enforcement of civil rights 822

JURISDICTION,
of courts, (See *titles of the several courts.*)
Supreme Court 687–710
Court of Claims. 1059, 1060, 1062, 1063, 1066, 1069
circuit courts 629–657
district courts 563–571
State courts 2010, 2177, 3833, 4165, 4522, 4599, 4063–4065, 5123
supreme court of District of Columbia . 811, 871–874, 3491, 4911–4915, 4977
Territorial courts 1864–1874, 1912–1941
of foreign consular officers over controversies between seamen (see *Consular Courts*) 4079
of diplomatic and consular officers in certain countries 4083–4130
of United States over national cemeteries (see *Cemeteries*) 4872–4882
to be ceded to United States of sites for light-houses, beacons, piers, or landmarks before erection of same 4661, 4662
and over sites for any public works before money expended thereon 355

JUSTICES OF THE PEACE,
may imprison or bail offenders against United States 1014
in Territories, election of 1856
appointed by governor 1857
no jurisdiction in certain land cases 1867
administer oaths to officers 1878
in certain Territories, judicial power of .. 1907

Section.

JUSTICES OF THE PEACE—Continued.
limit to jurisdiction of 1926, 1927
may administer oath to assistant marshals for taking census 2181
may issue search-warrant to customs officers 3066
jurisdiction in postal cases 3833
in suits against seamen for breach of articles 4522
may summon master of vessel to show cause in cases of seamen's wages 4546
on complaint of unseaworthiness of vessels to, shall direct survey 4556, 4557
may punish seamen for refusal to sail, &c.. 4558
may punish seamen deserters 4598
persons for unauthorized boarding vessels 4606
for District of Columbia to report deaf and dumb persons in District 4866

JUVENILE OFFENDERS,
provisions for confinement of 5548–5550

K.

KANSAS,
United States courts in 531, 572, 658
transcript of new books of records of district courts in 897
Indian agents for tribes in 2052
surveyor-general of public lands in 2207
land districts in 2256
exempted from provisions granting swamp lands to certain States 2479

KENTUCKY,
judicial district of 531
district court in, terms of 572
duration of, at one place not limited by intervening term elsewhere 577
adjournments of 577, 579, 580, 584, 585
clerks of 557
circuit court in, terms of 658
special sessions of 665
what business may be transacted at 670
clerks of 620
process to be returned and cause tried in court nearest defendant 745
petit and grand juries in 815
where bail is given for appearance, calling of party, &c 946
ports of entry in, belonging to collection district of New Orleans, and their officers 2568, 2569, 2606
merchandise imported at Louisville for Jeffersonville, Ind., may be entered at latter place 2967

KEYS,
of distillery-locks to be in charge of collector of internal revenue or such gauger as he may designate 3267
to gates and doors of distillery to be furnished by distiller to collector of internal revenue 3275
stealing, unlawfully making, and other offenses respecting mail-lock keys 5477

KIDNAPING,
with intent to sell or hold person in slavery (see *Slave Trade*) 5525

L.

LABORERS,
for Senate, salaries 52
for House of Representatives, salaries 53
in departments, pay of 167
in Army, designation of (repealed, and provisions added for sergeants, corporals, and privates) 1162
detail of working parties of soldiers as 1235
selection of, in navy-yards 1544

Section.

LABORERS—Continued.
day's work of, to be eight hours 3738
LAGER BEER (see *Fermented Liquors*) 3339
LAKES,
revenue cutters on northern and northwestern, specially charged to aid vessels in distress 2759
vessels on, exempt from certain provisions respecting shipping articles 4513
certain pier-heads on, to be marked by Light-House Board 4677
vessels on the great lakes are subject to navigation laws, rules, and regulations ... 4401
Lake Champlain, merchandise from Canada in steamboats on, in what districts may be landed, &c 3128
delivery of manifests, and clearance of steamboats on, when going into Province of Quebec 4208
Lake Michigan, Secretary of Treasury to make regulations to enable vessels in coasting-trade on, to unlade without previous permits 3120
Lake Ponchartrain, drawback on imports exported from 3055

LAKEPORT,
vessels for, may unlade after making report at New Orleans 2572
from, to foreign ports to clear at New Orleans 2573

LAND AND NAVAL FORCES,
how employed to execute judicial process, &c 1984–1989
to enforce neutrality laws 5287
to compel departure of foreign vessels forbidden to remain, &c 5288
in cases of insurrection against State 5297
against United States 5298
in case of domestic violence, &c., where protection of law is denied 5299
in aid of collection of duties 5316
to protect discoverer of guano island 5577

LAND DISTRICTS, (See, also, *Lands, Public.*)
registers and receivers of 2234–2247
to be discontinued, when 2248, 2249
boundaries of, changed by President 2253, 2254
when, may be discontinued or annexed 2250
President may establish additional 2343
boundaries of 2256
in **Alabama** ..... p. 396, 2256
Mobile, Huntsville, and Montgomery.
in **Arizona** ..... p. 414, 2256
Gila, Prescott.
in **Arkansas** ..... p. 397, 2256
Dardanelle, Little Rock, Camden, Harrison.
in **California** ..... p. 400, 2256
San Francisco, Marysville, Humboldt, Stockton, Visalia, Sacramento, Los Angeles, Shasta, Susanville.
in **Colorado** ..... p. 412, 2256
Pueblo, Denver City, Fair Play, Central City.
in **Dakota** ..... p. 411, 2256
Vermillion, Springfield, Pembina, Yankton.
in **Florida** ..... p. 398, 2256
Tallahassee, Gainesville or East Florida.
in **Idaho** ..... p. 413, 2256
Boise City, Lewiston.
in **Illinois** ..... p. 395, 2256
Springfield.
in **Indiana** ..... p. 395, 2256
Indianapolis.
in **Iowa** ..... p. 398, 2256
Fort Des Moines, Council Bluffs, Fort Dodge, Sioux City.

Section.

LAND DISTRICTS—Continued.
in **Kansas**.....p. 409, 2256
Topeka, Salina, Independence, Wichita, Concordia, Cawker.
in **Louisiana**.....p. 396, 2256
New Orleans, Natchitoches, Monroe.
in **Michigan**.....p. 397, 2256
Detroit, East Saginaw, Ionia, Marquette, Traverse City or Sheboygan.
in **Minnesota**.....p. 407, 2256
Taylor's Falls, Saint Cloud, Duluth, Alexandria, Jackson, New Ulm, Litchfield, Redwood Falls, Oak Lake.
in **Mississippi**.....p. 397, 2256
Jackson.
in **Missouri**.....p. 395, 2256
Boonville, Ironton, Springfield.
in **Montana**.....p. 413, 2256
Helena.
in **Nebraska**.....p. 410, 2256
West Point, Beatrice, Lincoln, Dakota City, Grand Island, North Platte, Lowell.
in **Nevada**.....p. 405, 2256
Carson City, Austin, Belmont, Aurora, Elko.
in **New Mexico**.....p. 411, 2256
Santa Fé.
in **Ohio**.....p. 395, 2256
Chillicothe.
in **Oregon**.....p. 409, 2256
Oregon City, Roseburgh, Le Grand, Linkville.
in **Utah**.....p. 413, 2256
Salt Lake City.
in **Washington Territory**.....p. 406, 2256
Olympia, Vancouver or Columbia River, Walla Walla.
in **Wisconsin**.....p. 399, 2256
Menasha, Falls Saint Croix, Wausau, La Crosse, Bayfield, Eau Claire.
in **Wyoming**.....p. 413, 2256
Cheyenne City.

LAND GRANTS, (See, also, *Lands—Public; and Schools.*)
pre-emption limits to railroads..... 2279
rights of pre-emptors on land of Spanish or French grants, found invalid..... 2280
not to include mineral lands, &c..... 2346
to States or Territories in fee-simple, &c... 2449
railways receiving, pay for carrying mail.. 4001
payment of directors, &c., with right reserved to appoint, &c..... 5259

LAND OFFICES, (See *General Land Office.*)
location of (see *Land Districts*)..... 2256
discontinuance of, by Secretary of Interior.....2248, 2249
by President.....2250, 2252
may be annexed to adjoining districts..... 2250
location of, changed by President..... 2251
transfer of archives of discontinued district. 2252
number of, not to be increased by change of boundaries of districts, &c..... 2254
office-rent and clerks of consolidated offices. 2255
registers and receivers, where to reside.... 2235
certificate of oath of pre-emption claimant. 2262

LAND PATENTS, (See, also, *Lands—Public.*)
secretaries of President to sign.....450, 451
how signed and recorded..... 458
to be made to heirs of pre-emptor..... 2269
where settlers on same subdivision..... 2274
to States, &c., to convey fee-simple..... 2449
for settlements on sections 16 and 36.... 2275
for homestead, when given..... 2291
to purchaser of land of infant children..... 2292
to homestead settler at any time on payment for lands, &c..... 2301

Section.

LAND PATENTS—Continued.
to soldiers and sailors in late rebellion..... 2304
to persons absent in military service, &c... 2308
to certain Ottawa and Chippewa Indians.. 2316
to homestead settler cultivating timber.... 2317
for mineral lands, how obtained..... 2325
to claimants for portions of mining-claim.. 2326
for mining-claims under former laws..... 2328
for placer-mining claims..... 2329
for mining-claim for work done..... 2332
for placer-claim containing lode-claim..... 2333
for non-mineral land not contiguous to vein or lode-claim..... 2337
of mill-site for quartz-mill, &c..... 2337
conditions involving easements, drainage, &c., of mines to be expressed in.... 2338
to be subject to water rights, when..... 2340
for mineral lands in Michigan, Wisconsin, and Minnesota..... 2345
where land entered by mistake..... 2370
for errors in location of land-warrants..... 2371
for town or city lots on public lands..... 2383
subject to mineral rights, when..... 2386
under other laws relative to town-sites.... 2394
for private land-claims not to issue until expense of surveying, &c., paid..... 2400
for military bounty-lands..... 2423
for lands located by Commissioner on land-warrants, to issue, when..... 2437
to soldier of Regular Army who has lost warrant..... 2439
to soldiers, notwithstanding omissions in discharge..... 2440
to heirs of, war of 1812 and revolutionary soldiers, how issued, &c..... 2443
for land-claims heretofore confirmed..... 2447
to deceased person, in whom title to vest.. 2448
for suspended entries and suspended pre-emption claims.....2450–2454, 2457
surrender and issue of new.....2456, 2457
to person cultivating timber..... 2466
for swamp-lands to issue to States, when.. 2480
to issue to purchasers and locators, when. 2483

LAND WARRANTS, (See *Lands—Public.*)
assignable after but not before issue....2414, 2436
how located..... 2415
errors in location of, how corrected... 2369–2372, 2446
falsely making, forging, &c..... 5420
wrongful withholding of, by agent or attorney prosecuting claim..... 5485

LANDS, (See *Lands—Public.*)
purchases of, for forts, public buildings, &c. 355
removal of suits from State court when title to, is claimed under public grants, &c..... 647
laws, judgments, &c., of foreign states relating to, under United States, how authenticated..... 907
sale of, by successor of marshal dying, removed, &c..... 994
erroneously sold, permanent appropriation for refund of money.....p. 728. 3689
purchase of, for United States restricted... 3736
of **Indians**, provisions for protection of.....2117–2121

LANDS (public),
Surveyors and deputy surveyors....2207–2233
Registers and receivers.....2234–2247
Land districts.....2248–2256
Pre-emption.....2257–2288
Homesteads.....2289–2317
Mineral lands and mining.....2318–2352
Sale and disposal.....2353–2379
Reservation and sale of town-sites.2380–2394
Survey.....2395–2413
Bounty.....2414–2446

Section.

LANDS (public)—Continued.
Miscellaneous provisions 2447–2490
patents for claims heretofore confirmed.. 2447
issued after death of patentee..... 2448
grants to States, &c., in fee-simple..... 2449
adjudication of suspended entry and pre-emption claims 2450–2454, 2457
lands reverting to public domain may be brought into market 2455, 2457
issue of new patents in certain cases..2456, 2457
live-oak and red-cedar lands.....2458–2463
lands selected for use of Navy..... 2459
protection of.....2460, 2461, 2463
vessel carrying such timber.....2462, 2463
cultivation of timber entitles to patent.. 2464–2468
certification of copies by Commissioner as evidence 2469, 2470
forging, counterfeiting, &c., evidence to lands, mines, &c.....2471–2473
Yellowstone Park as a public park...2474, 2475
navigable rivers to be highways, &c.... 2476
right to construct highways..... 2477
Commissioner to enforce land laws..... 2478
swamp-lands to certain States...2479–2484, 2490
certain lands confirmed to be certified, &c., to California 2484–2489
when mistakes are made in entry of land, how errors may be corrected....2369–2372
Bounty-lands 2414–2446
located with military-bounty warrants.. 2415
warrants for, assignable before but not after issue 2414, 2436
entry of, under certain acts and for certain wars.....2416–2418, 2421
for soldiers serving less than 12 months.. 2419
serving not less than 14 days, &c..2425, 2427, 2430
widows of 2428, 2429
for volunteers, militia, and State troops.. 2420, 2421
period of captivity to be added to actual service..... 2422
for widows, when..... 2424
provisions of, laws extended to Indians.. 2434
to be located free of expense..... 2437
deserters not entitled to..... 2438
patents for, to heirs of soldiers of revolutionary and war of 1812 2443
proofs by legal representative..... 2445
relocation and other provisions to correct errors.....2369–2371, 2446
Fees, to registers and receivers..... 2238
in consolidated districts 2239
maximum of compensation..... 2240
excess to be paid into Treasury 2241
no fees for administering oaths..... 2246
Homesteads.....2289–2317
entry for, on public land, mode of entry, &c.....2289, 2290
certificate or patent for, when to issue... 2291
proof of residence or occupation..... 2291
false swearing in, how punished 2291
rights of infant children..... 2292
by persons in military or naval service..... 2293
affidavit before clerk of county court.... 2294
record and registry of entries 2295
not liable for prior debts 2296
when land to revert to government..... 2297
no more than quarter-section to person.. 2298
pre-existing rights not impaired by..... 2299
what minors have benefit of..... 2300
homestead settlers may purchase land... 2301
no distinction on account of race or color..... 2302
mineral lands not liable to entry..... 2302

Section.

LANDS (public)—Continued.
Homesteads—Continued.
in certain States lands to be disposed of only under homestead laws (*repealed, and lands required to be offered for sale*) 2303
to soldiers and sailors of late war..... 2304
deduction of military or naval service ... 2305
entry of less than 160 acres..... 2306
to widow or children of soldiers and sailors 2307
service in Army or Navy equivalent to residence..... 2309
soldiers, &c., may enter by agent..... 2309
chiefs, &c., of Stockbridge Munsee Indians may enter 2310–2311
unsold lands of Ottawa and Chippewa Indians 2313–2316
cultivating trees entitles to patent, when. 2317
Mineral lands, &c., reserved from sale.. 2318
open to exploration and purchase..... 2319
length of lode-claims..... 2320
proofs of citizenship, how made..... 2321
locators on, to have what rights..... 2322
tunnels, rights of owners of..... 2323
mining-claims, regulations by miners, cost of tunnels, &c 2324
patents for, how obtained..... 2325
adverse claims for, proceedings on 2326
description of vein-claims, how made.... 2327
pending applications for, how decided... 2328
placer-claims, entry and patent of..... 2329
subdivision into ten-acre tracts..... 2330
maximum of placer-locations.....2330, 2331
to conform to surveys..... 2331
agricultural lands.....2331, 2342
evidence of possession, &c 2332
proceedings to obtain patent for 2333
surveyors of mining-claims 2334
cost of surveys, publication of notices, &c., how paid and regulated..... 2334
verification of oaths, affidavits, &c 2335
intersecting claims, who to have title.... 2336
mill-sites on non-mineral land not contiguous to mine, &c., how patented.... 2337
easements, drainage, &c 2338
water rights to be maintained 2339, 2340
where no valuable mines discovered, open to homestead entry 2341
additional land districts for..... 2343
existing rights not impaired 2344
right of way for Sutro Tunnel 2344
of Wisconsin, Michigan, and Minnesota excepted..... 2345
not granted to States and corporations .. 2346
coal-lands, entry of, &c 2347–2352
Pre-emption, what lands are subject to..2257, 2258
who are entitled to 2259, 2260
limitation upon right of..... 2261
oath of pre-emptor, where filed..... 2262
proof of settlement, assignments, &c 2263
statement of settler to be filed 2264
claim of settler on land not open for settlement to be filed 2265
failing to file, claim to be forfeited..... 2265
filing of declaratory statement of settler unsurveyed land..... 2266
time of making proof and payment ..2267, 2268
completion of claim of person dying before consummation 2269
non-compliance with laws because of vacancy in office of register, &c..... 2270
lands sold but not confirmed not subject to 2271
purchase by private entry where pre-emption right has expired..... 2272
adverse claims, how decided..... 2273

Section.

LANDS (public)—Continued.
Pre-emption—Continued.
joint entry on same subdivision..... 2274
patented not to exceed 160 acres..... 2274
settlements on sections 16 or 36, school-lands 2275
deficiency in school-lands, &c.....2275, 2276
military bounty-land warrants and college scrip receivable for.....2277, 2278
pre-emptions in limits of railroad grants. 2279
on land reserved because of Spanish, &c., grants afterward found invalid..... 2280
on lands withdrawn for railroads 2281
sale of lands not delayed beyond time of President's proclamation 2282
Osage Indian trust lands in Kansas 2283
prior transfer of such claims 2284
restriction of pre-emption lands not to apply to certain settlers on 2285
by counties for seats of justice 2286
claimant appointed register or receiver, how to make proof of payment 2287
transfer by pre-emptors, &c., for certain purposes authorized..... 2288
subject to water rights 2340
rights of, not impaired by homestead laws 2299
of coal-lands..... 2348
Registers and receivers.....2234–2247
appointment of, for each land district ... 2234
to reside where land office is kept..... 2235
bond..... 2236
salary..... 2237
fees, &c., of, in addition to salary..... 2238
additional fees in consolidated land districts..... 2239
limits of fees, &c..... 2240
excess of fees to be paid into Treasury... 2241
receiving illegal fees, not to receive compensation for past services..... 2241
to be removed from office for..... 2242
compensation to commence when..... 2243
term of office..... 2244
may hold over, after expiration of term.. 2222
plats of lands surveyed to be transmitted to, by surveyors-general..... 2223
President may transfer duties of, to surveyors-general, when 2227
proof before, of settlement and improvement by pre-emptor..... 2263
to transmit statement of fees, &c., paid by applicants for mineral lands 2334
to conduct sale of town-lots when..... 2381
receiver to make returns and pay over money, &c..... 2245
to administer oaths without fee..... 2246
register to keep record, make returns, &c..... 2295
to publish notices of applications for mineral lands..... 2325
of application for patent for mining claim 2325
to certify proceedings and judgment-roll in case of adverse claim to mineral lands to Commissioner..... 2326
to give separate certificates to purchasers of same section or fraction of land..... 2361
President may increase, &c., bonds of. 3639
books of, to be examined..... 3650
giving false information as to registry of land; penalty 2247
Sale and disposal, at public sale.2353, 2355, 2356
at private sale 2354, 2355
price of public lands 2357
manner in which lands may be offered for sale by President 2358, 2359

Section.

LANDS (public)—Continued.
Sale and disposal—Continued.
sales to be kept open for two weeks..... 2360
certificates to two or more purchasers of same section..... 2361
repayment of money when sale not confirmed 2362
when purchase-money invested in stocks, stocks may be sold..... 2363
when reservation brought into market, a minimum price to be fixed 2364
private sale to highest bidder, when 2365
what foreign coins receivable 2366
in California, subject to private entry and withdrawn, how opened, &c..... 2367
location under treaty of 1854..... 2368
erroneous entries how corrected 2369, 2370
error in location of warrants corrected.. 2371
in entry, by mistake of numbers..... 2372
combinations to prevent bids 2373
agreements to pay premium to purchaser 2374
recovery of premiums paid to purchasers. 2375
of agreement to pay premiums..... 2376
not over three sections entered in any township with college scrip..... 2377
grants for internal improvements 2378, 2379
Survey, rules of 2395
boundaries and contents 2396
lines dividing quarter-sections 2397
contracts for, not binding until approved. 2398
certain instructions part of contract..... 2399
prices, how established..... 2400
of township on application of settlers.2401–2403
augmented rates for, in Oregon..... 2404
in California..... 2405
geological surveys suspended 2406
water-fronts on rivers, lakes, &c 2407
variation from rectangular form in Nevada 2408
in California..... 2410
geodetic method, in California and Oregon, when may be used 2409
compensation for, in California and Oregon 2411
penalty for obstructing, &c 2412
protection of surveyor..... 2413
Surveyors-general,
appointment of..... 2207
salaries of 2208–2211
one office in each district, &c 2212
for Minnesota, Idaho, and Nebraska and Iowa, where..... 2213
to reside in the districts 2214
bonds of 2215, 2216
term of office 2217
office to cease and be discontinued, when. 2218
duties of, to devolve on Commissioner of General Land Office when maps, field-notes, &c., turned over to State authorities..... 2219
deputy surveyors and agents to have access to field notes 2220
to hold over until successor enters upon duties, and bond remains valid..... 2222
general duties of 2223
copies, extracts, &c., of records, field-notes, &c., to be evidence, when..2224, 2225
allowance for officers for clerk-hire, for office-rent, fuel, books, stationery, &c.....2226, 2227
President may devolve duties of registers and receivers on, when..... 2228
official books, papers, records, &c., in office of, in California to be kept, &c .. 2229
bond of deputy for performance of contract to be approved and certified by. 2230

Section.

LANDS (public)—Continued.
Surveyors-general—Continued.
to require from deputies additional oath as to correctness of surveys 2231
upon application of district attorney, to bring suit on bond of deputy 2232
penalty on deputy in Louisiana for failure to comply with contract 2233
to appoint surveyors of mining-claims 2334
to transmit statement for entry of town site to General Land Office 2388
to have made from field-book description of lands surveyed, &c 2395
taking away, altering, destroying, &c., any map, diseño, &c., deposited in archives of office of, in California 5411
fraudulently placing map, diseño, &c., among archives in office of, in California 5412
Town-sites, &c., reservation of land for, at natural centers of population 2380
surveyed into lots, when 2381
may be founded; price of lots; pre-emption 2382
on unsurveyed lands, limits 2383
filing of map; disposal of lots 2384
where lots, &c., vary from the general rule 2385
title to lots subject to mineral rights 2386
entry of, by town authorities, in trust, provisions concerning 2387–2391
not to include title to gold, silver, &c., mines 2392
military and other reservations excepted from provisions concerning 2393
entry of, by inhabitants 2394
LANDSMEN,
in Navy, performing as firemen, &c 1570
when entitled to bounty-land 2425–2427
LARCENY,
by persons in Army in time of war, &c., punishment for ..... p. 235, art. 58, 1342
committed on high seas, &c 5356
LAUNDRESSES,
women may accompany troops as 1240
rations to, accompanying troops 1295
LAVACA (Texas),
imported merchandise for exportation in bond to Mexico without payment of duties may pass through port of 3003
port of delivery 2578, 2579
LAW LIBRARY (of Congress),
department of Library of Congress 81–100
expenses of, how paid 83
books for, by whom to be purchased 84
privileges, &c., of Supreme Court 95, 96
LAW OF NATIONS,
jurisdiction of district courts of suits by aliens for torts in violation of 563
penalty for assaulting, &c., public minister in violation of 4062
suing out process against foreign minister, &c., penalty 4064
LAWS,
of United States, enacting clause of 7, 9
each section to be numbered and to contain single proposition 10
title of appropriation acts 11
repeal of, not to revive former acts repealed 12
not to release liabilities, &c., incurred 13
not to be published in newspapers 79
when authorized to be published in newspapers, Clerk of House to select, in certain Southern States, &c 3823–3828

Section.

LAWS—Continued.
approved, or passed without approval, to be received by Secretary of State 204
definition of use of certain words in (see *Definitions*) 1–6, 605, 1674, 2766–2768, 2951, 2952, 3140, 3407, 4130, 4612, 5013, 5413
subsequent to December, 1873, as affected by Revised Statutes 5601
contract with Little & Brown for publishing, terminated. (*Appendix*, p. 1090, § 1.)
existing provisions for publication of, &c. (*Appendix*, p. 1090, § 2.)
Little & Brown's edition, evidence 908
printed copies of Revised Statutes, evidence (*Appendix*, p. 1092, § 8.)
of this new edition, how far evidence of additional laws incorporated therein. (*Appendix*, p. 1092, §§ 3, 4.)
copies of, for Congressional Printer 210, 3803
in Library of Congress 96
preservation of by public officers and delivery to successors 1777
usual number to be printed 3805, 3807, 3808
authorized expenditures to be referred to in estimates 3660
extended over citizens of United States in certain foreign countries (see *Consular Courts*) 4086
of States, &c., to be procured for State Department 206
how authenticated 905
to be regarded as rules of decisions in United States courts, except, &c 721
of foreign governments relating to title to lands under United States, how authenticated, &c 907
in Territories, force and effect of United States laws in 1891
customs, navigation, &c., laws extending over Alaska 1954
jurisdiction of Territorial courts in cases under 1910, 1911
Territorial laws, records: preservation, transmission to Congress, &c., publication 1844
certain, to be submitted to Congress for approval 1850
LAWFUL MONEY, (See *Legal Tender.*)
United States notes 3588, 3589
meaning of term, in case of gold banks 5186
reserve of, by national banks 5191–5195
LEAF-TOBACCO, (See *Tobacco.*)
dealers in, special tax on 3244
planters and farmers may sell crop, without payment of tax 3244
dealers' books, how kept, &c 3244, 3560
statement of sales of 3359, 3391
LEAVE OF ABSENCE,
to consular and diplomatic officers 1742
to persons in Indian service, limit of 2074
LEGACIES AND SUCCESSIONS,
tax on 3438–3440
LEGAL TENDER,
gold coins 3585
silver 3586
minor coins 3587
foreign coins not 3584
United States notes, for what 3588
demand Treasury notes 3589
interest-bearing notes 3590
national-bank notes, in payment of taxes, excise, public lands, and, except duties on imports, for all other dues to United States, and for all debts from United States 5182
in payment of debts to such banks 5196

Section.

LEGATIONS, (See *Diplomatic Officers.*)
LEGISLATURES, (**State,**)
members of, to take oath to support Constitution of United States 1836
assent to purchase of land for forts, &c 1838
LETTER-BOXES,
receiving-boxes, where may be established 3868
injuring, penalty for 3869
expenses of, how limited 3874
maliciously injuring, &c., mail matter deposited in 5466
at post offices not to be assigned until quarter's rent is paid 3901
rents of, to be accounted for as postal revenue 4051
box-holders may be allowed to provide lock-boxes or drawers, paying rent, &c 4052
LETTER CARRIERS,
routes of, to be post-routes 3964
provisions relating to 3865–3874
where, shall be employed 3865
salaries of 3866
uniform of, penalty for false wearing 3867
assaulting, penalty for 3869
bonds of 3870
no extra postage or carrier's fees to be charged on mail matter collected or delivered by 3873
expenses of, how limited 3874
shall receive way-letters for mailing, &c 3980
illegally carrying mail matter 3981
postage on drop-letters delivered by 3904
on newspapers at carrier offices 3872
penalty for obstructing 3995
for delaying at ferry 3996
for Senate and House, salaries 52, 53
LETTERS, (See *Mails, Postage, Postal Service.*)
Postage 3896–3913
Stamps and envelopes 3914–3925
Registered 3926–3929
Unclaimed, dead, and request 3930–3940
mailable matter of first class 3875
presented, how long before mail closes, to be mailed 3840
inclosing in other mail matter, penalty 3887
unlawfully detaining, opening, &c 3890–3892
envelopes of, with indecent epithets, &c., on, not mailable 3893
seized for violation of law 3895
postage on, must be prepaid, except, &c. 3896–3900
of soldiers, &c., unpaid, may be sent 3902
rates of postage on 3903, 3904
when conveyed in vessels not in regular service 3913
stamps and stamped envelopes for 3914–3925
unclaimed, list of to be published 3930–3935
forwarded to dead-letter office, &c 3936
unpaid, how disposed of 3937
proceeds of valuable dead letters 3938
indorsed with request to return 3939
forwarded from one office to another 3940
registered 3926–3928
to persons engaged in conducting fraudulent lotteries, &c., may be returned 3929
carried by foreign vessels to be deposited in post office 4016
delivery of, to postmaster when brought by vessels, &c., in foreign trade 3976, 3977
to be delivered at post-office before entry of vessel, &c 3988
received by route agents when prepaid 3980
penalty for illegally carrying, by carriers 3981
private express, carrying prohibited 3982–3984
not to be carried by stage-coaches, &c., except in mail 3985–3987

Section.

LETTERS—Continued.
illegally carried, may be seized 3989, 3991
may be conveyed by private hands, without compensation 3992
in stamped envelopes, may be sent otherwise than by mail 3993
separated from other mail for expedition 3994
held for postage in foreign countries, consuls may pay for 4014
secreting, embezzling, &c., by persons in postal service 5467, 5468
stealing or taking out of, any valuable inclosure, &c 5467, 5468
stealing from mail, post-office, &c 5469
accessories after the fact, of stealing, and robbery 5534, 5535
opening, embezzling any, containing valuable inclosure 5469
placing in or taking from post-office letter in execution of scheme to defraud 5480
LETTERS OF MARQUE,
commanders carrying, to enter name, &c., of disabled officers and seamen 4762
persons disabled, &c., to have pension 4761
LETTERS PATENT, (See *Patents.*)
copies of, &c., when evidence 892–894
counterfeiting, altering, &c 5416
LETTERS ROGATORY,
to take testimony in foreign country, &c 875
from foreign court, how executed here 4071–4074
witness, how compelled to attend 875
LIBELS,
allowance of costs in cases of several, which might have been joined 978
vessels subject to penalties, &c., to be proceeded against by 3088, 3125
against prize property, to be filed by district attorney 4618
LIBRARIAN,
in office of Secretary of Senate 52
in library of House 53
of Library of Congress 88–90
bonds of 89, 4950
employment of assistants 91
duties as to copyrights 4948–4951, 4955–4960
and assistant of West Point Military Academy 1340
LIBRARY OF CONGRESS,
provisions concerning 80–100
collections composing 80
in two parts, a general and a law library 81
expenditures for 82–84
regulations for, by whom to be made 85
duplicates, injured and wasted books in 86
no map to be taken from 92
by whom books may be taken out 93, 94
powers, &c., of justices of Supreme Court 95
copies of Statutes at Large in 96
of journals, documents, &c 97, 98
Smithsonian library in, how kept 99, 100
librarian, appointment, salary, &c 88–90
bonds of 89, 4950
employment of assistants 91
duties of, as to copyrights (see *Copyrights*) 4948–4951, 4955–4960
LIBRARY OF PATENT OFFICE,
scientific works and periodicals to be purchased for, to aid officers 486
LICENSES,
in States, all persons subject to like 1977
in case of insurrection, trading without, obtaining by fraud, &c 5306
to unlade steamships at night 2871
to carry gunpowder on steam passenger-vessels, when granted 4422

Section.

LICENSED OFFICERS (for vessels),
of steam-vessels, local boards of inspection .. 4438–4443
oath to be taken by 4445
license to be posted, &c 4446
renewal of, when absent, &c 4447
to assist inspectors in examinations 4448
revocation for refusal to serve 4449
inspection of vessels and investigation of... 4406, 4407, 4450
vessels not to leave port without full complement of 4463
violating rules as to steamers passing 4413
fees for licenses to 4458
liable when life is destroyed by misconduct of 5344

LICENSED VESSELS,
in coasting-trade and fisheries 4311
may be registered, when 4322
registry of, in another district 4323
license, how procured 4320
form of 4321
registered vessels may have 4322
expiration of 4324
surrender of 4325
new, in place of one lost 4326
renewal of 4327, 4329
when vessel is at sea at time of expiration of 4372
or renewal in another district 4328
oath as to foreign repairs before, &c 4330
of vessel less than 20 tons 4331
signed by naval officers, &c 4332, 4333
renewed, to be under former name 4333
of vessel owned by corporation 4313–4315
not to be granted to steam-vessel until regulation as to steam-vessels complied with 4498
nor until hospital tax is paid 4587
of river, &c., steamboat of resident alien .. 4316, 4317
on northern, &c., frontier to engage in coasting or foreign trade 2793, 4318
for pleasure-yachts, &c 4214
to vessel engaged in wrecking on Florida coast 4241
at Jersey City 4340
at Camden 4341
at Wilmington, N. C 4342
at Chesapeake City, Md 4343
at ports authorized by Secretary of Treasury 4344
at Cold Spring, Greenport, and Port Jefferson, N. Y 4345, 4346
forging, &c., or uttering as true any false, &c 4375, 5423
how to be numbered 4177
inspection of license by revenue officer 4336
proceeding to foreign port without obtaining register, penalty 4337
certificate when proceeding abroad from another district 4338
register for vessel in whale-fishery to give all privileges of 4339
engaged in coasting-trade or fisheries exempt from tonnage duties 4220
carrying passengers between foreign ports subject to laws concerning transportation of passengers 4274
trading on northern, &c., frontiers not liable to entry-fees, &c 2793
between Long Island and Rhode Island to have what privileges 4357
between Alaska and other districts regulated 4358
to have name and port painted on stern ... 4334
to report change of master 4335

Section.

LICENSED VESSELS—Continued.
manifests and permits for trading between neighboring districts 4349
departing without 4350
delivery of, before unlading; oath of master 4351
penalty for not delivering 4352
for trading between remote districts 4353
departing without 4354
delivery of, before unlading 4355, 4356
vessels on Mississippi River, &c., above New Orleans exempt from above requirements (*act of* 1876, *ch.* 185, *inserted at page* 840, *after*) 4349
bound from one district to district adjoining or in an adjoining State, &c., not required to obtain permit or make report, but to have manifest, &c.. 4359, 4360
fishing, permit to touch at foreign port 4364
not to be within three leagues of coast without permit with foreign merchandise on board 4365
penalties for various offenses relating to.. 4373–4380
vessel transferred to foreigners or engaged in trade in violation of license forfeited, except, &c 4377
fees to be paid by 4381, 4382, 4458
licensed officers on steam-vessels (see *Licensed Officers*) 4406, 4407, 4438–4450
vessels not to leave port without complement of 4463

LIENS,
jurisdiction of district courts to enforce, for internal-revenue taxes 563
where defendant to enforce, &c., not inhabitant of district, &c 738
of judgments, &c., on real estate, &c., how to cease in the States 967
for freight, when goods in customs warehouse forfeited to United States 2981
when on vessels, &c., in customs cases 3088
for unpaid tax, United States 3186
enforcement of, on real estate by United States 3207
tax on distilled spirits to be, on what 3251
for assessment for deficiencies on distillers.. 3309
of United States against lands, &c., of delinquent collectors, &c 3629, 3636
by bottomry, not impaired by requirement to record conveyances 4192
on vessels for violating laws concerning transportation of passengers 4270
for feeding and watering animals by company transporting 4387, 4390
on steam-vessels for carrying unlawful number or failing to keep list of passengers 4469
for wages of seamen not forfeitable 4535
on vessels condemned under laws relating to insurrection 5322
in bankruptcy matters, jurisdiction of district courts to ascertain, &c 4972
schedule to contain statement of 5015
books of account not subject to 5050
power of assignee to discharge any 5066
sale of property subject to 5066
claims of lien creditors how adjusted 5075
redemption and release of 5075

LIEUTENANT-COLONELS,
of artillery regiments 1099
of cavalry regiments 1102
of infantry regiments 1106
pay of 1261, 1267
allowance of forage to 1271

LIEUTENANT-COMMANDERS,
number of, on active list 1363
excess not to preclude advancement, &c.. 1364

Section.

LIEUTENANT-COMMANDERS—Cont'd.
to what duty assignable 1435
pay of 1556
LIEUTENANT-GENERAL,
office of, when to cease 1094
aids and secretary to 1097
pay of 1261
LIEUTENANTS,
in Army, for batteries of artillery 1100
troops of cavalry 1103
companies of infantry 1107
pay of 1261
allowance of forage to 1271
in Navy, number of, on active list 1363
pay of 1556
LIFE-SAVING APPARATUS,
what, to be used on steam-vessels 4491
inspectors of steam-vessels to see requirements of law complied with 4417
boats carried by river-steamers 4481
by ocean, lake, &c., steamers 4488
penalty for failure to provide 4489
life-preservers to be carried by river passenger-steamers 4482
barges while carrying passengers in tow of steamers subject to laws requiring axes, life-preservers, and yawls 4492
LIFE-SAVING STATIONS,
on coast of Long Island 4232
Cape Cod and Block Island 4247
of Maine, New Hampshire, Massachusetts, Virginia, and North Carolina 4249
at light-houses 4245
supervision of construction of 4249
keepers and superintendents of 4243
employment of crews at 4244
purchase and location of boats for 4246
supervision of, at Narragansett Pier and Block Island 4248
signal-telegraph at 223
LIGHTERS,
employed in harbors not liable to fees chargeable to vessels 4385
LIGHT-MONEY,
to be levied on foreign vessels, except, &c. 4225, 4226
LIGHT-HOUSE SERVICE,
how long appropriations for, available 3685
general provisions as to lights and buoys .. 4653–4680
Light-House Board, members of 4653
Secretary of Treasury president of 4654
chairman, in absence of president 4655
clerks of 235
meetings, when to be held 4656
regulations for government of 4657
general duties of, to be under direction of Secretary of Treasury 4658
to furnish estimates of expenses of service 4659
purchase of sites for light-houses by 4660
cession of States and approval of title by Attorney-General necessary ... 355, 1838, 4661, 4662
preliminary surveys 4663
to cause preparation of plans, &c., of apparatus and buildings; contract for same, how entered into 4665
materials to be procured by public contracts, and works to be made by orders of board, &c 4666
contracts for erection of light-houses 4667
to prescribe regulations for Light-House Establishment 4669
to arrange coasts into light-house districts 4670

Section.

LIGHT-HOUSE SERVICE—Continued.
Light-House Board—Continued.
lights discontinued or re-established on recommendation of 4674
may place light-vessel, &c., over wrecks or temporary obstructions in harbors or channels, &c 4676
to mark pier-heads belonging to United States on northern and northwestern lakes 4677
no additional salary to officer on board or on light-house service 4679
members not to be interested in contract or in patent for construction, or illumination, or in supplies 4680
Districts of 4670
officers of Army or Navy to be assigned to each of, as inspector, &c 4671
Buoys, color of, prescribed 4678
materials for construction of, how procured 4666
Light-houses, appropriations for, how available 3685
life-saving stations at 4245
signal-telegraph lines at 223
sites for, how purchased and provisions respecting 355, 1838, 4660–4662
preliminary surveys for 4663
detail of engineers to superintend construction and renovation of 4664
plans and estimates of constructing and repairing, and contracts for same 4665
materials for, how to be procured 4666
contracts for, to be made only after public advertisement, &c 4667
on pile foundations substituted for light-vessels 4668
keepers of, not to be interested in contracts, &c 4680
Secretary of Treasury may assign superintendence of, to collectors of customs, &c 4672
to regulate salaries of keepers 4673
may discontinue and re-establish lights, &c 4674
to sell real estate no longer used 4675
Light-ships, preliminary surveys for 4663
materials for construction or repair of 4666
light-houses on pile-foundations substituted for, &c 4668
Light-House Board may place over wreck or temporary obstruction in harbor, &c 4676
LIGHTS (on vessels),
what, and when to be carried 4233, 4234
holding out false, or extinguishing, to bring vessel into danger, &c., penalty 5358
LIME JUICE,
to be served on sailing-vessels under a penalty for neglect 4569, 4570
LIMITATIONS,
error or appeal from district to circuit court. 635
suits on marshal's bond 786
indictment for capital offense, willful murder excepted 1043
offenses not capital, except, &c 1044
not to apply to persons fleeing from justice. 1045
crimes arising under revenue or slave-trade laws 1046
suit, &c., for penalties or forfeitures 1047
how affected by rebellion 1048
suits in Court of Claims 1069
of time for prosecution of offenses before general courts-martial. p. 240, art. 103. 1342
upon acquisition of pre-emption rights .. 2260, 2261
actions for neglect to prevent conspiracy, &c., under civil-rights laws 1981

Section.

LIMITATIONS—Continued.
on presentation of claims for refunding internal-revenue taxes 3228
of time for bringing action for forfeiture or penalty under copyright laws 4968
for filing declaration, &c., by pre-emptor of land, &c 2264–2267
for settler called into military service, &c .. 2268
where pre-emptors cannot comply with laws because of vacancy in offices 2270
of settlers on railroad-lands prior to withdrawal from market 2281
for filing statements, &c., by pre-emptor on Osage Indian trust-lands 2283
for transfer of claim of settler on Osage Indian trust-lands 2284
for sale of homestead by guardians of 2292
for homestead entry by Indians of Ottawa and Chippewa Indian lands 2313
by settlers on Ottawa and Chippewa lands in Michigan 2315
for filing certificate of work and affidavit by applicant for mining-claim 2325
for pre-emption claims for coal-lands 2349
for commencing suit to discover agreements to pay premium, &c., to purchasers of public land 2376
for filing transcript maps of town-sites 2384
of provisions as suspended entry and suspended pre-emption cases 2457
of suits for the recovery of internal-revenue taxes 3227
of time for bringing actions against persons not in military or naval service for making false claims 3494
of indictment for seducing female passengers during voyage, &c 5351
acts of, in Revised Statutes and not affected by repeal, &c 5599
in bankruptcy proceedings, of amount required for right of appeals, &c .4980, 4988
for entering appeals to circuit court 4981
for filing creditor's petition 5023
of acceptance by assignee 5034
suits by and against assignee 5057
application for discharge 5108
of effects, acts of bankruptcy 5014–5021
of preferences 5128
of assignments 5129
for second meeting of creditors 5092
third meeting 5093
for preparing dividend list 5102
for petition for annulment of discharge 5120
LINE OFFICERS (Navy),
grades of, on active list 1362
number in each grade 1363
relative rank of, with the Army 1466
rank from date of commission 1467
LIQUIDS,
shall be excluded from mail 3878
LIQUORS, (See *Distillers, Fermented Liquors, Special Taxes.*)
duties on imported, Schedule D ....p. 463, 2504
internal-revenue provisions respecting distilled spirits 3247–3334
fermented 3335–3354
imitation compounds in, tax on 3328
Retail dealers in, special tax on...p. 623, 3244
not to purchase in quantities less than twenty gallons, except from distiller, &c 3319
provisions as to carrying on business, paying special tax, &c 3232–3243
Wholesale dealer, special tax on 3244
provision as to carrying on business, &c . 3232–3244

Section.

LIQUORS—Continued.
Wholesale dealer—Continued.
to put up sign 3279
to keep book, &c 3318
not to purchase less than twenty gallons except from distiller, &c 3319
spirits for shipment on premises of, to be gauged and stamped (*repealed*) 3321
penalties for omitting requirements and doing acts forbidden 3456–3461
LISTS,
of internal-revenue taxes, to be made by deputy collector for person disclosing 3173
by collector or deputy in certain cases... 3176
amounts on, to be estimated in legal-tender currency only 3178
to be made of taxable property of non-residents 3180
annual, monthly, and special 3181
errors, omissions, and undervaluation in, how corrected by Commissioner 3182
special monthly, with errors corrected, may be committed to collectors by Commissioner 3182
demand and notice of assessments on, by collector or deputy 3184
may be transmitted by collector to another district where person liable resides or has property 3209
uncollected, to be transferred by collector of internal revenue to successor for collection 3219
of passengers, master of steamer to keep, received and delivered from day to day, &c 4467
penalty for failure to keep 4468
to be furnished collector by master of vessel arriving from foreign port 4266
to be transmitted by collector quarterly to Secretary of State 4266
LIVE-OAK TIMBER,
land for, to be selected for Navy 2458, 2459
cutting or destroying, &c., on 2461, 4751
land and naval forces may be used to protect 2460
vessel carrying, from forfeited 2462, 4751
restrictions on clearance of vessels laden with, in certain States.....2463, 4205, 4751
penalties, &c., for violation of provisions respecting 4751
LOANS AND DISCOUNTS (national banks),
not to be made when reserve is reduced, except 5191
rate of interest on 5197, 5198
to individuals, &c., limit of 5200
not to make loan on their own stock 5201
loans by, on personal security 5136
LOCAL INSPECTORS OF STEAM-VESSELS,
provisions concerning (see *Supervising Inspectors of Steam-Vessels*) 4414–4462
LOCKS,
customs, on vehicles for conveyance of merchandise entered for transportation 2994
removing, &c., securing merchandise imported for transportation 2998
secured by inspector of customs on board vessel; liability for breaking, &c.... 3070
opening, &c., attached to imports 3105
forfeiture of vessel, package, &c., from which removed 3106
distillery, to be provided by Commissioner of Internal Revenue 3267
breaking, injuring, or tampering with... 3268

Section.

LOCKS—Continued.
distillery—Continued.
Commissioner may require, to be put on stills, &c 3270
to be furnished to collector of internal revenue 3310
mail, in possession of persons not authorized, &c 5477
accounts to show expenditures for 4049
LOG-BOOKS,
vessels to carry; entries in 4290
manner and time of making entries in 4291
omitting to make entries in, &c 4292
entries respecting deceased seamen 4538
may be required to be produced in suit for wages 4547, 4555
deductions from wages to be entered on ... 4550
statement of examination of provisions, &c., to be entered in 4565
entry of offenses, &c., to be made in, copy, &c., to offender 4597
in Navy; punishments by order of commanders to be entered in ..p. 281, art. 24, 1624
LONG ISLAND,
privilege of coasting-vessels trading between, and Rhode Island 4357
life-saving stations on 4242–4244
LOST CHECKS,
settlement for, by accounting officers 300
duplicates of, how procured 3646, 3647
in favor of postmasters, duplicates of 4046
in pension cases, duplicates (*repealed*) 4770
money orders, how replaced 4040
LOTTERIES,
letters, &c., concerning, not mailable 3894
money-orders for, when may be refused payment 4041
registered letters to persons conducting, fraudulent, when may be returned .. 3929
postmasters not to vend tickets, or send circulars, &c 3851
LOUISIANA,
United States courts and judicial districts (see *the several courts*) 531, 572, 658, 679
public lands in, to be disposed of at public sale as soon as practicable 2303
surveyor-general of 2207, 2208, 2224
transcript certified by, to be evidence 2225
penalty on deputy surveyor in not complying with contract 2233
boundaries of districts 2256
all navigable rivers in former territory of, to remain public highways 5251
collection districts, ports of entry and delivery in (see *Collection Districts, Ports of Entry*) 2568, 2569
additional officers in 2577, 2606
restrictions on clearance of vessels laden with live-oak timber from ports of (see *Live Oak*) 4205
vessels bound for ports delivery in district of New Orleans to enter there, except, &c 2570
bound for Bayou St. John, where to enter. 2571
bound to or from Lakeport 2572, 2573
bound for Pontchartrain 2574, 2575
for Natchez or Vicksburg, to stop at New Orleans 2832, 2833
entry of merchandise may be made at New Orleans and other ports for certain ports on Mississippi River .. 2822, 2823, 2825, 2833
may be made at New Orleans for transportation in bond to certain places .. 2990, 2997

Section.

LOUISVILLE AND PORTLAND CANAL,
assumption of control of, on behalf of United States 5255
LOYAL CITIZENS,
of loyal States, assignments of disloyal contractors to, recognized 3480
LUMBER, (See *Timber.*)
imported, where stored 2958
produce of Maine, sawed, &c., in New Brunswick, admitted free of duty 2508, 2509
live-oak and red-cedar timber-lands selected for Navy 2458, 2459
provisions for protection of 2460, 2461
vessels carrying from, forfeited 2462
restrictions on clearances of vessels laden with, in certain States 2463, 4205
violations of provisions respecting 4751
planting and protecting for ten years forty acres of timber on quarter-section of public land entitles party to patent for whole quarter 2464–2468

M.

MACHINERY,
free of duty, imported for repair only 2511
for manufacture of beet-sugar 2510
in distilleries, Commissioner may require changes or additions 3270
upon forfeiture to be sold at auction 3450
machinist for, in Treasury Department, salary 235
MACKEREL FISHERY, (See *Fisheries.*)
form of license to carry on 4321
vessels in, may catch other fish, &c 4377
agreement for shares with fishermen 4391
penalty for violation by fishermen 4392
recovery of shares under 4393
discharge of vessel on bond 4394
MADAGASCAR,
judicial authority of diplomatic and consular officers in (see *Diplomatic Officers, Consular Officers*) 4083–4120
MAGAZINES (military),
assent of State to be obtained, where land has been purchased for sites for 1838
and approval of Attorney-General to title before money is expended on sites for 355
keeper and gunner at 1416
punishment for various offenses committed at (see *Crimes*) 5339–5391
MAGAZINES (periodical),
regular, &c., second-class mail matter 3877
transient 3878
postage on, when sent to subscribers 3906
special rates of postage to dealers in 3908
affidavit of publishers as to mailing 3909
when uncalled for may be returned 4061
MAILS, (See *Postal Service and the several titles.*)
Post-office Department 388–414
Post-offices and postmasters 3829–3864
Carriers, branch offices, and receiving-boxes 3865–3874
Mail matter 3875–3895
Postage-stamps and envelopes 3914–3925
Postage 3896–3913
Registered letters 3926–3929
Unclaimed dead and request letters 3930–3940
Contracts for carrying mail 3941–3963
Carrying the mail 3964–3996
Railway service 3997–4005
Foreign mail service 4006–4016
Special, local, and route agents 4017–4026
Money-order system 4027–4048

Section.

MAILS—Continued.
Accounts and revenues 4049–4061
Agents, special salary, &c 4017–4018
Assistant Postmasters-General as special. 4019
of railway service, their pay 4020
resident at Isthmus of Panama 4021
on mail-steamers 4022
in China and Japan 4023
route-agents 4024
clerks in railway post-offices 4025
searches by, how authorized 4026
Arrival and departure of,
postmasters at termination of routes to be furnished by Postmaster-General with schedule of, to be posted in office 3841
letters brought to office half an hour before departure of mail to be forwarded except, &c 3840
Contracts for carrying, &c., advertising, for proposals 3941
with railways 3942
with owners of vessels 3943
proposals for, guarantees, oath, &c ... 3944–3947, 3953
bids to be preserved, and contract awarded to lowest 3948, 3949
combinations to prevent bid 3950
failure of bidder to give bond 3951
proceedings on 3951
when bidder for, may be released 3952
bid to be accompanied by check 3953
penalty for failure to enter into 3954
new sureties 3955
limit of term of 3956
omission of route from advertisement 3957
change of, proceedings 3958
payment on 3959
additional service under 3960
allowance for increased expedition 3961
deductions from pay under 3962
assignments of, void 3963
for transporting mail through foreign countries 4006
for service over routes not established ... 3975
contractors and carriers may carry out of mails newspapers for sale or distribution to subscribers 3888
Carrying, &c., what are post-roads 3964
selection from different roads, for 3972
provision for 3965
mail to every court-house 3966
on canals 3967
on plank-roads 3968
on water 3969
home mail on steamships 3970
extending line of post, compensation 3971
discontinuing service 3974
United States vessels to carry mail 3976
masters of vessels to deliver letters and other mailable matter at post offices before entry or breaking bulk ... 3977, 3988
when carrying of letters by vessels not in regular postal service may be paid by, and at what rates 3978
foreign vessels carrying mails, masters to deliver same at post-offices 4016
falsely publishing or claiming to be carriers of mail, penalty 3979
prepaid way-letters may be received by persons carrying mail 3980
illegally carrying or sending mailable matter 3981–3987
searching vessels for letters 3989
seizing and detaining letters, &c 3990, 3991
carrying letters without compensation ... 3992
in stamped envelopes 3993

Section.

MAILS—Continued.
Carrying, &c.—Continued.
separating mails for expedition 3994
penalty for illegaly carrying, by carriers. 3981
private expresses for, prohibited 3982–3984
not to be carried by stage-coaches, &c., except in mail 3985, 3586
to be carried by railways on any train ... 4000
crimes and offenses, relating to postal matter (see *Crimes*) 5463–5480
accessories after the fact of robberies, thefts, &c 5534, 5535
obstructing or delaying mails 3995, 3996
Mail-matter, divided into three classes. 3875–3878
obscene books not mailable 3893
circulars of illegal lotteries not mailable. 3894
free delivery of, authorized 3865
collection of, from receiving-boxes 3868
weight of, not to exceed four pounds per package, except, &c 3879
metric balances for weighing 3880
wrapping and securing 3881
securing of second and third class 3881
removing wrappers from, when allowed. 3882
inclosing letters in printed, &c 3887
detaining, &c., penalty for 3890
opening, &c., penalty for 3891
intercepting, &c., penalty for 3892
disposition of, seized, &c 3895
postage on, to be prepaid, unless, &c 3896
letters delivered half an hour before departure of mail to be forwarded, except, &c 3840
newspapers insufficiently dried and inclosed in wrappers not to be received. 3883
to be prepaid by stamps 3896, 3900
third-class matter, in full before sending 3897
other matter to be forwarded if part paid, balances how collected 3898
carried by foreign vessels or by vessels not in regular postal service to be deposited in post-offices 3977, 3988, 4016
penalty for removing stamps from 3922
for injuring matter deposited in letter-boxes 5466, 5468
Postages, rate of, on newspapers, &c., at free-delivery offices 3872
extra, or carrier's fees prohibited 3873
on letters and letter-matter 3903
on drop-letters 3904
on regular printed matter 3905, 3906
on packages of small papers 3907, 3908
on transient miscellaneous matter 3910
on clothing to soldiers 3911
on foreign matter 3912
on irregular sea-letters 3913
on letters carried in foreign vessels 4015
extra, on advertised letters 3935
received at post-offices to be accounted for as revenue 4051
uncalled-for newspapers may be returned to publishers on payment of 4061
on letters for United States held in foreign countries paid by consuls 4014
no allowance for, to Members and Delegates in Congress 44
allowance to collector of internal revenue. 3145
record of, to be kept by postmasters 3842
quarterly account of, by postmasters 3843
sworn statement to accompany 3844
neglect to render 3845
to be prepaid by stamps 3896–3900, 3914
on matter of third class, at office of mailing 3897
unpaid, on matter forwarded 3898
penalty for receiving illegal 3899

Section.

MAILS—Continued.
Postages—Continued.
mail-matter not to be delivered until paid 3900
on letters to soldiers, &c., need not be prepaid 3902
registration, of valuable letters 3926–3928
routes, published in papers of District of Columbia 3827
railway, to be classified 3997
MAIMING,
on land under United States exclusive jurisdiction, or on vessels on high seas, and punishment 5348
MAINE,
United States courts in (see *District Courts, Circuit Courts*) 531, 572, 658
certain produce of the forests of, sawed, &c., in New Brunswick to be admitted free of duty 2508, 2509
collection districts, ports of entry and delivery in 2517
officers of 2518, 2519
additional officers for certain places 2605, 2606
vessels owned in Edgecomb and New Castle, entered at Wiscasset, may unlade at towns adjoining Sheepscut River 2520
entering and clearing vessels at Calais 2521
merchandise for Kittery or Berwick may be entered at Portsmouth, N. H., or York, Me 2524
entry of merchandise may be made at Portland, for transportation to certain places 2990–2997
life-saving stations on coast of 4249
MAJOR-GENERALS,
number of 1094
aids to 1098
command of 1114
pay of, and of aids to 1261
allowance of forage to 1271
number of, in State militia 1631
called into United States service 1647
MAJORS,
of artillery regiments 1099
of cavalry regiments 1102
of infantry regiments 1106
pay of 1261
allowance of forage to 1271
MALFEASANCE,
offenses relating to official misconduct (see *Crimes, Disqualification*) 5481–5505
of officers authorized or required to perform duties under laws relating to domestic commerce 4374
of consular officers 1736
MALT LIQUORS, (See *Fermented Liquors.*)
Wholesale and retail dealers in, to pay special tax p. 623, 3244
MALTREATMENT,
by persons in Army p. 234, art. 54, 1342
of persons with provisions, &c., for camp, p. 235, art. 56, 1342
in Navy p. 277, art. 8, 1624
of persons on board of prize p. 279, art. 17, 1624
MANDAMUS,
issued by Supreme Court 688
to compel Union Pacific Railroad Company to operate as required by law 5262
MANDATE,
from Supreme Court where judgment of death by court below 1040
on review of judgment, &c., of Territorial court, after admission as State 703
from district court in cases transferred from Territorial court after admission as State 704

Section.

MANIFESTS,
of merchandise brought into United States required 2806
Secretary of Treasury to regulate authentication of, &c 3103
of vessels bound for Portland, Oreg 2588
clearing from 2589
of merchandise for re-exportation, when to be delivered to collector 2776
of vessels departing for other districts, copies of, given to master 2780
not required of ferry-boats 2792
what, to contain 2807
to specify sea-stores 2795, 2796
forfeiture of sea-stores not included in 2797
packages for different districts and spirits and wines, how inserted in 2808
merchandise not included in, penalty 2809, 2810
when and to whom master of vessel to produce and deliver copies of 2811
production of, &c., on arrival in district where cargo to be discharged 2812
copies of, to be delivered to customs officers boarding vessels 2813
masters of vessels failing to produce, &c., and customs officers neglecting to certify, penalty 2814
duplicate, when and to whom delivered, at certain specified ports 2827
delivery of, to surveyor of port previous to unloading, &c 2829
cargoes to be compared with, &c 2830
of cargoes of vessels bound for Connecticut, and Burlington, N. J., with whom deposited, &c 2834
of vessels arriving within collection district of Petersburg or Richmond, Va 2836
goods not agreeing with, penalty 2887
returns of delivery of goods when and by whom to be compared with 2889
of merchandise imported into northern and northwestern frontier districts, &c 3097–3099
of vessels in foreign and coasting-trade on northern, &c., frontiers, &c 3116–3119
form of, &c 3124
when to be delivered at port of destination by master departing from port where no custom-house 3122
certified, by whom to be furnished to registered vessels, &c 3126
of vessels of foreign ports, to be delivered to collectors before clearance, &c 4197
oath by master to correctness of 4198, 4199
of owners, shippers, &c., of cargo 4200
of steamboat from Lake Champlain to province of Quebec, how delivered 4208
for vessels in coasting-trade, signed by naval officer, &c 4332
of vessels departing for neighboring districts carrying distilled spirits, sugars, or foreign merchandise 4349
penalty for proceeding without 4350
delivery of before unlading 4351, 4352
of vessels departing for remote districts 4353
penalty for proceeding without, if having on board distilled spirits, or foreign merchandise, or carrying no cargo 4354
delivery of, by vessel arriving from remote districts before unlading 4355, 4356
vessels on Mississippi River, &c., above New Orleans, exempt from certain of above requirements (*act of* 1876, *ch.* 185, *inserted at page* 840, *after*) 4349

Section.

MANIFESTS—Continued.
vessels bound from one district to district adjoining, or in adjoining State, &c., exempt from certain above requirements and subject to others.....4359, 4360
for registering vessels carrying foreign merchandise from one district to another. 4361
of foreign vessels bound coastwise..... 4367
delivery of, on arrival.....4368, 4369
of vessels in domestic commerce, fees...4381, 4382
of vessels entering insurrectionary district, destination may be changed in, &c... 5315

MANSLAUGHTER,
in Army, in time of war.....p. 235, art. 58, 1342
offenses punishable as, in places within exclusive jurisdiction of United States or on high seas, &c..... 5341
attempts to commit..... 5342
punishment for crime of..... 5343
officers, employés, owners, inspectors, &c., of vessels, by whose misconduct, &c., life is lost, guilty of..... 5344
death caused by transporting explosive substances on passenger conveyances, deemed to be..... 5354

MANUFACTURES,
domestic, when to have preference in purchase for public use.....69, 3725, 3728
on Pacific coast to have preference in selection of supplies for service on that coast..... 3716
of wool, imported in unfinished condition, how appraised..... 2902
of cigars, distilled spirits, fermented liquors, matches, snuff, stills, tobacco. (See *those titles.*)

MAPS,
none to be taken from Library of Congress.. 92
third-class mail matter..... 3878
engravings of, &c., to illustrate documents ordered by Congress..... 3779
when procured by advertisement..... 3780
of States, &c., with report of Commissioner of General Land Office..... 3781
in archives of surveyor-generals office in California, taking away, destroying, &c..... 5411
fraudulently placing among..... 5412
and charts prepared at Hydrographic Office and furnished to navigators at cost.. 432
disposal of moneys from sale of..... 433

MAQUOKETA RIVER,
assent of Congress to construction of bridges across, in Iowa..... 5250

MARINE BAND,
extra pay to members of..... 1613

MARINE CORPS,
number and constitution of..... 1596
separation of staff and line..... 1598
qualifications for appointment..... 1599
credits to officers of, for volunteer service.. 1600
rank of commandant of..... 1601
staff, rank of..... 1602
relative rank of, with the Army..... 1603
brevet commissions to officers of..... 1604
advancement on receiving vote of thanks.. 1607
for conspicuous conduct.....1597, 1605, 1606
term of enlistment in..... 1608
oath of officers and men..... 1609
enlisted men in, exempt from personal arrest for debt, &c..... 1610
companies and detachments of..... 1611
pay and allowances of..... 1612
extra pay to members of Marine Band..... 1613
deduction of pay for hospital fund..... 1614
rations to enlisted men of..... 1615
detachment for service..... 1616

Section.

MARINE CORPS—Continued.
officers of, no command over yards or vessels..... 1617
substitution of landsmen for marines..... 1618
liable to duty in forts, &c..... 1619
regulations for discipline of..... 1620
subject to laws, &c., of Navy, &c..... 1621
conditions of retirement in..... 1622
retiring-board for..... 1623
absence of officer in, without leave, after tendering resignation, &c.....p. 278, art. 10, 1624
members of, during rebellion, may acquire homesteads (see *Homestead*)..... 2304
when to have pensions.....4693–4696
not to draw pay and pension..... 4724
collection and payment of bounty, prize-money, &c., due colored..... 2032
when entitled to bounty-land.....2425–2427
when to be furnished with artificial limbs. 4787–4791
disabled by age, &c., to have half-pay from Navy pension fund..... 4756
certain, may have aid from surplus income of Navy pension fund..... 4757
admission of, to Hospital for Insane..... 4843
clothing of, of marines, lost, permanent appropriation to pay for.....p. 727, 3689
letters transmitted without prepayment.. 3902
compensation for loss of effects of, in case of loss of vessel..... 290
officers of, on courts with Army officers... p. 238, art. 78, 1342
transfer of enlisted men from Army to.... 1421

MARINE HOSPITALS, (See *Hospitals.*)
President may receive gifts in aid of..... 4802
supervising surgeon of, appointment and duties..... 4801
fund for, deposits by collector of customs; appropriation and employment of... 4803
persons employed on canal-boats in coasting-trade excluded from..... 4804
sick foreign seamen admitted to..... 4805
buildings, &c., leased or sold, when..... 4806
proceeds of sale of, &c., how covered into Treasury.....3618, 3692
permanent appropriation for.....p. 726, 3689
hospital-tax, assessment and collection of. 4585
collection of, on vessels sold abroad..... 4586
no enrollment granted until paid..... 4587
to be deducted from wages of seamen.... 4587

MARKING,
punishment by, forbidden in Army..p. 239, art. 98, 1342
in Navy.....p. 284, art. 49, 1624

MARRIAGE,
before consular officers, &c., in foreign countries..... 4084
on board vessels..... 4290
of colored soldiers, what proof of..... 2037
of negroes and Indians, proof of, under pension laws..... 4705
women who might be naturalized, marrying citizens become citizens..... 1994
bond, &c., of, when appointed postmasters..... 3834
in administration of pension laws, children born before, deemed legitimate if acknowledged by their father..... 4704

MARSHALS,
in each judicial district..... 776
of southern district of Alabama..... 776
of southern district of Georgia..... 776
of eastern district of South Carolina..... 776
in northern district of Georgia..... 777
in Iowa..... 778
term of office of..... 779

Section.

MARSHALS—Continued.
deputies of, appointment and removal..... 780
salaries of, for extra services..... 781
oath of..... 782
bond of..... 783
suits on.....784–786
vacancy in office of, how filled temporarily. 793
in case of death of, deputy to act..... 789
execution of process after expiration of office; responsibility..... 790
general duties of..... 787
powers of, same as of sheriffs, &c..... 788
subject to certain regulations by Solicitor of Treasury as to suits in which United States are parties..... 377
to execute warrants for removal of offenders, &c., to district where offense to be tried..... 1014
to pay militia fines into Treasury, &c..... 1660
duty in enforcement of civil-rights laws..1981–1988
appointment of special deputies by..... 2021
responsible for deputies..... 2189
duties of, under laws relating to elections.. 2022, 2027
may summon posse comitatus..... 2024
in arresting persons in Indian country... 2153
number of, not to be increased..... 2030
vessels seized for transporting coolies to be delivered to..... 2163
taking census by (see *Census*).....2175–2206
duties in regard to obscene articles, publications, &c..... 2492
how to satisfy execution in customs cases.. 3014
when to enter premises and seize papers, &c., in revenue cases..... 3091
accepting gift, &c., for settlement of violation of internal-revenue law..... 3170
to levy on property of delinquent collector of internal revenue..... 3217
to execute deed of estate sold in cases of delinquent collector of internal revenue..... 3217
to obliterate, &c., tax-paid stamps on sale of condemned spirits..... 3334
duties relative to goods seized for violation of internal-revenue laws..... 3458
when to make conveyance of lands, &c., to United States..... 3470
may pay public money into depositories.3616, 3617, 3619
penalties for using, not depositing, &c., moneys belonging to registry..... 5504
duty concerning distress warrants against delinquent collectors, &c.....3627–3632
may seize letters illegally carried.....3990, 3991
to execute executive or judicial orders for removal of alien enemies..... 4070
duties of, in prize cases and respecting prize property.....4623, 4627–4629
witness-fees in prize causes to be paid by.. 4651
term "marshal" in bankruptcy cases..... 5013
to act as messenger in bankruptcy..... 5019
to execute warrant for arrest of debtor..... 5024
to take possession of bankrupt's estate..... 5029
delivery by, of body of offender executed for murder to surgeon for dissection. 5340
refusal of, to receive process under civil-rights laws; neglect of, to execute, &c..... 5517
obstructing, &c., in performance of duties relating to elective franchise..... 5522
delivery to, of negro, &c., found on board vessels in slave-trade, &c..... 5559
duties of, respecting vessels fitted out to engage in piracy..... 4299
to provide for safe-keeping of prisoners in certain cases..... 5538

Section.

MARSHALS—Continued.
in District of Columbia to be paid only cost of supporting prisoner..... 5545
Attorney-General has direction of and supervision of accounts of.....362, 368
not to act as commissioners of circuit court. 628
in case of non-attendance of judges of circuit court, to adjourn court, &c....671, 672
appointment by, of persons to attend on juries..... 715
to serve process, &c., in awards of foreign consuls, &c., differences between captain and crews of vessels..... 728
not to act as attorney, &c.....748, 749
to serve writs of venire facias, except when interested or not indifferent..... 803
how to return tailsmen to fill petit jury.... 804
special juries in circuit court..... 805
when parties in cases, writs how directed and executed..... 922
power of, to stay warrant of arrest, or to release in admiralty causes other than seizures for forfeiture..... 941
custody of person committed to jail in his district who had given bail in another district..... 943
to summon appraisers under authority of State to appraise goods taken on writ of fieri facias..... 993
sale of lands, &c., taken by predecessors... 994
returns to be made to Solicitor of Treasury and Sixth Auditor 791, 792
fees of..... 829
what, to be paid for services for United States..... 830
per diem, for attendance, &c..... 831
semi-annual return, to be made by, to Attorney-General 833, 834
in Oregon and Nevada, double fees..... 837
amount, allowed to be retained by..... 841
additional compensation of, in prize causes..... 842
compensation of, for each year to be allowed from fees, &c., of same year.. 843
surplus to be paid into Treasury..... 844
accounts of, examined by Attorney-General..... 845
to be certified by district judge..... 846
to pay fees of jurors and witnesses in cases where United States are party. 855
in cases where United States liable, how to be paid..... 856
in other cases, how recovered..... 857
in disposal of prize property..... 4645
for services to inspectors of steam-vessels, how paid..... 4451
in civil-rights cases..... 1986
penalty for procuring illegal..... 5012
bill of, how taxed and included in judgment..... 983
how proven before taxed by judge or allowed by accounting officers..... 984
of consulor courts, at consulate of Bangkok..... 1693
appointment of..... 4111
duties of, how regulated..... 4112
bonds..... 4113
suit upon, how brought, &c.....4114, 4115
processes against, how issued..... 4116
of District of Columbia, to post names of servants of foreign ministers..... 4065
public to have free access to list..... 4066
of Supreme Court, how appointed..... 677
salary, duties, and powers of..... 680
fees and account of..... 832
duties of, when court adjourns in consequence of epidemic, &c..... 4799

Section.

MARSHALS—Continued.
of Territories, appointment, term of office, and duties 1876, 1877
salary of, and how payable 1881, 1882
fees and costs allowed to 1883
to have control of penitentiaries, except, &c 1892–1894
MARYLAND,
judicial district of 531
terms of district court in 572
of circuit court in 658
collection districts, ports of entry and delivery in 2548
officers in 2549
merchandise may be entered at Baltimore for transportation in bond to certain places 2990, 2997
MASH (distillery),
ratio of, to grain and molasses 3264
restriction on, production for distillation ... 3282
none to be made between 11 p. m. Saturday and 1 a. m. Monday 3283
MASSACHUSETTS,
judicial district of 531
terms of district court in 572
of circuit court in 658
collection districts, ports of entry and delivery in 2527
officers in 2529
additional inspectors for Boston 2605
entry of merchandise may be made at Boston, for transportation in bond to certain places 2990, 2997
life-saving stations on coast of 4249
MASTER-ARMORERS,
at national armories, appointment of 1662
pay of 1663, 1664
MASTER-AT-ARMS,
punishment of, for refusing to receive prisoners, &c ..... p. 278, art. 8, 1624
MASTER OF GUNBOAT,
when to have pension 4693
rate of total-disability pension to 4695
MASTER-WORKMEN (in navy-yards),
selection of 1543
MASTERS (in Navy),
number of, on active list 1363
pay of 1556
MASTERS OF VESSELS,
licensed (see *Licensed Officers and Vessels*),
license, &c., by local boards 4438
penalty for serving without 4438
when to be granted 4439
may be suspended or revoked, when 4439
as pilot 4443
to be exhibited, how 4446
fee for 4458
oath of 4445
of steam-vessels, to answer inquiries, &c., of inspection officers 4406
investigation into failure of duty by 4407
violating rules as to steamers passing 4413
who included under title of "master" in laws relating to collection of duties .. 2768
in laws relating to merchant-seamen 4612
to pay consular fees 1718
penalty for taking away live-oak or red-cedar timber on lands of United States 2462
oath of, as to letters, &c 3987, 3988
to ownership of unregistered vessel carrying sea-letters, &c 4226
not to be employed in wrecking on Florida coast without license 4241
to sign entries in log-book of vessels 4291, 4292
summary trial of, for offenses against navigation laws 4300, 4302

Section.

MASTERS OF VESSELS—Continued.
oath of, as to expiration of license of vessel at sea 4372
fees to be collected of 4281, 4283
when may perform duties of shipping commissioners 4504
duties as to, &c., apprentices 4509, 4510
to make, &c., shipping articles 4511–4514
accepting seamen illegally shipped 4515
may replace deserters 4516
may ship seamen in foreign ports 4517, 4518
to post copy of shipping articles in ship 4519
in coasting-trade, manner of shipping seamen, form of articles 4520
penalty for shipping without articles 4521
to take charge of effects, &c., of deceased seamen, &c 4538–4540
proceedings when seamen die in United States 4542
summons of, for non-payment of seamen's wages 4546
penalty for illegal discharge of seamen 4549
to render account of wages on discharge ... 4550
to give certificate of discharge 4551
rules as to discharge of seamen 4552
to give certificate of character, unless 4553
questions between the crew and, how heard 4554
may be required by shipping commissioner to produce log-book, &c 4555
on complaint of unseaworthiness, shall have vessel surveyed 4556, 4557
to pay extra wages to crew on discharge on account of unseaworthiness, &c 4561
to pay cost of inspection of vessel in foreign port, &c 4562, 4563
what provisions to be provided by 4564, 4565
may deduct from wages of crew for false complaint of provisions, &c 4566
to serve anti-scorbutics, &c., to crew 4569
failure to carry medicines, anti-scorbutics, &c 4570
to carry proper weights and measures ... 4571
or clothing and fuel for seamen 4572
to deliver list of crew to collector 4573
to carry certified crew-list and shipping articles 4575
to give bond for return of seamen to United States 4576
to carry destitute seamen, &c 4578, 4579
when to pay extra wages to seamen 4580
on sale of vessel 4582
penalty for neglect of consul to collect of, and pay over extra wages 4581
to pay hospital dues of crew 4585, 4586
to retain same out of wages of crew 4587
to protest against impressment of crew .. 4589, 4590
to pay shipping, &c., fee 4593
punishment of seamen for damage to, by smuggling 4596
shall enter offenses, &c., in log-book 4597
punishment of seamen absent without leave 4598
may apprehend deserters 4599, 4604, 4605
may arrest unauthorized persons boarding vessel 4606
penalty of removing effects of seamen without permission of 4607
inform seamen of penalty for carrying sheath-knife 4608
by whose misconduct, &c., life is destroyed, how punished 5344
confining of, by crew 5359
usurping command from, &c 5360
forcing officer or mariner on shore, with intent to leave him, &c.; refusing to bring home 5363

Section.

MASTERS OF VESSELS—Continued.
seaman laying violent hands on, to prevent fighting in defense of vessel, deemed pirate, &c 5369
confinement of, by seaman 5384
of registered vessel, oath to obtain register 4144
to give bond for registry 4145
oath of, as to citizenship 4156
penalty for failure to surrender old certificate where new has issued 4162
oath of as to loss of certificate 4167
delivery of certificate by, and cancellation of bond 4174
of enrolled and licensed vessels, subject to provisions as to registered vessels ... 4312
bond, &c., of, to obtain license for coasting-trade or fisheries 4320
may obtain exchange of registry for enrollment or license, or vice versa 4323
penalty for failing to surrender expired license 4325
oath as to foreign repairs to obtain enrollment, &c 4330
penalty for failure to report change of master 4335
for refusing to exhibit enrollment or license 4336
to deliver certificate received in another district to collector in home port 4338
trading between neighboring districts, to make, subscribe manifests, &c 4349–4352
trading between remote districts, to make out manifest, &c 4353, 4354
of vessels on Mississippi River above New Orleans exempt from requirements to procure certain permits (*act of* 1876, *ch.* 185, *inserted at page* 840, *after*) ... 4349
of vessels carrying domestic productions between adjoining districts, &c., exempt from certain requirements as to manifests and permits, &c 4359, 4360
of fishing vessels touching at foreign port, to deliver manifest and make entry .. 4364
report by, on arrival at port other than destination 4366
of foreign vessel bound coastwise, manifest and permit before departing 4367
delivery of manifest and permit on arrival before unlading 4368, 4369
of recorded vessels, to countersign certificate of measurement 4181
certificate of record to be granted to 4182
change of, to be indorsed on certificate 4183
to produce certificate on entry 4184
to pay surveyor's fees for measurement 4186
of vessel in foreign commerce, bond to be given by, for passport 4306, 4307
to deposit papers with consul, &c., on arrival at foreign port 4309, 4310
fees to be paid by 4382
of vessel for foreign port to deliver manifest and obtain clearance 4197
form of oath of, to obtain clearance 4198
report and manifest to be delivered by 4199
oath of, as to destination of cargo 4200
of steamboat from Lake Champlain to province of Quebec to deliver manifest and obtain clearance 4208
of foreign vessel to produce to collector register and papers on entry, &c 4209, 4210
of vessel of United States, oath by, as to delivery of mails on entry 4212
to furnish collector copy of receipts for fees paid consuls abroad 4213

Section.

MASTERS OF VESSELS—Continued.
of vessel carrying passengers from foreign port to United States, number of passengers may receive on board 4252, 4253
penalty for violation of regulations as to berths 4255
for failing to provide deck-houses, ventilators, and cooking-range 4259
for furnishing short allowance of provisions or water 4261
for failure to have provisions properly cooked and distributed 4262
to maintain discipline and cleanliness among passengers, &c 4263
to keep apartments occupied by passengers in healthy condition 4263
to furnish collectors with list of passengers on arrival 4266
payment to collector on account of passengers dying on voyage 4268, 4269
for permitting officer or seaman to visit part of vessel assigned to emigrants . 4276
to post notice forbidding officers or seamen visiting part of vessel assigned to emigrants 4277
not liable as carriers of gold, bullion, and certain valuable merchandise unless notified of its character 4281
remedies against, for embezzlement, loss, or neglect 4287
in coasting-trade; penalty for illegally shipping seamen 4521
how may recover penalty for failure of seamen to begin voyage 4522
when to make payment of wages to seamen. 4529
payment of wages by, at intermediate ports. 4530
of steam-vessels carrying passengers; penalty for carrying more than lawful number of passengers 4465
for failing to keep list of passengers 4468
liability of, for damages to passengers 4493
of river passenger-steamer; liability for damages where navigating against advice of pilot or engineer 4487
duties of, on entry or arrival of vessels (see *Entry of Vessels*) 2770–2784
bond and duties required of, upon arriving with goods for different ports before proceeding from port to port 2779–2784
of steam-vessels, may retain coal without paying duty 2798
of vessels bound for Connecticut by way of Sandy Hook to deposit manifest with collector of New York 2834
of vessels bound for Burlington, N. J., to deposit manifest with collector at Philadelphia 2834
of vessels bound up James River not required to stop in Hampton Roads and deposit manifests at Norfolk 2835
of vessels arriving within districts of Petersburg or Richmond, duties of 2836
manifests required of (see *Manifests*) ...2806–2815
to specify sea-stores in report or manifest on entry 2795–2797
penalty on, when cargo does not agree with manifest 2887
to deliver to post-office mailable matter carried by 3977, 3978, 3988, 4016
change of, to be reported to collector 4171
of steam-vessels to keep two copies of laws on board (see *Steam-Vessels*) 4494
Rules for navigation by (see *Navigation*). 4233–4251

MATERIALS,
certain public stores and supplies sold, proceeds how disposed of 3618, 3692

Section.

MATERIALS—Continued.
what, detailed statement of, to be included in book of estimates 3672
MATCHES (friction),
tax on, whether domestic or imported 3435
rate of, in Schedule A .....p. 679, 3437
stamps for, how supplied 3425
may be removed from manufactory for export without stamps 3430
restrictions on carriage of, by steam passenger-vessels 4472
how packed and marked for shipment 4475
penalty for shipping contrary to law 4476
MATES,
in Navy, pay of 1556
rating as seamen 1408, 1409
of steam-vessels (see *Licensed Officers*),
to answer inquiries, &c., of inspectors ... 4406
investigation of failure of duty 4407
violating rules as to steamers passing 4413
to be licensed, classified, &c 4438–4440
license of, as pilot 4443
oath of 4445
license to be exhibited, how 4445
fees for licensing 4458
liable for loss through their misconduct .. 4493
of vessels, to sign entries in log-book, &c. 4291
may demand inspection of vessel 4556
in foreign ports 4559
MATRONS (**in Army**),
in hospitals, employment of 1239
pay and rations of 1277
at post or regimental hospitals 1295
MAYHEM,
in Army, punishment for ....p. 235, art. 58, 1342
in places under exclusive United States jurisdiction or on high seas, &c.; punishment 5348
MAYORS,
may arrest or bail offenders against United States 1014
MEANING OF WORDS,
certain words used in Revised Statutes 1–6
in special cases (see *Definitions*) ..605, 1674, 2766, 2767, 2768, 2951, 2952, 3140, 3407, 4130, 4612, 5013, 5413
MEASUREMENT,
of registered vessels 4148
certificate of, what to specify 4149, 4150
cabins and state-rooms not to be measured. 4151
certain vessels exempt from 4152
rules to ascertain tonnage 4153, 4154
to be specified in certificate of registry 4155
new certificates to refer to former 4156
of recorded vessels 4181
to be inserted in certificate of record 4182
penalty on surveyor giving naval officers false description of 4187
for license of vessels under twenty tons 4331
fees for 4186, 4381, 4382
MEASURERS (**customs**),
for certain ports 2606, 2607
to make returns of goods measured 2890
extortion by, making returns without weighing, &c 2637
MEDALS,
national and other, may be struck at mint. 3551
money from, to be covered into Treasury. 3552
of honor to seamen of Navy 1407
MEDICAL CORPS. (See *Medicine and Surgery.*)
MEDICAL DEPARTMENT. (See *Medicine and Surgery.*)
MEDICINES, DRUGS AND CHEMICALS,
imported, how examined 2933–2938
special examiners of, to take oath 2611

Section.

MEDICINES, DRUGS AND CHEMICALS—Continued.
compensation of examiners 2745
in New York and in New Orleans, one special examiner of, to be appointed. 2569, 2938
name of manufacturer, &c., to be affixed to 2934
instructions of Secretary of Treasury to importation of impure or adulterated. 2612
adulterated, to be so returned on invoice, &c 2935, 2936
may be exported, otherwise to be destroyed 2937
duty on those not enumerated ....p. 478, 2504
domestic, rate of tax ...Schedule A, p. 678, *after* 3437
proprietary, not exempt, except, &c..... 3436
manufacture of, in bonded warehouse for exportation 3018, 3433
all, to be stamped 3435
chests of, to be carried by merchant-seamen 4569
penalty for failure to carry 4570
MEDICINE AND SURGERY,
in Army, department of 1094
hospital stewards 1094, 1179–1181
organization and rank of 1168
right of command of officers of 1169
assistant surgeons who have served three years in volunteer force, eligible to promotion 1170
purveyors may be assigned as surgeons .. 1171
appointment and examination of surgeons and assistant surgeons 1172
duties of chief medical purveyor 1173
duties of, regarding preparing rations, &c. 1174
sick diet in hospitals 1175
trusses, how and to whom furnished (see *Trusses*) 1176–1178
chief medical purveyors and assistant medical purveyors to give bonds 1191
appointments in, suspended until, &c.... 1194
in Navy, allowance to officers for 1586
purchases of medicines by Secretary, not subject to provisions as to advertising 3721
Bureau of, rank and title of chief 1471
of retired chief 1473
detail and pay of assistant 1375
medical corps, number of medical directors, medical inspectors, surgeons, and assistant surgeons on active list, appointment, &c 1368–1375
all appointments in, to be made by President with advice of Senate..... 1369
members of, to be on board for retiring officers 1448
relative rank of officers of 1474
officers of, on retirement after forty-five years' service to have rank of commodore 1481
rank gives no authority to exercise military command 1488
medical directors, number of, on active list 1368
relative rank of, on active list..... 1474
pay of 1556
medical inspectors, number of, on active list 1368
relative rank of, on active-list..... 1474
pay of 1556
surgeons, appointment 1371
of the fleet 1373, 1374
rank of 1474
passed assistant surgeons, pay of 1556
assistant surgeons 1370

Section.

MEDICINE AND SURGERY—Continued.
assistant surgeons—Continued.
rank of 1372, 1474
acting assistant surgeons 1411
Medical referee in Pension-Office, appointment, &c., of 4776
MELTER AND REFINER,
at mints 3496
salaries 3498
to give bond 3501
to take oath 3500
may nominate subordinates 3504
general duties of 3508
to determine mode of melting bullion 3521
duty as to ingots 3530
as to bars for payment of deposits 3534
as to coins 3538
as to annual settlement 3541
at New York assay office 3554
duties, &c., of 3555
salary of 3556
melter for certain assay offices 3559, 3561
MEMBERS OF CONGRESS. (See *Congress, Senate, House.*)
MERCHANDISE, (See *Customs Duties, Exports, Imports, Drawback.*)
entry of, at custom-houses (see *Entry of Merchandise*) 2766–2866
imported, requiring to be weighed, gauged, or measured, not to be removed from wharf before 2882
bond and warehouse system for (see *Transportation, Warehouses*) 2954–3008
consignee of imported, held owner for purposes of laws relating to duties 3058
MERCHANT APPRAISER,
when collector of customs to appoint 2609
penalty for not assisting as 2610, 2945
compensation of 2725
when to appraise merchandise in public store beyond one year 2973
MERCHANT SEAMAN, (See *the several titles.*)
Shipping commissioners 4501–4508
fees of 4592–4595
schedule of ..... p. 894, *after* 4612
Shipment 4509–4523
Wages and effects 4524–4548
Discharge 4549–4553
Protection and relief 4554–4591
Offenses and punishments 4596–4612
Summary trials for certain offenses against navigation laws 4300–4302
reports of collectors, &c., respecting, to be sent to Congress 207
pay, when sent home from foreign ports, &c., as witnesses 851
consular officers shall keep record of, &c 1708
alien, how naturalized, protected, &c 2174
entries on log-book concerning 4290
to sign entries in log-books, when 4291
hospitals for sick and disabled 4801–4813
fund for relief of, how appropriated 4803
admission of foreign, to hospitals 4805
arrest and commitment of foreign seamen in case of disputes 4079–4081
in case of desertion 5280
confinement of master by 5384
laying violent hands on commander, when deemed piracy 5369
penalty for neglect of duty relative to deserters by consular officers 1736
definition of terms used in laws relating to. 4612
alien, how protected and naturalized 2174
apprentices of 4509, 4510
form of agreement ..... p. 894, *after* 4612
shipping articles of, terms, &c., of 4511

Section.

MERCHANT SEAMEN—Continued.
rules for signing, &c., of 4512
form of, &c ..... p. 894, *after* 4612
when may reship, &c., without fee 4513
penalty for carrying, without articles 4514
for accepting seamen illegally shipping .. 4515
how deserters, &c., may be replaced 4516
how may be shipped in foreign ports 4517
penalty for illegally shipping 4518
copy of agreement with, to be posted 4519
in coasting-trade, shipping articles of, &c .. 4520
penalty for illegally shipping 4521
penalty for breach of articles by 4522
illegal shipment of, recovery of wages 4523
discharge of 4549
account of wages on 4550
certificate of 4551
rules for settlement on 4552
certificate of character on, unless 4553
by consular officers 4580, 4581
consular officers not to receive fees for collecting wages, affording relief, &c ... 1719
penalty for neglect of duty by, to seamen 1736
effects, &c., of deceased, disposal of 4538
rules of procedure in regard to 4539
penalty for neglect, &c., in regard to 4540
duty of consuls in regard to 4541
distribution of 4544
disposal of, when unclaimed 4545
offenses and punishment of 4596
to be entered on the log-book, &c 4597
arrest, &c., of, for desertion 4598, 4599
reclamation and discharge of deserters, by consular officers 4600
penalty for harboring, deserters 4601
penalty for drunkenness, &c 4602
enforcement of forfeitures 4603, 4604
reimbursing master cost of conviction ... 4605
penalty for soliciting, as lodgers 4607
not to carry sheath-knife 4608
penalty for receiving from, more than fee. 4609
penalties and forfeitures, how recovered. 4610
flogging of, abolished 4611
protection, &c., of, arbitration of disputes of, with master, &c 4554, 4555
majority of crew, &c., may demand survey of vessel, &c 4556–4558
in foreign port 4559
extra pay to, on discharge from unseaworthy vessel 4561, 4563
cost of survey, when improperly demanded, to be paid by 4562
survey, &c., of provisions, &c., may be demanded by 4565
forfeiture of pay for unfounded complaint of provisions by 4566
permission to complain guaranteed to ... 4567
allowances to for reduction of provisions. 4568
medicines, anti-scorbutics, &c., to be provided for 4569, 4570
provisions, &c., to be weighed, &c 4571
clothing and fuel for use of, to be carried. 4572
list of, on vessels to be furnished collector 4573, 4574
shipping articles to be carried on vessels. 4575
bond for return of, to United States 4576
destitute, &c., care, &c., of by consular officers 4577
penalty for refusal by vessels of United States to carry 4578
additional allowance for carrying 4579
certificate of citizenship to 4588
protest against impressment of 4589
penalty for neglect to make 4590
list of certificates of citizenship of, to be kept 4591

Section.

MERCHANT SEAMEN—Continued.
wages, rate of which may be recovered in case of shipment contrary to law ... 4523
when right to, commences ... 4524
not to depend on freight ... 4525
to terminate by loss of vessel ... 4526
in case of improper discharge ... 4527
when to be suspended ... 4528
time for payment of ... 4529
payments of, at intermediate ports ... 4530
allotment of ... 4531
advances ... 4532
unlawful advances, recovery ... 4533
discount of advance, &c ... 4534
lien on ship for ... 4535
attachment or assignment of ... 4536
amount recoverable, during voyage ... 4537
in foreign ports, payable in gold ... 4548
to be specified in shipping articles ... 4511
forfeiture of, for failure to make voyage ... 4522
rate of, in shipment contrary to law ... 4523
part of shipping, &c., fee deducted ... 4593
table of reduction of ... p. 894, *after* 4612
forfeiture of, for desertion, &c ... 4596
cost of apprehending deserters to be deducted ... 4598
extra, to be paid when desertion caused by cruel treatment ... 4600
enforcement of forfeiture, &c., of ... 4603
disposal of forfeitures, &c., of ... 4604
application of part of, to pay cost of conviction, &c ... 4605
on discharge, account of, to be rendered ... 4550
on account of unseaworthiness of vessel, what to be paid, &c ... 4561, 4563
payment of, &c., of deceased, to shipping commissioners ... 4542
by shipping commissioners to circuit court ... 4543
summons for non-payment of ... 4546

MERCHANT-VESSELS, (See *Merchant Seamen, Vessels, and the following titles.*)
Registry and recording ... 4131–4196
Clearance and entry ... 4197–4218
Tonnage-duties ... 4219–4227
Discriminating duties ... 4228–4232
Navigation ... 4233–4251
Transportation of passengers and merchandise ... 4252–4289
Log-books ... 4290–4292
Regulations for suppression of piracy 4293–4299
Summary trials for certain offenses against navigation laws ... 4300–4305

MERIDIAN,
what shall be used for astronomical, and what for nautical purposes ... 435

MERIT,
granting certificates of, in Army ... 1216
pay of enlisted men receiving certificates ... 1286

MESNE PROCESS,
forms of, in equity and admiralty causes, in circuit and district courts ... 913

MESSENGERS,
of Senate ... 52
of House of Representatives, salary ... 53
of Electoral College, mileage of ... 144
penalty for neglect of duty of ... 145
to President, salary of ... 155
to Supreme Court ... 680
of Court of Claims ... 1053, 1054
in Executive Departments ... 167
in bankruptcy proceedings. (See *Bankruptcy.*)

METALS,
customs-duties on ... p. 464, 2504

Section.

METEOROLOGICAL OBSERVATIONS,
Secretary of War to provide for, at military stations ... 221, 222

METRIC SYSTEM,
weights and measures legalized ... 3569
equivalents of ... 3570
balances furnished certain post-offices ... 3880

MEXICO,
merchandise may be withdrawn from warehouse for exportation to, routes ... 3002–3004
exported to, not to be landed in United States ... 3008
arriving for, at certain ports, how entered and conveyed ... 3005
certain imports and domestic products, &c., transported over territory of ... 3006
maintenance of cemetery near city of ... 4879, 4880
value of dollar of, recoinage ... 3567, 3568
four inspectors of customs to be appointed in Texas, on routes of exportation to ... 2580

MEXICAN GRANTS,
falsely dating, &c., instrument relating to, in California ... 2471

MEXICAN WAR,
additional pay to officers and solders in ... 1285, 1286
certain soldiers of, or their widows, entitled to bounty-land ... 2418
to warrants for land or to scrip ... 2419
warrants and patents, when to issue ... 2423
disabled officers, &c., to have pension ... 4730
widows, &c., of officers, &c., killed in, to have pension ... 4731
scrip to certain soldiers of ... 2418, 2419

MICHIGAN,
judicial districts in ... 538
district courts in, terms of ... 572
adjournments of ... 579
circuit court in, terms of ... 658
land districts ... 2256
mineral lands exempt from certain provision of mining laws ... 2345
collection districts, ports of entry and delivery in, (see *Collection-districts, Ports of Entry*) ... 2599
officers of ... 2600
additional officers may be appointed for Detroit and Superior ... 2605, 2606
entry of merchandise at Detroit and Port Huron for transportation in bond to certain places ... 2990, 2997
privilege extended to Saint Paul (*note after*) ... 2997
inspectors of hulls and boilers for ... 4414

MICHIGAN CITY,
passage of vessels to and from harbor of, free from toll ... 5247

MIDSHIPMAN,
grade as a line officer ... 1362
graduates of the academy, rank of ... 1483
cadet-midshipmen, graduates to be promoted to ... 1521
pay of ... 1556
rations, or commutation therefor, to ... 1577, 1585

MILEAGE,
for executing precepts of Congress (*repealed*) 74
to officers of Army ... 1273
to officers of Navy ... 1566
members of Territorial legislature ... 1853
of clerk of supreme court of Arizona ... 1934
to witnesses under letters rogatory ... 4074
of messenger in bankruptcy, allowance for ... 5126

MILITARY ACADEMY,
officers, professors, and instructors authorized at ... 1094, 1309
local rank of superintendent and of commandant and cadets ... 1310

Section.

MILITARY ACADEMY—Continued.
government and command of 1311
duties, &c., of commandant of cadets..... 1312
appointment and detail of officers and professors at..... 1313
from any arm of the service 1314
command of academic staff at..... 1314
leave of absence to professors and officers.. 1330
supervision of, in War Department..... 1331
Senate documents for library of..... 1332
conditions of retirement of professors, &c.. 1333
band of 1094, 1111
pay of leader of..... 1278
pay of superintendent and commandant .. 1334
of adjutant at..... 1335
of professors at 1336
of assistant professors and instructors.... 1337
of master of the sword 1338
of cadets 1339
of librarian and assistant 1340
of enlisted men employed at..... 1341
cadets at, number and appointment of ... 1315
persons engaged in the rebellion, &c., not to be appointed at 1316
appointment of, in advance and commencement of pay 1317
age of appointee 1318
examination and qualifications 1319
oath of, before admission..... 1320
engagement of, for service..... 1321
arrangement of, into companies..... 1322
in what to be trained and taught..... 1322
subject to service as President directs ... 1323
studies not to be pursued on Sunday 1324
reported deficient, disposition of..... 1325
courts-martial for trial of..... 1326
pay of..... 1339
Board of Visitors, appointment of..... 1327
duties of 1328
compensation and allowance to 1339
assignment of graduates..... 1213

MILITARY BOUNTY-LAND WARRANTS,
fee for locating 2238
receivable for pre-emption rights..... 2277
how assignable 2414
how located 2415
granted for services in Revolution and war of 1812 how located.....2416, 2417
to certain officers, soldiers, &c., serving between 1790 and 1855, their widows or children, when 2425–2429
evidence to establish right to 3431, 2432
duplicates of lost or destroyed 2441, 2442
issued after death of claimant..... 2444
to be treated as personal chattels, &c..... 2444
proofs may be filed by heirs of claimant 2445
erroneous location of, by settler how corrected (see *Bounties*) 2446
falsely making, uttering, forging, &c., any false, &c..... 5420
where lands have been granted for military service patents to issue 457

MILITARY JUSTICE,
Bureau of, in Army..... 1094
organization and rank of officers of 1198
Judge-Advocate-General 1198, 1199
Assistant judge-advocate-general..... 1198
judge-advocates, number and rank of ..1094, 1200
duties of 1201, 1202
may employ reporter for military court.. 1203
oath of, on courts-martial..p. 238, art. 85, 1342
to be prosecutor and in part counsel for prisoners on courts-martial...p. 234, art. 90, 1342
Articles of War.....pp. 229–242, 1342

Section.

MILITARY PRISON,
at Rock Island, Ill..... 1344
board of government for 1345
visitation and inspection of..... 1346
officers and attendants allowed 1347
accounts and government of 1348
bond of the commandant..... 1349
powers and duties of..... 1350
employment of convicts..... 1351
remissions for good conduct 1352
punishment for misconduct..... 1353
certain punishments forbidden at..... 1354
clothing to prisoners on discharge from.... 1355
privileges of prisoners at 1356
diet and accommodations for prisoners 1357
officers suffering prisoner to escape..... 1359
not to be interested in contracts for 1358
soldiers suffering prisoner to escape 1360
prisoners in, subject to Articles of War 1361

MILITARY RESERVATIONS,
excepted from operation of laws relating to town-sites 2393

MILITARY STORES AND SUPPLIES,
purchase and distribution of..... 1133
inspection and survey of damaged..... 1241
purchases, &c., under Secretary of War ... 3714
preference to domestic manufacturers 3716
taken from an enemy.....p. 231, art. 9, 1342
accountability for .....p. 231, art. 10, 1342
responsibility for loss, or damage, or deficiency of..... 1304
by Articles of War .....p. 231, art. 15, 1342

MILITARY AND NAVAL SERVICE,
(See *Army, Navy.*)
persons honorably discharged from, preferred for appointment in civil service. 1754
recommendation for employment by citizens of persons honorably discharged 1755
duty of persons in, in New Mexico..... 1991
deserters to forfeit citizenship.....1996–1998
pre-emption settlers called into, given extension of time 2268
persons in, may enter land for homestead.. 2293
who in, to have pensions.....4693, 4694
pension for loss of both feet, &c.....4697, 4698

MILITIA,
enrollment of.....1625, 1627
arms and accouterments..... 1628
who exempted from duty in 1629
divisions, brigades, &c., in State service... 1630
officers of, in each State.....1631, 1632
light infantry, or riflemen, and cavalry and artillery in 1632
regimental colors and musical instruments..... 1633
adjutant-general of..... 1633
returns of actual condition..... 1635
what discipline to be enforced in..... 1637
officers of, how to take rank..... 1638
disabled in service of United States 1639
duties of brigade-inspector of 1640
privileges of corps of artillery, cavalry, and infantry not incorporated with..... 1641
President may call forth, to repel invasion or suppress rebellion..... 1642
how apportioned when called forth 1643
when subject to Articles of War 1644
called into service, how organized 1646, 1647
term of service of, to be specified, not exceeding nine months..... 1648
failing to obey orders of President 1649
pay, rations, clothing, and camp equipage of..... 1650
when to commence 1651
traveling pay, subsistence, &c..... 1652
forage to mounted companies of..... 1653
expenses of march to rendezvous by 1654

Section.

MILITIA—Continued.
what addition to ration on western frontiers 1655
half-pay to widow or child of officers and men dying in service, &c 1656
benefits extended to those suppressing Indian depredations in Florida 1657
courts-martial for trial of 1658
fines assessed against, how certified, collected, &c 1659
appropriation for arms and equipments 1661
returns of abstracts of, to be laid before Congress 232
pay of, during captivity 1288
rank of officers of, on duty with regulars or volunteers ..... p. 241, art. 124, 1342
distribution of arms and equipments to 1667
Territorial 1841
general officers of, to be elected by the people 1856
in new Territories, in first instance may be appointed by governor 1857
may be called in aid of execution of process, 1984, 1989
bounty-land for those heretofore called into service 2420, 2425–2427
in war of 1812 and Indian war, widows, &c., of, to have pensions 4732, 4736
President may employ, to enforce neutrality laws 5287
to compel departure of foreign vessel forbidden to remain, &c 5288
in cases of insurrection 5297, 5298
when equal protection of laws denied by domestic violence, &c 5299
in aid of collection of duties 5316
officers, when to have pensions 4693
rate of total-disability pension to 4695
to have pension according to rank, &c ... 4696
soldiers when to have pension 4693
rate of total disability 4695

MINERAL LANDS, RESOURCES, AND CLAIMS,
public surveys to extend over all 2406
not subject to entry under homestead laws 2302
under pre-emption laws 2258
title to town lots, when subject to mineral veins 2386
adverse claims for, to be adjudged by law of possession, independently of paramount rights of United States 910
fee for filing, &c., application for patent or adverse claim to 2238
penalty for forging, &c., instruments relating to title to, in California 2471–2473
and mining resources and mining claims, general provisions 2318–2352
reserved from sale, except, &c 2318
open to occupation and purchase 2319
regulations and rules of miners, &c 2319
proof of citizenship 2320, 2321
rights of possession, &c 2322–2324
patents for, how obtained 2325
adverse claims 2326, 2335
in action for mining title or damages thereto, each case to be adjudged by law of possession 910
location of claims on surveyed lands 2327
pending and prior applications 2328
placer-claims, how entered, &c 2329–2331
evidence to establish right to patent 2332
application for patent for, containing lode, &c 2333
survey of, and division into claims 2334
affidavits, how verified 2335
priority of title where veins intersect 2336
patents for non-mineral lands for mill-sites. 2337

Section.

MINERAL LANDS, RESOURCES, AND CLAIMS—Continued.
local legislatures may make rules as to easements, drainage, &c 2338
water rights protected 2339, 2340
to be open to homestead entry, when 2341
to be set apart as agricultural lands, when 2342
to be opened to pre-emption and sale 2342
additional land districts may be established, when 2343
additional land officers may be appointed .. 2343
existing rights and law respecting Sutro tunnel not affected 2344
in Michigan, Wisconsin, and Minnesota exempt from preceding provision 2345
grants to States and corporations not to include 2346
entry of coal-lands 2347, 2348
claims to be presented within what time. 2349
but one entry allowed 2350
conflicting claims, &c 2351
rights prior to March 3, 1873, not impaired, nor sale of gold, silver, or copper land authorized 2352
Sutro tunnel not affected by laws relating to 2344

MINERALOGICAL SPECIMENS,
weight of, in mails 3878

MINING CLAIMS, provisions concerning, (See *Mineral Lands.*) 2318–2352

MINISTERS, (See *Diplomatic Officers, Foreign Relations.*)
of United States, meaning of words in laws, respecting foreign relations 4130
official designation of, &c 1674
salaries 1675
for what term payable 1740
when absent from post 1741
at Uruguay also accredited to Paraguay, salary 1681
to Guatemala, Costa Rica, &c., residence, salary 1682
at Hayti and Liberia to be consuls-general 1683
to China, Japan, &c., judicial authority, &c 4083–4128
to Turkey, judicial power in (see *Consular Courts*) 4125
President may prescribe regulations as to duties, &c., of 1752
certificate of, on declaration of artist to admit free of duty ..... p. 489, 2505
foreign, jurisdiction of suits by and against 687–688
penalty for offering violence to 4062
process against person, property, or servants of, void 4063
provisions when not applicable to servants 4065

MINNESOTA,
mineral lands in, exempt from certain provisions of mining laws 2345
bona-fide entries on, may be patented when 2345
to be open to sale and pre-emption 2345
restrictions upon grant of swamp-lands to State of 2479
provisions of swamp-lands act extended to 2490
surveyor-general for public lands in 2207, 2208, 2213
land districts in 2256
customs collection districts in ports of entry in (see *Collection Districts, Ports of Entry*) 2595, 2596
United States courts in (see *Circuit and District Courts*), judicial districts 531

Section.

MINNESOTA—Continued.
terms of district court 572
of circuit court 658
transcript of new books of records of district court 897
MINORS,
how admitted to citizenship 2167
enlistment of, in Army 1117, 1418
under 16 years of age, forbidden 1118
improper enlistment of ..... p. 230, art. 3, 1342
enlistment of, in Navy 1419
under 16 years of age, forbidden 1420
improper enlistment ..... p. 280, art. 19, 1624
who have served in Army or Navy may acquire homesteads, when 2300
children of soldiers and sailors deceased, may have rights of homestead of their fathers in certain cases 2307
of certain Indians, entitled to homesteads 2314
of certain soldiers entitled to bounty-land 2418
of officers, soldiers, sailors, marines, &c., entitled to bounty-land, when 2425–2430
MINTS,
bureau of, in Treasury Department 343–345
title of the several 3495
officers 3496
salaries and wages 3498, 3499
oath and bonds of 3500, 3501
who to act in absence of director, superintendent, &c 3502
duties of superintendents 3497, 3503, 3504
of assayers 3507, 3525, 3560
melters and refiners 3508
coiners 3509, 3537
engravers 3511
at Carson City and Denver and assay-offices at Boisé City to be depositories of public money 3592, 3594
superintendent at Carson City to be assistant treasurer 3594
officers acting as assistant treasurers to give bond 3600
punishment for debasing coins, defacing, changing weights, of, embezzling metals, &c 5460
bars, gold and silver 3518, 3519
exchange of imported metal for 3546
bullion, gold, deposits of 3520
silver 3521
weighing and ascertaining value 3521
assay of 3522, 3523
charges for converting to coin 3524
verification of calculations 3525
purchase of, for silver coinage; the silver-profit fund 3526
transfer of, to form ingots 3530
stamping bars for payment of deposits 3534
exchange of, for fine bars 3546
coins, gold coins and their weight 3511
recoinage of gold 3512
silver and their weight 3513
standard of gold and silver 3514
minor, weight, and alloy 3515
unauthorized, prohibited 3516
inscription on 3517
paying out silver for gold 3527
purchase of metals for minor, &c 3528
delivery and redemption of minor 3529
deviation in weights of gold 3535
of silver 3536
delivery by coiner for trial pieces, &c. 3537, 3538
delivery of, or of bars to depositors 3544
foreign, value how ascertained 3564
value of pound sterling 3565
recoinage of 3566

Section.

MINTS—Continued.
coins—Continued.
Spanish and Mexican 3567
transmission for recoinage 3568
ingots, assayed, &c 3530, 3531
delivery to coiner, &c 3532
standard 3533
disposal of clippings 3540
yearly statement of coiner, melter, and refiner 3541
allowance for wastage 3542
statement of balance-sheet to be sent to Director 3543
delivery of coin, bars, or money to depositors 3544, 3545
appointment and meeting of assay commissioners 3547
standard weight for regulation of coinage, &c 3548, 3549
yearly destruction of obverse dies 3550
medals may be struck at Philadelphia 3551
money from charges, &c., to be covered into Treasury 3552
decimal and metric system, &c 3563, 3569, 3570
assay office, at New York 3553, 3557
at Denver, Boisé City, and Charlotte 3495, 3558, 3559
duties of assayers, &c 3560
bond and oath of officers, &c., of 3561
laws relating to mints extended to 3562
MISCELLANEOUS RECEIPTS,
proceeds of old material, &c., covered into Treasury 3618, 3692
postal accounts to show amounts derived from 4049
MISCONDUCT,
officers not to be retired for misconduct, but brought to trial 1456, 1457
before the enemy, punishment ..... p. 233, art. 42, 1342
MISDEMEANORS,
clerks in Treasury Department carrying on trade in funds or property of United States, or taking pay for transacting business there declared to be 244
by persons employed to assist in discovering and collecting government property 256
conviction of, under bankrupt laws to bar discharge in certain cases 5110
consular jurisdiction of, in certain countries (see *Consular Courts*) 4083–4089
MISPRISION,
of felony, person knowing of commission of felony on high seas, &c., and concealing, &c., guilty of 5390
of treason, who guilty of; punishment 5333
MISSISSIPPI,
judicial districts in 539
district court, judge of 552
terms of 572
circuit court, terms of 658
for southern district 608
collection districts, ports of entry and delivery 2566, 2567
public lands in, to be disposed of only under homestead laws 2303
clearance from ports in, of vessels laden with live-oak timber 2463, 4205
MISSISSIPPI RIVER, ETC.,
water-gauges and observations of rise and fall of water at certain points on 5252
owners of saw-mills may construct piers or cribs in front of their mill-property on, &c 5254
freight and tow boats on, may carry what steam-pressure 4420

Section.

MISSISSIPPI RIVER, ETC.—Continued.
vessels navigating above New Orleans exempt from requirements as to manifests, permits, &c., *Act of* 1876, *ch.* 185, *inserted at p.* 840, *after* 4349
MISSOURI,
judicial districts in 540
district court, terms of 572
circuit court, terms of 658
adjourned terms of 663
provisions for unfinished business of the two districts 653–656
land districts in 2256
provisions respecting pensions extended to militia of 4722
ports of entry, &c., in collection district of New Orleans 2568
officers in 2569, 2606
MOLASSES,
seven gallons of mash to represent one gallon of 3264
penalty for delivery of, at distillery having no sign 3279
MONEY, (See *Coin, Foreign Coin, Legal Tender, National Banks, United States Notes.*)
provisions concerning public money (see *Public Money*) 3591–3659
of account to be expressed in decimal system 3563
value of foreign coins, what to be as expressed in 3564
erroneously covered into Treasury in certain cases, permanent appropriation for refunding ..... p. 725, 3689
paid into court or officer of, where to be deposited 995
how withdrawn from deposit 996
superintendents of mints to receive 3506
unlawful reissue, &c., of bills, &c., of expired corporations as 5437
of United States how kept by Treasurer 305–307
penalties for using, unlawfully depositing, by public officers 3639–3651, 5488, 5490, 5497
MONEY-ORDERS,
system of, established 4027
may be exchanged with foreign countries 4028
how issued 4029
penalty for issuing before payment for 4030
how issued in absence of postmaster 4031
limit of amount of; fees for 4032
applications for 4033
forms of 4034
notice of issue to be sent 4035
good for one year 4036
indorsement of 4037
changes in 4038
repayment of 4039
replacing lost 4040
in favor of lotteries, payment may be forbidden by Postmaster-General in certain cases 4041
reports required of postmaster at money-order offices 4044
cost of incidental expenses of, how paid 4048
pay to postmasters for issuing 4047
punishment for offenses relating to 5463
funds of, what to be 4045
transfer of 4042, 4043
embezzlement of 4046
falsely making, altering, or passing with fraudulent intent any false, &c 5463
accounts of money-order business how to be kept by Sixth Auditor 293
copies of money-order account-books of Post-Office Department, when evidence 889
receipts from, to be deposited in Treasury and accounts there how kept 4050

Section.

MONEY-ORDERS—Continued.
bonds of postmasters at money-order offices to contain additional condition 3834
MONTANA TERRITORY,
provisions common to all Territories (see *Territories*) 1839–1895
establishment and boundaries of 1903
council and house of representatives of 1922
extra sessions of legislature 1923
justices of peace in 1926
probate courts of, jurisdiction of 1932
appeals from probate to supreme court of 1932
penitentiary in, care and custody of 1936
maintenance of prisoners by 1937
contingent expenses of executive department of, annual appropriation for 1935
legislative expenses of, provision for 1940
salaries of governor, &c., of 1941
mileage of members of legislature 1943
seat of government in, how changed 1945
public lands for school purposes in 1946
Indian agencies, &c., in, continued 1949
disbursing officers in, to give security 1951
Indian superintendent for 2046
surveyor-general for 2207
salary of 2210
fifty per cent. addition to certain fees to registers and receivers in 2238
boundaries of land-district in ..... p. 413, 2256
Delegate to Congress from, must be a citizen of United States 1906
judicial power in, how vested 1907
jurisdiction of courts in, how limited 1866
writs of error and appeals in, to Supreme Court of United States 1909
district courts in, jurisdiction of, same as circuit and district courts of United States 1910
judicial districts, assignment of judges, terms of court in 1914
reservation of tract of public land in, at head of Yellowstone River for public park and pleasure ground 2474, 2475
customs collection districts in (see *Collection Districts*) 2593, 2594
MOREHEAD CITY (North Carolina),
Secretary of Treasury may change port of entry to, from Beaufort, N. C 2555
MOROCCO, (See *Foreign Relations.*)
provision of certain laws extended to, under treaties 4127
MORTGAGES,
of title or claim to military bounty-land warrant before issue void 2436
of vessel not valid except, &c., unless recorded 4192
record of, &c 4193
on northern frontiers 4382
not recorded until acknowledged, &c 4193
collectors to keep index, furnish certificate, &c 4194
chattel, not affected by assignment in bankruptcy, when 5052
assignee may discharge, &c 5066
adjustment with creditors secured by 5075
MULES,
lost in military service to be paid for 3483
MURDER,
by persons in Army in time of war ..... p. 235, art. 58, 1342
in Navy ..... p. 277, art. 6, 1624
trials for, by diplomatic officers, in certain countries (see *Consular Courts*) 4090
upon high seas, who accessory before the fact to punishment 5323

Section.

MURDER—Continued.
in forts, arsenals, &c., or waters within jurisdiction of United States punished by death 5339
attempt to commit, by means not constituting assault, with dangerous weapons 5342
delivery of body of person executed for, to surgeon for dissection 5340
committed on high seas or in river, &c., out of jurisdiction of State, deemed piracy 5372
committed on high seas, under color of commission from foreign state, deemed piracy 5373
misprision of, how punished 5390
accessories after the fact 5333

MUSCAT, (See *Foreign Relations.*)
provisions of certain laws extended to, under treaties 4127

MUSICIANS (Army),
for battery of artillery 1100
for company of infantry 1107
principal, for regiment of artillery 1099
for regiment of infantry 1106
chief, for regiment of artillery 1099
for regiment of cavalry 1102
for regiment of infantry 1106
entitled to bounty land, when 2426

MUSKETS,
system by Ordnance Department in manufacture of 1672
no royalty to be paid to officers and employés of United States for 1673

MUSTERING,
as soldiers persons who are not soldiers .... p. 230, art. 5, 1342
penalty for receiving money for .p. 230, art. 6, 1342

MUSTER-ROLLS,
to contain entries of officers and men absent, p. 231, art. 12, 1342
transmission of, to Department of War, p. 231, art. 12, 1342

MUTILATED NOTES,
of United States replaced by new 3580
to be destroyed 3581
of national banks, replaced, &c 5184

MUTINY,
punishment for, in Army ....p. 232, art. 22, 1342
failure to suppress .....p. 232, art. 23, 1342
in Navy .....p. 276, art. 4, 1624
for mutinous words .....p. 277, art. 8, 1624
of seamen for 4596
endeavor of crew of vessel to make 5359
certain acts which constitute 5360

N.

NAMES OF VESSELS,
name of registered vessels and port to which they belong to be painted on stern .. 4178
not to be changed 4179
to be certified by officer before registry .. 4149
of recorded vessels, change of name to be indorsed on certificate of record 4183
of steam-vessels to be painted on pilot or wheel house 4495
in Navy 1531, 1532

NAPHTHA,
how packed and marked for shipment 4475
penalty for shipping contrary to law 4476
not to be carried on steam passenger-vessels 4472

NATCHEZ,
vessels bound for, to report, &c., at New Orleans 2832, 2833

Section.

NATIONAL ASYLUMS AND HOSPITALS, (See *the titles of the several institutions.*)
Hospital for relief of seamen 4811–4813
Soldiers' Home 4814–4824
National Home for Disabled Volunteer Soldiers 4825–4837
Government Hospital for Insane 4838–4858
Columbia Institution for Deaf and Dumb 4859–4869

NATIONAL BANKS,
Organization and powers 5133–5156
Obtaining and issuing circulating notes 5157–5189
Regulations of banking business ...5190–5219
Dissolution and receivership 5220–5243
Comptroller of the Currency 324–333
what associations, &c., are subject to laws relating to 5157
title "national" not to be used by other banks 5243
district attorneys to conduct suits respecting, when United States interested .. 380
jurisdiction of district courts in suits by and against .....p. 96, par. 15, 563
of circuit courts .....p. 111, par. 10, 629
proceedings by, to enjoin Comptroller, in what district to be had 736
copy of organization-certificate of, when and of what evidence 885
report of Comptroller upon, how printed, &c 3811
deposit of public money in, by postmasters in certain cases 3847
application of provision to evidences of indebtedness (*act of March 3, 1875, after*) 3412
Organization and powers, articles of association 5133
organization-certificate, contents of 5134
acknowledgment, &c., of 5135
Comptroller to examine preliminary steps in organization of 5168
may give or withhold certificate authorizing commencement of business. 5169
certificate to commence business to be published 5170
powers of, as bodies-corporate 5136
of, to hold, &c., real property 5137
minimum capital of 5138
paying in of capital stock of 5140
failure to pay installments on stock 5141
increase of capital 5142
reduction of capital 5143
rights of shareholders to vote 5144
no officer, clerk, &c., of, to act as proxy. 5144
individual liability of shareholders 5151
executors, &c., holding stock not personally liable 5152
designated as public depositaries, &c.; duties, &c 5153
of banks for issue of gold-notes 5185, 5186
State banks may become 5154, 5155
rights of, organized under former act 5156
Shareholders—
organization-certificate to state names of original 5134
shares of, to be one hundred dollars each; are personal property and transferable, how 5139
failure to pay installments on capital 5141
may reduce capital 5143
directors to be elected by, &c 5145–5146
may fix day for election of directors 5149
individual liability of 5151
assessed to make good capital, &c 5205
list of, to be open to inspection, and copy sent to Comptroller 5210

Section.

NATIONAL BANKS—Continued.
Shareholders—Continued.
two-thirds of, may vote bank into liquidation ... 5220
discharge from liability for notes ... 5224
surplus, after paying debts, to be paid to ... 5236
Directors of, number, &c., of ... 5145
board of, and appointment of president, vice-president, cashier, and other officers by ... par. 5, 5136
right to vote in election of ... 5144
qualifications of ... 5146
oath of ... 5147
filling vacancies in board of ... 5148
failure to elect, on proper day ... 5149
president elected from and by ... 5150
oath of, required as to facts in relation to organization ... 5168
penalty for embezzlement by ... 5209
reports to be signed by ... 5211
shall give notice of vote to go into liquidation ... 5221
penalty for violations of law by ... 5239
Deposit of bonds before commencing business ... 5159
what bonds may be deposited ... 5158
increase or decrease according to capital ... 5160
registered, to be issued for coupon bonds ... 5161
transfer of bonds by, how made, &c ... 5162
register of transferred bonds and notice of transfers ... 5162, 5163, 5164
examination of books of Treasurer relating to transfers, &c ... 5165
annual examination of bonds of ... 5166
custody of bonds; collection of; interest on, &c ... 5167
Circulating notes, provisions for obtaining and issuing ... 5157–5187
delivery of, on deposit of bonds ... 5171
printing, denominations, &c ... 5172
Comptroller to have control of plates, &c ... 5173
examination of plates, &c ... 5174
limit of amount of small notes ... 5175
circulation of any one bank not to exceed five hundred thousand dollars ... 5176
aggregate and apportionment of circulation of, (*repealed*) ... 5177–5180
limit of aggregate circulation, *removed by act of* 1875 ... ch. 15, § 3, *note after* ... 5177
how signed, &c.; for what receivable ... 5182
to be received by all banks ... 5196
not at par not to be paid out by banks ... 5206
none other than those authorized by law to be issued ... 5183
destroying, &c.; worn-out ... 5184
what debts may be paid in ... 3473, 3475
redemption of, in case of dissolution of bank ... 5220–5225
mode of protesting, for non-payment ... 5226
proceedings on failure to redeem, by bank ... 5227–5233
for redemption of, at Treasury of United States ... 5229
penalty for issuing notes to unauthorized, associations ... 5187
for printing business cards in imitation of ... 5188
for mutilating circulating notes, drafts, &c., of ... 5189
for counterfeiting, falsely altering, or knowingly passing counterfeited ... 5415
for buying, selling, receiving, or delivering forged or altered, with intent, &c ... 5434
included under term "obligation or other security of the United States" in laws relating to crimes (see *Crimes*) ... 5413

Section.

NATIONAL BANKS—Continued.
Circulating notes—Continued.
gold-notes may be issued by banks organized for that purpose, how ... 5185, 5186
Regulation of business, place of business located ... 5190
reserve prescribed ... 5191
what may be included in ... 5192
may count certificates of deposit ... 5193
issue of certificates of deposit to, not to contract or expand currency ... 5194
redemption agencies; may deposit half of reserve with, if in New York ... 5195
shall receive notes of each other at par ... 5196
rate of interest by ... 5197
penalty for taking unlawful interest ... 5198
dividends of ... 5199
limit of loans to one person, &c ... 5200
not to loan on or purchase their own stock ... 5201
limit as to indebtedness of ... 5202
not to pledge their own notes, &c ... 5203
not to withdraw capital; when not to declare dividend ... 5204
failure to pay up or impairment of capital stock of ... 5205
not to pay out notes of other banks which are not at par ... 5206
not to receive United States notes, &c., as collateral, &c ... 5207
officers, &c., not to certify checks unless ... 5208
penalty for embezzlement ... 5209
to keep, &c., list of shareholders ... 5210
to make, &c., report of assets, &c ... 5211
to make report of dividends, &c ... 5212
penalty for failure to make reports ... 5213
to make return of amount of deposits, &c., to Treasurer of United States for taxation thereon ... 5214, 5215
duty or tax, how assessed on failure to make return ... 5216
how collected on failure to pay ... 5217
refunding excess of duty to ... 5218
shares and real property of, to be liable to State, &c., taxation ... 5219
Examiners of,
appointment, duties, and compensation ... 5240
in case of failure to redeem notes ... 5227
Dissolution and receivership,
how may go into liquidation ... 5220
to give notice of intended dissolution ... 5221
deposit to redeem circulation ... 5222, 5223
reassignment of bonds, redemption of notes ... 5224
destruction of redeemed notes ... 5225
protesting notes of, manner of ... 5226
failure to pay note of, proceedings on notice ... 5227
business of, after failure to pay notes ... 5228
notice to holders of notes of, redemption of notes, sale of bonds ... 5229–5231
disposal of redeemed notes of ... 5232
notes paid at Treasury to be canceled ... 5233
appointment of receivers of, on failure to pay circulating notes, and duties ... 5195, 5234
notice to creditors to present claims ... 5235
dividends to creditors ... 5236
receiver may be enjoined, when ... 5237
fees and expenses of receivers, &c., of ... 5238
appointment of receiver when bank fails to make capital equal to minimum ... 5141
when reserve is not made good ... 5191
transfers after act insolvency void ... 5242
Taxes,
State banks converted to national ... 3410, 3416, 3417

Section.

NATIONAL BANKS—Continued.
Taxes—Continued.
of ten per cent. on notes of persons or State banks used or paid out by..3412, 3417
on notes of town, city, or municipal corporation paid out by them....3413, 3417
monthly returns to be made of amount of such notes paid out.....3414, 3417
semi-annual, on circulation and deposits.. 5214
returns for 5215
failing to make returns or pay duty.5216, 5217
refunding of excessive duties 5218
how subject to State taxation 5219
exemption from tax on circulation when outstanding amount is reduced to five per cent. of capital.....3411, 3417
upon depositing in United States Treasury lawful money to amount of outstanding notes after ceasing to issue notes for circulation.....3411, 3417
Visitorial powers over, banks subject to none except such as authorized by law (see *Examiners above, under National Bank*) 5241
NATIONAL CEMETERIES,
provisions concerning. (See *Cemeteries.*)
NATIONAL DEBT,
permanent appropriation for payment of .. p. 725, 3689
payable in coin 3693
coin from duties pledged for..... 3694
sinking-fund and bonds applied thereto..3695, 3696
redemption of five-twenty bonds..... 3697
anticipation of payment of interest..... 3699
bonds of, may be sold to purchase coin.... 3700
interest not payable in national-bank notes. 5182
nor in United States notes, except, &c.3588–3590
exempt from taxation..... 3701
duplicate of bonds destroyed, how obtained 3702–3705
exchange of registered for coupon bonds... 3706
credit to public officers for notes, &c., stolen..... 3707
imitating notes, or printing cards on, prohibited..... 3708
punishment for false personation of holder of, in receiving money, &c..... 5435
for endeavoring to obtain, &c., sum in, by forged power of attorney, &c..... 5436
NATIONAL HOME (for Disabled Volunteer Soldiers),
provisions concerning.....4825–4837
board of managers and corporate powers of..... 4825
nine managers elected by Congress..... 4826
how elected, president, vice-president, and secretary, and quorum for transaction of business..... 4827
expenses of, but no compensation paid to managers..... 4828
officers of, how appointed and removed ... 4829
sites for, purchased and buildings erected.. 4830
appropriation of funds for support of..... 4831
donations for support of..... 4831
persons entitled to benefit of.....4830, 4832
assignment of pensions to, by inmates..... 4832
outdoor relief, when may be extended..... 4833
board to audit accounts and make annual report to Congress 4834
Articles of War to apply to inmates of..... 4835
what they are 1342
Congress may alter laws relative to..... 4836
documents to be furnished to 4837
permanent appropriation for.....p. 727, 3689
NATURALIZATION,
naturalized citizens to receive protection in foreign countries..... 2000

Section.

NATURALIZATION—Continued.
restrictions on registration of vessels owned by those residing abroad 4134
provision for 2165–2174
declaration of intention and qualifications..... 2165
renunciation of title or order of nobility ... 2165
of aliens resident prior to 1795 2165
resident between 1798 and 1812..... 2165
of soldiers honorably discharged 2165, 2166
of aliens resident during minority..... 2166, 2167
of widows and children of declarants..... 2168
provisions of laws of, to apply to free white persons and persons of African nativity or descent 2169
term of continuous residence before 2170
of alien enemies not permitted..... 2171
children of naturalized persons are citizens. 2172
of citizens born out of United States are citizens 2172
of certain persons not allowed 2172
of seamen 2174
protection, after declaration 2174
police court of District of Columbia not to have power of..... 2173
penalty for taking false oath 5395
for false personation by applicant or witness 5424
for falsely making, forging, &c., oath, notice, certificate, record, signature, &c.....5424, 5429
for uttering, disposing of, or using false oath, certificate, or record.....5424, 5429
for using, possessing, or obtaining false certificate of citizenship, &c.....5425, 5429
for aiding and abetting offenses relating to.....5427, 5429
for using certificate procured through fraud, &c.....5428, 5429
for using false certificate of, as evidence of right to vote.....5426, 5429
NAUTICAL,
Almanac, who to have charge of..... 436
books, published by Hydrographic Office of Navy 432
disposal of proceeds..... 433
NAVAL ACADEMY,
where established..... 1511
students styled cadet-midshipmen..... 1512
number of..... 1513
nomination and selection of..... 1514
examination for admission..... 1515
renomination and re-examination..... 1516
qualifications for admission..... 1517
appointed unlawfully not to be paid..... 1518
found deficient..... 1519
course for, to be six years..... 1520
cadet-engineers at.....1522, 1523
course of, to be four years..... 1524
examination of..... 1525
who graduate with credit may be appointed assistant engineers..... 1394
and as assistant naval constructors..... 1403
studies, &c., not required Sunday..... 1526
professors of mathematics for duty at...1401, 1528
promotion of cadets to be midshipmen..... 1521
rank of graduates of..... 1483
of engineer-graduates of 1484
secretary of, salary .....p. 267, 1556
clerk to paymaster of..... 1386
pay of.....p. 268, 1556
rations to acting midshipmen.....1577, 1585
selection of naval storekeeper 1527
procurement and issue of clothing at..... 1527
NAVAL ASYLUM,
for aged officers and men established at one of naval hospitals.....4810, 4811

Section.

NAVAL ASYLUM—Continued.
sailors, &c., may have half-pay in lieu of benefits of 4756
clerk to paymaster of ..... p. 268, 1556
NAVAL CONSTRUCTORS,
number and appointment of 1402
duties of 1404
constructor at yard to which vessel is ordered for repairs to be one of board to examine and report thereon 1338
relative rank of, on active list 1477
when retired after forty-five years' service to have rank of commodore 1481
assistant, relative rank of, on active list 1477
education of, at Naval Academy 1522
cadet-engineers who graduate with credit may be appointed assistant naval constructors 1403
pay of ..... p. 266, 1556
NAVAL HOSPITALS, (See *Hospitals.*)
Secretary of Navy to have superintendence of 4807
fund of, from deductions of pay from officers and men 4808
from fines 4809
purchase and erection of 4810
allowance of rations to 4812
pensions of inmates to be surrendered to, &c. 4813
asylum for aged officers and men at one of. 4810, 4811
clerk of ..... p. 268, 1556
half-pay may be had by sailors, &c., in lieu of benefits of 4756
NAVAL OBSERVATORY,
salary of superintendent of 434
meridian of, for astronomical purposes 435
professors of mathematics at 1401
NAVAL OFFICER, (customs),
at Baltimore, Md 2549
Boston, Mass 2529
Charleston, S. C 2558
New Orleans, La 2569
New York 2536
Philadelphia 2544
San Francisco, Cal 2583
Savannah, Ga 2560
term of office 2613
bonds of 2619, 2620
duties of 2626
when to perform duties of collector 2625
when may act by deputy 2632
number and compensation of clerks of 2634
to keep posted table of fees, &c., receipts ... 2635
to keep account of fees, &c., and make annual return 2639
to post conspicuously table of fees 2635
personal attention, &c., of 2640
accounts of, what to include, how rendered, &c 2640, 2641
to certify services of occasional inspectors .. 2642
to render list of clerks, their duties, and compensation, account of stationery, office-rent, &c 2643
quarterly accounts of moneys collected for fines, forfeitures, storage, &c 2647
discontinuance of, in certain districts by Secretary of Treasury 2653
fees of, at same port with collector 2655
drawback fees of, how shared, &c 2556
compensation exclusive of expenses of 2689
limit to emoluments of 2690, 2691, 2704
salary of, at San Francisco 2703
may direct examination of baggage, &c 2801
when to make estimate of duties and grant permit to land 2869
to concur with collector in granting license to unload at night 2871

Section.

NAVAL OFFICER (customs)—Continued.
how to compare and to whom to transmit returns for delivery of merchandise .. 2889
vessel seeking port in distress to produce protest to obtain permit to unlade, &c 2891, 2892
tare on imports estimated by 2898
duty of, in estimating value and quantity of imports 2902
to examine owners, &c., as to value of merchandise, &c 2922
use of warehouse hired by 2956
may grant permit for exportation without payment of duties 2979
for lading of merchandise for exportation 3035
certificate of exportation of, from port other than that of importation 3041
when to admit proofs in absence of exportation certificates, and cancel bond 3047
to appoint officer to inspect change from casks, &c., of distilled spirits and sugars 3029
when satisfied of accident, &c., certain merchandise entered for drawback not to be forfeited 3051
when to search stores, warehouses, &c 3107
President may increase, &c., bonds of 3639
with surveyor shall examine books, &c., of assistant treasurers, &c 3650
to countersign certificates of registry of vessels 4158
to sign enrollments, licenses, permits, &c., of vessels 4332
fees to be collected by, of vessels in certain cases 4381–4384
disposition of same 4381
tables of to be kept posted in office of 4383
NAVAL SERVICE, (See *Military and Naval Service, Navy, Navy Department.*)
NAVAL SOLICITORS,
appointment and salary of 349
NAVAL STOREKEEPERS,
appointment of, at navy-yards 1413
of citizens as, on foreign stations 1414, 1415
detail of, on foreign stations 1438, 1439
of, at Naval Academy 1527
pay for travel to, on foreign stations 1566
of officers performing duty as 1567
of civilians on foreign stations 1568
NAVAL SUPPLIES,
purchases, &c., of under direction of Secretary of Navy 3714
provisions concerning contracts for and purchases of (see *Contracts*) 3718–3732
NAVIGABLE RIVERS,
in public lands are public highways 2476
NAVIGATION,
rules for preventing collision of vessels 4233
sail-vessels to be provided with proper lights, &c 4233, 4234, 5358
pilots to be governed by State regulations .. 4235
employment of, on waters between States. 4236
discriminating regulations of pilotage by States prohibited 4237
stranded vessels on foreign coasts, duty of consuls in saving, &c 4238
property wrecked on coast of Florida, how disposed of 4239
forfeiture of vessel taking such property to foreign coast 4240
license to wrecking-vessels 4241
reports of signal-officers for benefit of 222
laws of, extended to Alaska 1954
vessels navigating coastwise and on great lakes subject to laws, rules, and regulation relating to 4401

Section.

NAVIGATION—Continued.
life-saving apparatus (see *Life-Saving Apparatus*) 4417, 4481, 4482, 4483, 4488, 4489, 4491, 4492
stations, provisions for (See *Life Saving Stations*) 4242–4249
signal-stations at 223
Commerce and Navigation, (See *the several titles.*)
with contiguous countries, &c 3095–3129
registry and recording vessels 4131–4196
clearance and entry of vessels 4197–4218
tonnage dues 4219–4227
discriminating duties 4228–4232
navigation 4233–4251
transportation of passengers and merchandise 4252–4289
log-books 4290–4292
suppression of piracy 4293–4299
summary trials for offenses against 4300–4305
vessels in foreign commerce 4306–4310
in domestic commerce 4311–4390
NAVY AGENTS,
President may increase, &c., bonds of 3639
NAVY DEPARTMENT, (See *Navy and titles thereunder.*)
general provisions respecting 415–436
provisions common to all Departments (see *Departments*) 158–198
Secretary of Navy to be head of 415
general duties of (see *Secretary of Navy*) 417
to furnish Congressional Printer by November 1, annually, with documents accompanying report 196
to keep inventories of public property 195
to cause list of employés to be filed with Interior Department 198
clerks and employés in 163–169, 416
custody of books of 418
questions of law in, may be sent to Attorney-General 357
use of plates of Wilkes's Expedition 427
flags captured by Navy in 428, 1554, 1555
annual reports of Secretary 429
estimates of expenses 430, 3666
Hydrographic Office in 431
maps prepared at 432
moneys from sale of 433
pay of officer in charge of observatory 434
meridian of Washington to be used for astronomical purposes 435
of Greenwich for nautical purposes 434
supervision of Nautical Almanac 436
when to defray expenses of revenue cutters 2757
accounts of, how to be kept 283
how settled 268–275
of disbursing officers and others in certain cases, how settled 284–291
appropriations for, how drawn 3673
to be under control of and expended by Secretary 3676
for each bureau of, to be kept separate in Treasury 3676
permanent for certain matters belonging to ..... p. 727, 3689
supplies for, to be furnished by contract by lowest bidder, provisions respecting and exceptions 3718–3747
office of measurer and inspector of timber and of certain clerks may be discontinued 1416
bureaus in 419
clerks and draughtsmen of 416
custody of books and records in 420
chiefs of 421–426
estimates for, to be furnished to Secretary of Navy 430

Section.

NAVY DEPARTMENT—Continued.
bureaus in—Continued.
staff officers who have been chiefs of, exempt from duty 1436
relative rank, &c., of chiefs of 1471
of chief of, when line officer below rank of commodore 1472
of officers retired from chief of 1483
pay of chiefs of 1565
detail of surgeon as assistant to Bureau of Medicine and Surgery, who shall receive highest pay of his grade, (*new*) 1375
head of Bureau of Construction and Repairs to select workmen and engineers, to be of board to examine and report as to cost and expediency of repair of vessels 1538, 1539
NAVY, (See *the several titles referred to.*)
Organization 1362–1427
General provisions relating to 1547–1555
to officers 1428–1442
Retired officers 1443–1465
Rank, precedence, promotion, and advancement 1466–1510
Naval Academy 1511–1528
Vessels and navy-yards 1529–1546
Pay, emoluments, and allowances 1556–1595
Marine Corps 1596–1623
Articles for government of 1624
Asylums and hospitals 1556, 4756, 4808–4813
Government Hospital for Insane for, in District of Columbia 4838–4858
Bureau and bureau officers 419, 426
chiefs of, rank 1471, 1472
pay of 1565
staff officers who have been head of, for full term exempt from sea-duty 1436
Admiral and Vice-Admiral 1363
vacancies hereafter not to be filled 1362
relative rank of 1466
each allowed a secretary with rank of lieutenant 1367
Rear-admirals 1363
selection of 1365, 1366
rank of 1466
Captains 1363
rank of 1466
Chaplains 1395–1398
rank of 1479
Civil engineers for navy-yards 1413
rank of 1478
Commanders 1363
rank of 1466
Commodores 1363
rank of 1466
Constructors (see *Naval Contractors*) 1402–1404, 1477, 1522, 1556
rank of 1477
Chief Constructor to be Chief of Bureau of Construction and Repair 1471
to select master-workmen and engineer to examine and report as to cost and expediency of repair of vessels 1538
cadet-engineers may be appointed as 1404
Engineer Corps (see *Engineers*) 1390
engineer-in-chief to be Chief of Bureau of Steam-Engineering 1471
engineers, by whom appointed 1391
qualification 1392
of fleet how designated 1393
engineer-in-chief 1471
relative rank on active list 1476, 1488
retired after forty-five years' service to have the rank of commodore 1481
cadet-engineers at Naval Academy, after graduation, how may be appointed to (see *Naval Academy*) 1394

NAVY—Continued. Section.
Ensigns 1363
rank of 1466
Lieutenants 1363
rank of 1466
Lieutenant-commanders 1363
how assignable 1435
rank of 1466
number to be reduced to eighty 1363
Masters 1363
rank of 1466
Medical Corps, of what to consist, (see *Medicine and Surgery*) 1368
appointments, how made 1369–1371
acting assistant surgeons 1411
relative rank of 1473, 1474
Surgeon-General to be chief of, Medicine and Surgery 1471
rank of assistant surgeon in case of delayed examination 1372
surgeon of fleet 1373, 1374
Pay Corps (see *Pay Corps*) 1376–1389, 1564
rank of 1475
Paymaster-General to be chief of Bureau of Provisions and Clothing (see *Provisions*) 1471
Professor of mathematics 1399–1401
rank of 1480
Sail makers, gunners, boatswains, and carpenters 1405, 1406
Petty officers 1410
Storekeepers for navy-yards 1413
on foreign stations 1414, 1415, 1438, 1439
at Naval Academy 1527
pay of 1566–1568
Officers to be citizens of the United States . 1428
commanding, to report men entitled to honorable discharge 1429
to discourage sale of prize-money or wages 1430
granting leave and liberty 1431
not to act as paymasters 1432
consular powers of 1433
in command of squadrons 1434
staff-officers, when exempt from sea-duty. 1436
detailed for service of War Department.. 1437
as storekeepers on foreign stations.. 1438, 1439
accepting appointments in diplomatic service 1440
dismissed or resigning to escape dismissal 1441
furloughed by Secretary of 1442
Seamen, promotion of, to warrant officer... 1407
as mates 1408, 1409
number of, enlisted 1417
what to be inserted in shipping-articles.. 1425
enlistment of boys 1418–1420
unlawfully, how punished ..... p. 280, art. 19, 1624
transfers from military to naval service.. 1421
disposition of, at expiration of term .. 1422–1425
honorable discharge of 1426, 1427
Retired officers, (See *Retired Officers.*)
provisions concerning 1443–1456
Rank, line officers to rank according to date, &c 1467
precedence of commanding officers of vessels and stations 1468
aid or executive officer 1469
staff officers, when to communicate directly with commanding officers 1470
chiefs of bureau 1471, 1472
retired from position of 1473
relative, Navy and Army officers 1466
of Medical Corps 1474
of Pay Corps 1475
of Engineer Corps 1476

NAVY—Continued. Section.
Rank—Continued.
of naval constructors 1477
of civil engineers 1478
of chaplains 1479
of professors of mathematics 1480
of retired staff officers 1481, 1482
of graduates of Naval Academy 1483, 1484
of staff officers by length of service... 1485, 1488
in processions, on boards, &c 1489
ensigns as steerage officers 1490
assimilated rank of warrant officers 1491
revenue-cutter officers serving in Navy .. 1491
Commanding-officers to send home men at expiration of enlistment 1423
to forward list of men entitled to honorable discharge 1429
to discourage sale by crew of prize-bounty average 1430
to favor the faithful and obedient in granting leave 1431
not to perform duties of paymaster 1432
authorized to exercise consular powers .. 1433
precedence of, over officers under their command 1468
aid or executive to 1469
duty of example, supervision, and correction ..... p. 275, art. 1, 1624
to forward list of persons entitled to prize-money ..... p. 279, art. 15, 1624
to make entries on ship's books, &c., ... p. 280, art. 20, 1624
what punishment may be inflicted by, &c ..... p. 281, art. 24, 1624
of fleets and vessels, entitled to prize-money, &c 4615, 4616, 4631–4633
Promotion and advancement of officers, rules of 1458
of commodores to rear-admirals on retired list 1460
of retired officers on active list 1461
to rear-admirals on retired list limited... 1461
physical examination before 1493
wounds not a disqualification for 1494
to grade limited in number 1495
professional examination before 1496
to rear-admirals in time of peace 1497
board of examiners and their duties.. 1466–1504
officers failing to pass examination to be suspended from promotion one year, and failing second time to be dropped 1505
of officers for eminent conduct 1506
although grade may be full 1507
of officers receiving vote of thanks 1508
to vacancies caused by death, &c., of officers who received vote of thanks.... 1510
of retired officers not to increase pay.... 1591
in **Marine Corps**, for gallant conduct... 1605
of seamen for heroism 1407
on receiving vote of thanks 1607
Pay of, (see *Pay Corps of Navy*),
on active list 1556
sea-service, when to begin 1571
of officers on furlough 1557
of volunteer naval service 1559
of officers on original entry into Navy, when to begin 1560
of officers promoted to vacancy 1495, 1561
of officers delayed in examination 1562
of persons temporarily performing duties of paymaster 1564
of Chiefs of Bureaus in Navy Department 1565
of naval storekeepers, officers on foreign stations 1567, 1568
of enlisted men 1569

Section.

NAVY—Continued.
Pay of—Continued.
additional pay for detention beyond term 1572
for services as coal-heavers 1570
for re-enlisting under honorable discharge 1573
to crews of wrecked vessels 1574
to crews of captured vessels 1575
of officers on retired list 1588
of certain rear-admirals on retired list ... 1589
of retired third assistant engineers 1590
on retired list on active duty 1592
retired on furlough-pay 1593, 1594
when court-martial may suspend pay .... p. 284, art. 48, 1642
deduction for hospital fund 4808
officers, seamen, &c., when entitled to (see *Bounties*) 2414–2446
Pensions, (see *Pensions*) 4693
rate of total disability 4695
according to rank, &c 4696
not to draw pay 4724
to invalids prior to March 4, 1861, continued 4728
to widows, &c., half-pay, continued, &c. 4729
to survivors of war of 1812 4736
officers, &c., of revenue-cutters to have.. 4741
pension-fund, estimates of claims, &c., on, to be submitted, &c 3667
Secretary of Navy to be trustee of 4750
part of penalties, &c., for removing live-oak to go to 4751
prize-money of, to be part of 4752
investment of, &c 4753
rate of interest on 4754
pensions shall be paid from 4755
half-pay to disabled sailors and marines from 4756
certain sailors and marines may have aid from surplus income of 4757
General provisions, regulations of 1547
copy of, to be furnished officers 1548
President to make, for purchase, &c., of supplies 1549
appointments to disburse money on foreign stations, how made 1550
insane persons of 1551, 4843
coal-depots 1552
enticing persons to desert from 1553
flags captured by 428, 1554, 1555
selection, protection, &c., of certain live-oak and red-cedar timber-lands for.. 2458–2463
payments by disbursing officer, by order of commanding officer, how settled.. 285
loss, &c., of vessel, for settlement of accounts of seamen, &c 286, 287
compensation for personal effects of seamen, &c 288, 289
of officers 290
assignment of officers to light-house districts, as inspector, &c 4671
employment of officers of, on coast survey 4684, 4687
of men of 4685
of vessels of 4686
subsistence of those employed on coast-survey service 4688
persons in, not entitled to vote in Territories unless six months his domicile.. 1860
not to be appointed or elected to civil office in Territories 1861
employment of, in execution of judicial process, &c 1984, 1989
officers of, not to fix qualifications of voters, &c 2003

Section.

NAVY—Continued.
General provisions—Continued.
naval architects may examine and copy models of certain yachts 4215
employment of, to enforce neutrality laws 5287
to compel departure of foreign vessels forbidden to remain, &c 5288
in aid of collection of duties, when 5316
to protect rights of discoverer of guano island 5577
restrictions and punishment for certain illegal acts of officers, &c., at elections 5528–5532
officers transferred from volunteer to regular service entitled to credit for volunteer sea-service performed as volunteers 1412
office of measurer and inspector of timber and certain clerks may be discontinued 1416
commanders of vessels to observe specified rules ..... p. 280, art. 20, 1624
officers of, to be appointed on Light-House Board 4653
punishment for maliciously setting fire to or otherwise destroying vessels of war 5387
NAVY-YARDS,
appointment of storekeepers and civil engineers at 1413
discontinuance of civil officers at 1416
selection of commandants of 1542
master mechanics and workmen at 1543
laborers at 1544
salaries and compensation at 1545
employés in, not to contribute for political purposes, &c 1546
pay of clerks to commandants and to paymasters 1556
NEAT-CATTLE,
importation of, prohibited, but Secretary of Treasury may suspend, &c 2493, 2494
penalty for violations, &c 2495
NEBRASKA,
not included in grant of swamp-lands to States 2479
land districts in (see *Lands—public*) 2256
surveyor-general for lands for, and for Iowa 2207, 2508
office of, Plattsmouth 2213
Indian agents in 2052
United States courts in (see *titles of the courts*) 531, 572, 658
ports of entry, &c., of, in collection district of New Orleans 2568
NE EXEAT,
writ of, when and how granted 717
NEGLECTS,
of duty and orders, in Navy ... p. 277, art. 8, 1624
in Army ..... p. 236, art. 62, 1342
NEUTRALITY,
power of ministers in certain countries to preserve (see *Consular Courts*) 4090
accepting commission in United States to serve foreign country, prohibited 5281
enlisting in foreign service 5282
arming vessels against foreign peoples 5283
to cruise against citizens of United States. 5284
augmenting force of foreign vessels of war 5285
military expeditions against people at peace with United States 5286
enforcement of above provisions 5287
compelling foreign vessels to depart 5289
armed vessels to give bond on clearance ... 5289
detention of, by collectors 5289

Section.

NEUTRALITY—Continued.
construction and application of provisions of law relating to 5291
NEVADA,
not included in grant of swamp-lands to States 2479
land districts in (see *Lands—public*) 2256
surveyor-general of public lands for 2207, 2210
variation from rectangular mode of survey in, when allowed 2408
fifty per cent. addition to certain fees of registers and receivers in 2238
United States courts in (see *Circuit and District Courts*) 531, 572, 658
special session of circuit court 664
district attorney and marshal for, entitled to double fees, &c 837
amount of fees allowed to be retained by clerk of circuit and district courts in. 840
permanent appropriation to pay traveling expenses of volunteers of.....p. 727, 3689
NEW BRUNSWICK,
certain produce of forests of Maine sawed in, admitted free of duty 2508, 2509
provisions for lading and unlading vessels from 3129
NEWCASTLE, ME.,
vessels owned at, &c., entered at Wiscasset, may unlade at places on Sheepscut River 2520
NEWFOUNDLAND,
certain fish and fish-oil from, admitted free of duty, &c 2506
provisions concerning lading and unlading of vessels from 3129
NEW HAMPSHIRE,
judicial district of 531
terms of district court in 572
of circuit court in 658
collection districts, ports of entry and delivery in 2522
officers in 2523
merchandise for Kittery or Berwick may be entered at Portsmouth 2524
life-saving station on coast of 4249
NEW JERSEY,
judicial districts in 531
term of district court 572
of circuit court 658
collection districts, ports of entry and delivery in 2541
officers 2542
masters of vessels for Burlington to deposit manifests at Philadelphia..... 2834
permit for land-transportation of foreign merchandise across..... 4362
life-saving stations on coast of.....4242–4244
NEW MEXICO, (See *Territories.*)
establishment and boundaries of 1896
provisions common to all Territories (see *Territories*) 1839–1895
judicial power in..... 1907
jurisdiction of courts in..... 1866
writs of error and appeals in, to Supreme Court 1909
district courts in, jurisdiction of, as courts of United States, &c 1910
judicial districts in, how organized, &c 1913
terms of courts in 1915
assignment of judges, how made 1918
secretary of, to be superintendent of public buildings and grounds..... 1920
oath of office to members and officers of legislature of..... 1921
members of council and house of representatives of..... 1922
justices of peace in, limit to jurisdiction ... 1926

Section.

NEW MEXICO—Continued.
jurisdiction of district court over citizens of El Paso County, Texas 1928
trial and proceedings in district court in revenue cases..... 1928
contingent expenses of executive department in, annual appropriation for... 1935
legislative expenses of, provision for..... 1939
mileage of members of legislature 1942
seat of government of, how changed..... 1944
reservation of lands for school purposes.... 1946
peonage in, abolished and prohibited..... 1990
laws, &c., of, enforcing labor in liquidation of debt, annulled..... 1990
duty of United States officers in..... 1991
Indian superintendent for tribes in..... 2046
Indian agents in 2052
persons to be included in enumeration of inhabitants of..... 2188
appointment of surveyor-general for..... 2207
salary of 2210
fifty per cent. addition to certain fees of registers and receivers in..... 2238
boundaries of land-districts in .....p. 411, 2256
NEW ORLEANS,
collection district, what ports to comprise . 2568
collector of customs may appoint temporary inspectors 2576
may appoint head gaugers..... 2577
entry of merchandise at, intended for other ports on Mississippi River and elsewhere..... .....2822, 2823
proceedings in such cases.....2825–2831
vessels bound for Natchez or Vicksburg from foreign ports to stop and report at, and collector to place officer on board 2832
expenses of officer in such case, how paid 2833
vessels bound to ports of delivery in, district of (except Bayou Saint John), what to do 2570
unlading imported salt, opposite city of, how regulated..... 2897
transportation in bond extended to 2997
land district of 2256
mint at (see *Mints*) 3495–3499
assistant treasurer at (see *Assistant Treasurers*) 3595–3597
collectors of public money at, to pay same to assistant treasurer 3615
inspectors of boilers and hulls at..... 4414
national banks in, provisions respecting (see *National Banks*) 5191, 5192, 5195
NEWS-AGENTS,
may contract for delivery of papers, &c., by mail-route agents 3889
postage on newspapers and periodicals to and from..... 3908
NEWSPAPERS,
not to be furnished to Congressmen, &c ... 43
for departments 192
not more than thirty dollars to be expended for, annually by executive officer, other than heads of departments.... 1779
Clerk of House of Representatives to select newspapers in certain States in which certain advertisements may be published, and fix rate of compensation. 3823–3825
rates of publication of advertisements in other cases 853, 854
laws not to be published in..... .....79, 204
amendments to Constitution to be published in 205
commercial information to be published in. 211
publication of public notices and advertisements in, regulated 3826, 3827
section in part repealed .....*note after* 3826

Section.

NEWSPAPERS—Continued.
not to be published without written authority 3828
Congressional Printer and foremen of printing and binding not to be interested in publication of 3765
may be carried out of mail by contractors or mail carriers for sale or distribution to subscribers 3888
packages delivered by route-agents 3889
for mail, postage on, at free-delivery offices. 3872
regularly issued, &c., second-class mail matter 3877
transient, to be third-class mailable matter. 3878
not to be received unless dry, &c 3883
how distributed when packages of, sent to one address 3884
notice to be given of refusal to take 3885
what may be printed or written on and inclosed in 3886
penalty for writing on or inclosing in, when sent by mail without payment of letter postage 3887
postage on, when sent to subscribers 3905
to subscribers, payable quarterly in advance 3906
special rates to dealers in 3908
affidavit of publishers, &c., as to mailing.. 3909
stamped wrappers for, to be provided 3915
publishing list of non-delivered letters in.. 3930
addressed to foreigners 3931
compensation for 3934
when uncalled for, may be returned to publishers 4061
what, to publish advertisement of mail lettings, &c 3941
court to designate, for publication of notices in bankruptcy 5019, 5054
improper delaying, embezzling, or destruction of, by employé of postal service. 5471
opening mail of, by employé of postal service, not directed to office where employed 5471
opening, embezzling, or destruction of, by person other than employé, &c 5471
correspondence for, by diplomatic and consular officers prohibited 1751

NEW YORK (State),
judicial districts in 541
district courts, terms of 572
concurrent jurisdiction of southern and eastern 542
in case of disability of judge of northern or eastern, the judge of other district to hold court 599
when judge in eastern district to perform duties in northern district 600
circuit court, terms of 658
in southern district, for criminal business, by whom to be held 613
original jurisdiction of court for southern district not to extend to cases in northern 657
recognizances, &c., for appearances at certain terms of southern district made valid 659
salary of district attorney for southern district 770
jury drawn for district court of northern district to serve in circuit court at Albany or Utica 806
collection districts, ports of entry and delivery in (see *those subjects*) 2535
officers 2536, 2538
additional officers 2539, 2605
merchandise for Greenport may be entered at Sag Harbor 2537

Section.

NEW YORK (State)—Continued.
for Cold Spring or Port Jefferson to be entered at New York 2540
entry of merchandise at New York for transportation in bond to certain places. 2990, 2997
privilege extended to Genessee. *note after* 2990
master of vessel bound for any district in Connecticut by way of Sandy Hook to deposit manifest at New York 2834
life-saving stations on coast of Long Island 4242

NEW TRIALS,
courts may grant 726
stay of execution, by circuit court, to give time for petition for 987
by Court of Claims 1087, 1088

NICKEL COINS,
denomination and alloy of 3515
redemption of 3529

NITRIC ACID, NITRO-GLYCERINE, NITROLEUM, ETC.,
not to be shiped on vessel or vehicle conveying passengers 4278
restrictions on carriage of, by steam passenger-vessel 4472
how packed and marked for shipment.. 4279, 4475
State regulation of traffic and transportation of, not prevented 4280
penalty for shipping, contrary to law 4476
transporting, or delivering to be transported, on vessel or vehicle employed in carrying passengers, &c... 5353
when death is caused by explosion of, while transported on passenger-vessel, &c.. 5354
shipping or transporting, unless packed and marked in manner prescribed 5355

NOBILITY,
titles and orders of, to be renounced by applicants for admission to citizenship. 2165
not to be granted by United States nor accepted by public officer, nor granted by any State. (*Constitution, art.* 9, *par.* 8, *and art.* 10, *p.* 21.)

NOLLE PROSEQUI,
not to be entered in prosecution of distiller defrauding or attempting to defraud, without written permission of Secretary of Treasury and Attorney-General 3230
to be entered in cases for recovery of duties illegally exacted if bill of particulars not filed 3012

NOMINATIONS,
list of, to be furnished by Secretary of the Senate to Secretary of the Treasury, Auditors, and Comptrollers, at the end of each session 1775

NON-ATTENDANCE,
of judge of district court 583–585
intermediate term in case of, in California, Iowa, and Tennessee 586
in case of judges of circuit court, adjournment by marshal 671
by written order of either of the judges to marshal or clerk, to next term 672

NON-ENUMERATED ARTICLES,
rate of customs duties on 2516
when in similitude of enumerated articles, or manufactured from two or more materials 2499

NON-RESIDENTS,
taxable property owned by, how assessed.. 3180

NORTH CAROLINA,
United States Courts in (see *Circuit and District Courts*) judicial districts 543
district courts in 572
adjournment of, by clerk 584

Section.

NORTH CAROLINA—Continued.
circuit courts, terms and special sessions .658, 667, 670
juries, how summoned to special sessions. 816
transcript of new books of, for western district, to have force of originals ... 898
collection districts in (see *Collection Districts, Ports of Entry*) 2555, 2556
life-saving station on coast of (see *Life-Saving Stations*) 4249
permanent appropriation to pay interest to Cherokees of .....p. 728, 3689

NORTHERN, NORTHEASTERN, OR NORTHWESTERN FRONTIERS,
accounts of collectors of customs in districts of..... 2644
collectors and surveyors to keep on sale blank manifests and clearances..... 2648
fees for entry of merchandise at custom-houses on, and how accounted for .. 2658
enrolled and licensed vessels in trade on, not required to pay entry and tonnage tax in certain cases..... 2793
in what vessels, boats, and carriages imports may be made in districts of.3096, 3098
provision for entry of goods in districts on . 3097
report of masters of foreign vessels arriving in waters adjacent to United States.. 3098
merchandise laden at ports in foreign vessels to be reshipped to evade transportation laws to be forfeited 3110
masters of vessels loading at ports of, to report certain sea-stores purchased, and pay duties when due.....3111–3113
duties on equipments of certain vessels engaged in trade on 3114, 3115
masters of vessels, except canal-boats licensed to engage in trade on, to present duplicate manifests.....3116, 3119
their duty when touching and discharging cargo at intermediate ports...3117, 3119
departing from one district to place in another where is no custom-house, to file manifest and obtain clearance.3118, 3119
delivery of goods taken from one district to another to be in daytime 3120
steam-tugs on, engaged exclusively in towing not required to report and clear . 3123
Secretary of Treasury to prescribe forms of manifests, clearances, and oaths for vessels in coasting-trade on 3124
penalty for neglect by masters of vessels engaged in coasting-trade on, to comply with laws..... 3125
enrollment of vessels navigating waters on. 4318
fees to be collected of vessels navigating waters of.....4382–4385
pier-heads on northern and northwestern lakes, belonging to United States to be marked by Light-House Board... 4677
provisions applying to commerce with contiguous countries.....3095–3129

NOTARIES PUBLIC,
authority of, to administer oaths and take acknowledgments in certain cases... 1778
duty of, on protest of national-bank notes.. 5226
consular officers and secretaries of legation may perform certain functions of.... 1750

NOTES, (See *National Banks, United States Notes.*)
of banks not national, tax on 3408, 3409
of State banks, paid out, tax on.....3410–3412
of town, city, or municipal corporation, tax on those paid out 3413
shipper of, to notify carrier..... 4281
of national banks (see *National Banks*)..5157–5189

Section.

NOTES—Continued.
not at par not to be paid out..... 5206
of United States (see *United States Notes*) 3473, 3571, 3578–3590, 3693, 3708, 4204

NOTICES,
of trial in civil actions by either party..... 950
by co-owners of mining claim to associate, failing to contribute share of expense. 2324
of application for patent for mining claim.. 2325
by register of land-office of application for patent having been made..... 2325
by pre-emption claimant on land not proclaimed for sale..... 2265
of pre-emptors on railroad lands 2281
of mining claimant, rate for publication of. 2334
in contested cases proof of, required..... 2335
of seizures, when, where, and by whom published, what to contain 3075, 3077
to be made by deputy collector of internal revenue for absent persons..... 3173
to tax-payers by collector of internal revenue 3184, 3185
in distraint for internal-revenue taxes..... 3190
of sale of real estate for internal-revenue taxes 3197
of personal property of delinquent collector of internal revenue 3217
of real estate of delinquent collector of internal revenue..... 3217
of intention to carry on business of distiller or rectifier 3259
of change by distiller or rectifier..... 3259
of suspension by distiller..... 3310
of resumption by distiller..... 3310
by brewer..... 3335
in case of seizure of property of tobacco-peddler 3383
of seizure and sale in all cases..... 3460
of goods for forfeiture under internal-revenue laws of value of $500 or less. par. 4, 3460
of money-orders drawn shall be sent to postmasters 4035
of health-regulations to be posted on passenger-vessels..... 4263
to be posted on emigrant vessels forbidding officers or seamen visiting quarters of emigrants 4277
what, to be given by collector of seizure of vessel..... 4379
by national banks, of liquidation..... 5221
after receiver appointed to wind up..... 5235
in bankruptcy matters, (See *Bankruptcy.*)
of time and place of holding courts..... 4974
of appeals..... 4981
of voluntary applications..... 5019
of petition by creditors.....5025, 5026
to creditors.....5032, 5033
of appointment of assignee..... 5054
of meeting for removal of assignee 5039
of actions against assignee 5056
of sale of disputed property..... 5063
of examinations of bankrupt..... 5086
of second meeting of creditors..... 5092
of third meeting 5093
of creditors' meetings, how given 5019, 5194
of dividends, how given..... 5102
of assignee's final account, what required. 5096
of special meeting to consider settlement by trustees 5103
of application for discharge..... 5109
of application to annul discharge..... 5120
fees for publication of..... 5126

NOVA SCOTIA,
provision concerning lading and unlading of vessels from..... 3129

NURSES (in **Army**),
employment of women as, at hospitals 1238

Section.

NURSES (in **Army**)—Continued.
female, pay and rations of 1277
rations to, at post or regimental hospitals .. 1295

O.

OATHS,
affirmations instead of, sufficient.....1, 5013
may be administered to witnesses by chairmen of committees, or Speaker of House of Representatives or President of Senate 101
by Auditors of Treasury..... 297
by passport clerk of State Department... 212
by clerk, &c., detailed to investigate frauds.....183, 474
by employés detailed therefor, in settlement of officers' accounts in War Department..... 225
by courts..... 725
by clerks of courts, to persons identifying papers found on vessels, &c..... 799
by notaries public and commissioners of circuit courts 1778
by collector and other officers to importers of merchandise, &c.2786, 2787, 2805, 2841
by internal-revenue supervisors..... 3163
by collectors, deputy collectors, and inspectors of internal revenue..... 3165
by registers in bankruptcy.....4998–5013
by Treasury agents in Alaska..... 1976
by registers and receivers without fee in entry or purchase of public land 2246
by collectors of internal revenue and superintendents of drawbacks..... 3162
of poor debtor 1042
to accounts by consular officers abroad, before whom may be taken..... 1728
deputy surveyors-general to make, to return of surveys..... 2231
persons claiming under pre-emption laws to take certain 2262
to account to be rendered when imported merchandise is entered by agent or factor 2787
relating to revenue laws, to be prescribed by Secretary of Treasury 251, 3124
of owner, importer, &c., of merchandise, to accompany invoice, form of.....2841–2850
required by customs laws not to exempt masters, &c., of vessels from taking others required by other laws 3094
what, to be taken by customs and internal-revenue officers, &c., before receiving payment of salaries 1790
of **allegiance,** by aliens applying for naturalization..... 2165
by parties prosecuting claims before departments.....3478, 3479
by citizens petitioning for adjudication in bankruptcy..... 5018
of office, general form of..... 1756
form of, by participants in late rebellion. 1757
who may administer 1758
where to be kept 1759
of officers and members of Congress at organization 28–30
of persons in postal service 391, 393
of judges of Supreme, circuit, and district courts, form of..... 712
of marshal 782
of marshals and assistant marshals before taking census..... 2181
of clerks and deputy clerks of courts 794
of jurors 821
of officers of customs.....2614–2618
of collectors of customs, and by them to other customs officers 2617

Section.

OATHS—Continued.
of office—Continued.
of State officers to support the Constitution; how administered and certified 1836, 1837
of Territorial officers, how taken, certified, and recorded 1878
of members and officers of legislature of New Mexico, how administered..... 1921
postal employés liable to penalties, &c., without having taken 3832
perjury, punishment for.....1750, 5392
in naturalization cases..... 5395
indictment for 5396
subornation of, punishment 1750, 5393
indictment for..... 5397
OBSCENE,
articles, books, &c., importation of, prohibited..... 2491
to be detained by officers of customs 2491
mode of procedure against..... 2492
to be excluded from mails 3878, 3893
officer of United States sending by mail, advertising, dealing in, &c.; penalty.. 1785
selling, &c., in any place under exclusive jurisdiction of United States 5389
OBSTRUCTING,
customs officers in discharge of duty..... 3068
internal-revenue officers..... 3177
officers, &c., under civil-rights laws 1980, 5516
executing process of courts of United States..... 5398
citizens in voting, or qualifying to vote, at election, &c 5506
mail, or persons, &c., carrying same...3995, 3996
surveys, penalty for..... 2412
protection of surveyors by marshal..... 2413
OFFENSES, (See *Crimes and Offenses.*)
General provision.....5323–5330
Against the existence of government.5331–5338
Arising under maritime and Territorial jurisdiction of United States..5339–5391
Against justice.....5392–5412
Against operations of government..5314–5480
forgeries, frauds, &c 5413–5456
counterfeiting coin.....5457–5462
postal crimes 5463–5480
Official misconduct, &c.....5481–5505
Against elective franchises and civil rights.....5506–5532
Accessories 5533–5535
Prisoners and their treatment 5536–5550
Summary trials of, against navigation laws.....4300–4305
Relating to merchant seamen 4596–4612
jurisdiction of courts.....563, 629, 711
capital, in what county to be tried, &c (see *Capital Offenses*) 729
on high seas, in what district to be tried... 730
begun in one district and completed in another, where tried and punished 731
district attorneys to prosecute..... 771
costs, on conviction, when may be awarded against defendant..... 974
arrest, imprisonment, bailing, removal, &c., of offenders..... 1014
not infamous, how to be prosecuted..... 1022
committed in Territories governors may pardon..... 1841
on guano islands, how cognizable and punished 5576
under statutes, &c., prior to repeal by Revised Statutes, &c 5598
in Army, persons accused of, against citizens, to be delivered up.....p. 235, art. 59, 1342
in Navy, refusing to detect and apprehend offenders .....p. 278, art. 8, par. 17, 1624

Section.

OFFENSES—Continued.
committed on shore ..... p. 281, art. 23, 1624
not specified, how punished . p. 281, art. 22, 1624
OFFICE (public),
jurisdiction of courts to recover possession of ..... cl. 14, 563, 629, 2010
salaries not to be paid persons acting as officers not authorized by law 1760
nor to persons appointed during recess of Senate to fill vacancies existing while Senate was in session 1761
nor to persons improperly holding over .. 1762
tenure of office, provisions 1767–1775
suspension and filling vacancies 1768
does not extend term of office 1770
accepting, or exercising, contrary to law ... 1771
removing or appointing contrary to law ... 1772
public officers accepting consideration for procuring 1781
district attorneys to proceed by quo warranto against persons illegally holding 1786
penalty for holding, &c., when excluded for having engaged in rebellion 1787
attached to seat of government, where exercised 1796
incapacity to hold, by conviction of treason . 5332
by engaging in, giving aid and comfort, &c., to rebellion 5334
persons holding, not to be of counsel nor assist in prosecution or support of claims against United States, or assist therein, or receive share or gratuity for 5498
conspiring to prevent person from accepting or holding, or to injure person holding, &c 5518
OHIO,
judicial districts in 544
district courts in, terms of 572
adjournments of 579
circuit courts in, terms of 658
collection districts, ports of entry and delivery in 2603
officers in 2604
additional inspectors, weighers, and officers of, for certain places in 2605, 2606
ports of entry of, in collection district of New Orleans 2568
entry of merchandise may be made at New Orleans for Cincinnati 2822
may be made at Toledo, for transportation in bond to certain places 2990, 2997
OIL OF VITRIOL,
penalty for shipping, without notice 4288
restrictions on transportation of, by steam passenger-vessels 4472
how packed and marked for shipment 4475
penalty for shipping, contrary to law 4476
OLD MATERIAL,
proceeds of, deposited in Treasury 3618, 3692
statement of, in Book of Estimates 3672
OPENERS AND PACKERS (customs),
at New York, compensation of 2745
OPIUM,
prepared for smoking, &c., not to be removed from bonded warehouse for exportation without payment of duties, &c ..... p. 478, 2504
duties on ..... p. 478, 2504
ORDNANCE DEPARTMENT (Army),
authorized 1094
organization and rank of 1159
storekeepers for 1159
to give bond 1191
appointment in, how made 1160
when storekeepers to act as paymasters at armories, &c 1161

Section.

ORDNANCE DEPARTMENT (Army)—Continued.
enlisted men for, as sergeants, corporals, and privates (*new*) 1162
rations to sergeants and corporals 1293
sergeants for each military post and how selected 1109, 1110
promotions in 1208
and appointments in, suspended until, &c. 1194
no allowance of clothing to ordnance-sergeants 1297
forage allowed to storekeeper at Springfield armory 1271
Chief of, appointment, &c 1193
detail of officers by 1163
to provide supplies of ordnance, &c 1164
to establish depots of ordnance, &c 1165
to execute orders for ordnance-stores 1166
report to be made by 1167
damage to arms, &c., to be reported to .. 1220
system used in manufacture of muskets and carbines for 1672
arsenals, provisions concerning (see *Arsenals*) 1161, 1162, 1662–1671
assent of States to purchase of land for, to be obtained 1838
no money to be expended on land for, until title approved by Attorney-General, and State assents to purchase .. 355
punishment for various offenses at ... 5339–5391
OREGON,
concurrent jurisdiction of State, with Washington Territory, over Columbia River 1950
certain laws of, continued in force in Washington Territory 1952
restrictions on grants of swamp lands to ... 2479
provisions of swamp-land act extended to .. 2490
land districts in 2256
surveyor-general of public lands in . 2207, 2209, 2211
transcripts of records of, to be evidence .. 2224
fifty per cent. addition to certain fees of registers and receivers in 2238
augmented rates allowed for survey of certain public lands in 2404
geodetic surveys in, may be continued 2409
surveying in, may be paid for by the day .. 2411
Indian superintendents and agents in ... 2046, 2052
what persons to be included in enumeration of inhabitants of 2188
citizenship of persons born in Territory of . 1995
collection districts and ports of entry in (see *Collection Districts*) 2586, 2587
additional officer for Portland 2606
manifests of vessels to and from Portland .. 2588, 2589
vessels having merchandise for both Astoria and Portland 2590
Secretary of Treasury may remit fines and penalties in certain cases occurring within 5293
United States courts in (see *Circuit Courts, District Courts*) 531, 572, 658
special sessions of circuit court in 664
jurisdiction of district courts of, over offenses committed in Alaska 1957
amount of fees allowed to be retained by clerk of circuit and district courts in . 840
district attorney and marshal for, entitled to double fees, &c 837
OSAGE INDIAN TRUST-LANDS,
opened to public sale to actual settlers 2283
transfer of claims prior to April 26, 1871, not to preclude entering of another tract subsequently settled upon 2284
certain pre-emption laws not to apply to settlers on 2285

Section.

OTTAWA INDIANS (of Michigan),
unoccupied lands of, open to homestead entry 2313
selection of lands for minor children of.... 2314
bona-fide settlers on lands of, prior to, &c., may enter, &c 2315
selections heretofore made by, to be patented and sales confirmed 2316

OUTSTANDING,
appropriations to be given in estimates 3665
liabilities of more than three years to be covered into Treasury 306
what to be sufficient vouchers for warrants, &c 307
how paid when presented 308
to be reported to Secretary of Treasury, when and by whom 310

OWNERS OF VESSELS,
penalty for carrying live-oak or red-cedar timber from lands of United States.. 2462
oath by, to obtain register.....4142, 4143
issue of new certificate of registry to, in new district and surrender old 4159, 4163
former, retaining old certificate, penalty... 4164
sold or captured abroad, regaining vessel may have register, &c., when..... 4165
penalty for not taking out new certificate of registry, when 4169
to report change of master, penalty for neglect..... 4171
to report sale of, in whole or in part, to foreigner; penalty for neglect..... 4172
oath of, on entry of vessel as to register ... 4173
delivering up certificate of register to have bond canceled 4174
recorded, to countersign certificate of measurement 4181
to have indorsed on certificate of record change of name or master of vessel.. 4183
to pay surveyor's fees for measurement, &c. 4186
to furnish collectors' receipts for fees paid consular offices by vessels abroad.... 4213
oath of, to ownership of unregistered vessel carrying sea-letter..... 4226
bringing passengers from foreign ports, violating regulations as to berths..... 4255
neglecting to furnish list of passengers... 4266
payment for deaths occurring among passengers during voyage.....4268, 4269
of passenger-vessels between United States and Europe, for not furnishing deck-houses, ventilators, and cooking-ranges as required..... 4259
failing to provide provisions and water .. 4261
civil responsibility of, to passengers for neglect to furnish food, &c..... 4262
to construct decks and apartments so they can be kept clean, &c 4263
of passengers-vessels between United States and Pacific ports, failure to supply food and water, &c..... 4265
not liable for gold, bullion, jewelry, &c., shipped without notice..... 4281
not liable for loss by fire 4282
liability of, for goods embezzled, lost, or destroyed, &c..... 4283
pro-rata payment by, when liabilities exceed value of vessel, &c.....4284, 4285
charterers when deemed owners..... 4286
remedies against, for fraud, negligence, &c. 4287
of canal-boats and vessels on rivers, &c., liability of, as carriers..... 4289
enrolled and licensed, subject to provisions prescribed for registered vessels..... 4312
managing, bond of, to obtain license for coasting trade or fisheries 4320
license to, for fishing..... 4321

Section.

OWNERS OF VESSELS—Continued.
may return expired license, when 4327
oath of, as to foreign repairs to obtain enrollment, &c..... 4330
penalty if licensed vessels found without name and port painted on stern..... 4334
in domestic commerce, fees to be paid by.. 4382
of steam passenger, liability of, for damage to passengers 4493
when, may perform duties of shipping commissioners..... 4504
how, may procure, &c., apprentices..... 4509
proceedings against, to recover advance security..... 4534
when accountable for effects, &c., of deceased seamen 4540
disputes between crew and, how heard, &c.. 4554
to produce books and papers before shipping commissioners relating to wages, &c..... 4555
liable to penalty for neglect to furnish anti-scorbutics 4570
to obtain copy of shipping articles..... 4575
to pay hospital tax..... 4585
to pay shipping, &c., fees, reimbursement.. 4593
punishment of seamen for damage to, by smuggling..... 4596
may apprehend deserters without warrant 4599
expenses of, in apprehending deserters, how paid..... 4604

P.

PAGES,
of Senate, salaries..... 52
how appointed and removed..... 52
of House of Representatives, salary 53

PAINTINGS,
exhibitions of, in Capitol prohibited 1815
imported for exhibition by, &c., to be free of duty, &c 2512
duties on.....p. 478, 2504
for institutions, States, &c., free...p. 489, 2505
by American artists, free of duty....p. 489, 2505

PAPER,
for government printing, estimates of, to be submitted to Joint Committee on Printing 3766
advertisements for.....3767, 3768
samples of standards to be furnished by Congressional Printer 3769
contracts for.....3770–3778
samples of, for engravings, &c., to be kept by Congressional Printer 3782
report of amount used, &c., to be made to Secretary of Interior 3820
to Congress..... 3821
plain and ornamental, to be third-class mail-matter 3878

PARDON,
Constitutional power of President to grant, p. 23, art. 2, § 2, cl. 1.
by governors of Territories 1841
of persons having claims not to authorize payment 3480
when United States minister may submit capital case to President for..... 4103
of persons convicted by general courts-martial, by officer ordering court..p. 240, art. 112, 1342
where sentence is both pecuniary and corporal, President may pardon either without the other..... 5330

PARTIES,
proceedings where one or more of several defendants not inhabitants of district 737

Section.

PARTIES—Continued.
where defendant in suit to enforce lien not inhabitant of district 738
may manage causes in courts personally or by counsel 747
in civil actions not excluded as witnesses .. 858
when executor or administrator made party . 955
suggestion of death of, on record 956
in bankruptcy proceedings, must obey summons of register 5005
conspiring to deter, &c., from attending court of United States, or to injure on account of having attended 5406

PARTNERSHIPS,
included in word person 1
to pay but one special tax 3234
vessels owned by, where partner resides abroad, how registered 4133
in bankruptcy, distinct liabilities of each partner 5074
discharge, effect of 5118

PASSED ASSISTANT PAYMASTERS (Navy),
number of, on the active list 1376
promotion to grade suspended 1377
order of promotion of 1380
bonds of 1383
clerks to 1388
relative rank of, on active list 1475
pay of 1556

PASSED ASSISTANT SURGEONS (Navy),
relative rank of, on active list 1474
pay of 1556

PASSENGERS AND PASSENGER TRANSPORTATION,
certificate of voluntary emigration of certain, to be given by consular officers. 2162
inspection of baggage of passengers arriving in United States (see *Baggage*) ... 3100, 3101
transportation to United States from foreign port not in contiguous territory . 4252
penalty for taking on board more than allowed 4253
space appropriated 4254
berths for, regulation of 4255
between United States and Europe 4256
ventilators for apartments occupied by ... 4257
cooking-range, &c., for 4258
vessel not provided with houses, ventilators, and cooking-range, penalty ... 4259
provisions and water for 4260–4262
discipline and health regulations 4263
collectors to inspect vessels 4264
between Pacific ports and United States subject to foregoing provisions, except, &c 4265
water and food for, &c 4265
list of, arriving from foreign port to be furnished collector on entry 4266
collectors to return copies of, quarterly, to Secretary of State 4267
deaths among, other than cabin, payment by master, owner, or consignee, &c ... 4268, 4269
penalties for violating provisions to be a lien on vessels 4270
vessels of colonization societies subject to foregoing provisions 4271
examination, &c., of emigrant-vessels on arrival by collector 4272
informers to have half penalties recovered for violating laws relating to transportation of 4273
vessels of United States carrying passengers between foreign ports 4274
officers or seamen, &c., not to visit part of vessel assigned to emigrants 4275–4277

Section.

PASSENGERS AND PASSENGER TRANSPORTATION—Continued.
nitro-glycerine, &c., not to be carried in vessels employed in transporting 4278
in steam-vessels, penalty for carrying, contrary to law 4424
vessels carrying, not to leave port without complement of officers and crew 4463
number of, allowed to be carried to be stated in certificate of inspection 4464
penalty for carrying more than authorized. 4465
number carried on excursions 4466
list of, received and delivered from day to day, to be kept 4467–4469
precautions against fire 4470
fire-pumps and hose 4471
dangerous merchandise not to be taken on steamers carrying 4472
penalty for unlawfully carrying cotton or hemp 4473
use of petroleum, &c., as fuel 4474
mode of packing gunpowder, nitro-glycerine, &c 4475, 4476
watchmen at night 4477, 4478
fire-extinguishers 4479
wire tiller-ropes and bell-pulls 4480
boats for river-steamers 4481
life-preservers for river-steamers 4482
fire-buckets, water-barrels, and axes 4483
stairways and gangways on river-steamers . 4484
accommodations for deck passengers ... 4485, 4486
river-steamers to be anchored in fogs, &c .. 4487
life-boats on ocean, lake, and sound steamers 4488, 4489
water-tight bulkheads on ocean-going, and vessels navigating great lakes 4490
life-saving apparatus to be approved, how. 4491
barges in tow carrying, subject to what provisions 4492
liability of owner, &c., for baggage of 4493
two copies of regulations to be kept on steamers carrying 4494
names of steamers to be painted on stern and pilot-house 4495
customs officers to enforce provisions for, on steam-vessels 4496, 4497
license, register, or enrollment of vessels for, when granted 4498
penalty on vessels violating provisions respecting 4499, 4500
seduction of female by person employed on vessel, how punished 5349–5351
penalty for transporting or delivering on board of vessels conveying passengers, nitro-glycerine and other explosive substances 5353, 5354

PASSPORTS,
how granted and issued 4075
clerk in charge of, in State Department to administer oaths for, without fee 212
to foreigners entering Indian country 2134
penalty for violation of 4062
in foreign countries, how granted, issued, and verified 4075
to be granted, &c., to citizens of United States only 4076
returns of, to be made to Secretary of State. 4077
penalty for issue, &c., of, by unauthorized person 4078
vessels of United States going abroad to have 4306, 4307
for unregistered vessel sailing on sea-letter. 4308
deposit of, with consul on arrival at foreign port 4309, 4310
falsely making, forging, altering, &c., granted to vessel; uttering as true any false, &c 5423

Section.

PATENT AGENTS,
in case of gross misconduct Commissioner may refuse to recognize 487
PATENT MEDICINES,
not exempt from internal-revenue tax..... 3436
PATENT OFFICE,
in Interior Department..... 475
Commissioner, assistant commissioner, and three examiners-in-chief, and other officers, clerks, &c 476
salaries 477
seal of 478
bond of Commissioner and chief clerk..... 479
officers, &c., not to have interest in patents, except 480
general duties of Commissioner 481
qualifications and duties of examiners-in-chief..... 482
regulations for, by whom prescribed 483
classification, arrangement, &c., of models. 484
disposal of models on rejection of application..... 485
library of..... 486
exclusion of patent-agents for misconduct.. 487
when papers filed in, may be printed at expense of party filing..... 488
Commissioner may print copies of claims, laws, decisions, &c., for information of public 489
complete specifications and drawings for distribution 490
for sale..... 491
advertisement and contracts for lithographing and engraving 492
price of uncertified copies of specifications and drawings..... 493
annual report of Commissioner 494
custody of collections of exploring expedition..... 495
disbursements for, by whom to be made... 496
copies of books, records, &c., in, when evidence, right to have 892
patents to be under seal of, and recorded in. 4883
to attach to patents copy of drawing 4889
recording of assignments, &c..... 4898
decision of supreme Court of District of Columbia on appeal to be recorded in 4915
disclaimers to be recorded in 4917
Trade-marks to be recorded in, provisions concerning (see *Trade-Marks*)....4937–4947
PATENT RIGHTS,
courts of United States to have exclusive jurisdiction of cases arising under laws relating to.....629, 711
decrees of circuit court reviewed in Supreme Court without regard to sum or value in dispute..... 699
when no costs allowed in recoveries for infringement of part of..... 973
no royalty to be paid to officers of United States for, of Springfield breech-loading system 1673
articles subject to, not to be used on engines of vessels of war until recommended by board of engineers, &c 1537
of bankrupt to be vested in assignee..... 5046
PATENTS,
the Patent Office (see *Patent Office*).....475–496
provisions concerning 4883–4936
Commissioner of, may refuse to recognize persons as patent agent for gross misconduct 487
jurisdiction of circuit court at law and in equity of suits concerning.....cl. 9, 629
how issued, attested, and recorded..... 4883
what to contain..... 4884

Section.

PATENTS—Continued.
to bear date not later than six months from allowance, &c 4885
for what inventions, &c., granted 4886
right to, as affected by previously obtaining foreign patent 4887
application for..... 4888
drawings for..... 4889
specimens of ingredients and composition to be furnished 4890
model to be furnished..... 4891
oath of applicant 4892
examination of invention, &c..... 4893
limitation of time for preparing application for examination; abandonment..4894, 4897
may be issued or reissued to assignee..... 4895
to executor or administrator, in trust, &c 4896
renewal of application in case of failure to pay final fee in season..... 4897
persons manufacturing or using, &c., prior patent on renewed application not liable, &c 4897
assignment of patent, conveyance of territorial right, recording of..... 4898
right to use, &c., before application for patent 4899
marking or labeling of article..... 4900
proof of notice of infringement in suit for damages by party failing to mark or label..... 4900
penalty for marking, contrary to law with intent to deceive, &c..... 4901
filing and effect of caveat..... 4902
notice of rejection of claim, re-examination in case of persistent application..... 4903
interferences, notice of, to applicant..... 4904
primary examiner in cases of interference to determine priority of invention... 4904
power of Commissioner to issue patent to party adjudged prior inventor unless appeal made..... 4904
affidavits and depositions, rules for..... 4905
witnesses in contested cases, subpœnas for. 4906
failing to appear, or refusing to testify, obedience may be enforced..... 4908
fees of 4907
appeal by applicant or party to interference from primary examiner, &c..... 4909
from examiner-in-chief to Commissioner . 4910
from Commissioner to supreme court of District of Columbia 4911
notice of, and reasons for, to be filed, &c. 4912
proceedings on..... 4913
determination of, and effect..... 4914
bill in equity to obtain, in case of refusal by Commissioner and supreme court of District of Columbia..... 4915
reissue of defective, and of several, for separate parts of thing 4916
disclaimer; making, recording, &c 4917
suit in equity to settle interfering patents; effect of decree 4918
action on case for infringement of..... 4919
pleading and proof in action for infringement..... 4920
injunctions to prevent violations of, account for profits, damages, &c 4921
suit for infringement where claim in specification is too broad..... 4922
when not void by fact of previous knowledge or use of invention in foreign country 4923
extension of patent granted prior to 2d March, 1861 4924–4928
for new and original designs, ornaments, shapes, &c..... 4929

Section.

PATENTS—Continued.
models of designs, when may be dispensed with ... 4930
term of, for designs ... 4931
extension of, for designs issued prior to 2d March, 1861 ... 4932
for designs subject to rules, &c., for obtaining and protecting patents ... 4933
patent-fees ... 4934
mode of payment of ... 4935
refunding of ... 4936
of lands, how issued (see *Lands—Public*) ... 453, 458, 459

AY CORPS (Navy), (See *Pay of Navy.*)
Chief of Bureau of Provisions and Clothing to have title of Paymaster-General ... 1471
number and grades of, on active-list ... 1376
appointments in, by whom made ... 1378
bonds of officers of ... 1383–1385
clerks to officers of ... 1386–1388
advances and loans by officers of ... 1389
relative rank of officers of ... 1475
to exercise no military command ... 1488
officers after forty-five years' service, when retired, have rank of commodore ... 1481
pay-directors, number of ... 1376
bonds of ... 1383
relative rank of ... 1475
pay of ... 1556
pay-inspectors, number of ... 1376
bonds of ... 1383
relative rank of ... 1475
pay of ... 1556
paymasters, passed-assistants, and assistants, number of ... 1376
bonds of ... 1383
clerks to ... 1386–1388, 1556
acting appointment at sea, how made ... 1381
accounts of, how settled ... 284–288
commanding officers not required to perform duty of ... 1432
relative rank of ... 1475
as storekeeper at Naval Academy ... 1527
pay of ... 1556, 1564
designation of, as fleet paymasters ... 1382
accounts of, to be accompanied by consular certificate as to prices, &c ... 3723
in case of loss or capture of vessel, how settled ... 284
Court of Claims may grant relief for loss of funds without fault ... 1062
until number of passed-assistants is reduced to thirty no promotions or appointments to be made ... 1377
qualification of assistants ... 1379
order of promotion of ... 1380

PAY OF ARMY,
Department of ... 1094
organization and rank of ... 1182
right of command ... 1183
additional paymasters for, for volunteers and militia ... 1184, 1185
officers of, to give bond ... 1191
renewal and increase of bonds ... 1192, 3639
appointments and promotions in, suspended until, &c ... 1194
Paymaster-General, rank of ... 1182
duties of, to be performed under direction of President ... 1186
appointment and selection of ... 1193
assistants and deputies ... 1182
deputies to superintend payment of armies in the field ... 1187
Paymasters, number and rank of ... 1182
additional, for volunteers and militia ... 1184, 1185, 1188
at armories, to give bond ... 1664

Section

PAY OF ARMY—Continued.
Paymasters—Continued.
duties of ... 1188
clerks of, salaries ... 1190
to receive savings deposits from soldiers ... 1305
advance bounties paid by, allowed ... 280
overpayments by, when allowed ... 281
Court of Claims may grant relief for loss of funds, &c., without fault ... 1059, 1062
pay and allowances ... 1261–1308
to be made so that arrears shall not exceed two months, &c ... 1189
rates of ... 1261
service-pay or increase each five years ... 1262, 1263
brevet officers not entitled to ... 1264
forfeiture of, during absence ... 1265
of officers dropped for absence, &c ... 1266
maximum of, of colonel and lieutenant-colonel ... 1267
pay of officers to be paid monthly ... 1268
no allowances in addition to, except, &c. 1269
fuel, quarters, and forage ... 1270–1272
mileage ... 1273
of retired officers ... 1274, 1275
of Indian scouts ... 1276
of hospital matrons and female nurses ... 1277
of chief musicians of regiments ... 1279
of enlisted men ... 1280, 1281
re-enlistment pay ... 1282–1284
additional pay on certificate of merit ... 1285
to certain officers of Mexican war ... 1286
extra-duty pay ... 1287
during captivity ... 1288
travel-pay to officers and men ... 1289, 1290, 2433
pay of enlisted men, not assignable ... 1291
rules of, to apply to volunteer forces ... 1292
rations (see *Rations*) ... 1143–1148, 1273, 1277, 1295, 1299
clothing, provisions concerning ... 1296–1298
forage, how furnished (see *Forage*) ... 1270–1272, 1653
deductions for rations purchased ... 1299
for articles purchased from commissary, &c ... 1300
for tobacco purchased, &c ... 1301
for clothing overdrawn ... 1302
for damage to arms ... 1303
for deficiency of or damage to supplies ... 1304
from pay of enlisted men for Soldiers' Home ... 4819
from pay of soldiers for altering and fitting clothing (*new*) ... 1220
suspension of pay by sentence of courts-martial ... p. 239, art. 101, 1342
deposits by enlisted men of savings ... 1305–1307
and clothing balances, how payable ... 1308
settlements when line officers are unable to account for property ... 278
pay-roll, penalty for making or using false, &c ... p. 235, art. 60, 1342
at Military Academy, of superintendent and commandant ... 1334
of the adjutant ... 1335
of the professors ... 1336
of assistant professors and instructors ... 1337
of master of sword ... 1338
of cadets ... 1339
of librarian ... 1340
of enlisted men ... 1341
of leader of band ... 1278
of ordnance officer at armory ... 1663

PAY OF MILITIA,
when in service of United States ... 1650
when to commence ... 1651
traveling-pay and allowances of ... 1652

Section.

PAY OF NAVY, (See *Pay Corps of Navy.*)
pay, emoluments, and allowances ..1556–1595
of officers, seamen, firemen, coal-heavers, and employés 1556
what deemed sea-service 1571
after examination of officers, when to commence 1495
of officers on furlough 1557
on original entry into service, when to begin 1560
promoted to vacancy 1561
delayed in examination 1562
of volunteer naval service 1559
of persons temporarily performing duties of paymaster 1564
of Chiefs of Bureaus 1565
of naval storekeepers on foreign stations 1567, 1568
of enlisted men 1569
additional pay for serving as firemen and coal-heavers 1570
for detention beyond term 1572
for re-enlisting under honorable discharge 1573
to crews of wrecked vessels 1574
of captured vessels 1575
of Marine Corps 1612
of officers on retired-list 1588–1595
transfers from furlough to retired pay 1594
general court-martial may suspend pay, p. 284, art. 48, 1624
rations, allowance of (see *Rations*) 1578–1584
commutation of 1595
advance of money to officers on distant stations may be made 1563
mileage and expenses of transportation. 1566
medical attendance and medicines 1586
funeral expenses 1587
deduction from, for hospital fund 4808
commanding officer to attend to paying of crews .....p. 280, art. 20, par. 9, 1624
pay-roll, making or using false, &c..p. 278, art. 14, 1624

PEDDLERS (of tobacco, snuff, and cigars),
classification and special tax of .....p. 625, 3244
to give bond and furnish statement to collector 3381
to affix sign 3382
to obtain certificate from collector, &c 3383
refusal to exhibit special-tax stamp 3383
penalty on, peddling in violation of law ... 3384

PENALTIES AND FORFEITURES, (See *Fines.*)
not extinguished by repeal of statutes 13
suits for, to be brought in name of United States 919
jurisdiction of suits for 563, 629, 711, 732
within what time suit or prosecution for, to be commenced, &c 1047
costs in suits, &c., for, when United States not subject to, under internal-revenue laws 969
to be paid by defendants 974
when to be paid by informer or plaintiff 975
when plaintiff to pay fees of clerk, marshal, &c 976
suits in customs cases, when and by whom commenced 3085
execution to enforce payment of 1041
when special bail may be required in prosecutions to recover pecuniary 942
in States, &c., all persons to be subject to like, and to no other 1977
to be sued for by collector of internal revenue 3213

Section.

PENALTIES AND FORFEITURES— Continued.
on sail-vessels navigated in violation of navigation rules 4234
for unlawfully dealing with Indians 2111–2114
for selling intoxicating liquors to Indians.. 2139
not incurred by reason of deviation of official documents required under customs laws when substantially complied with 2769
for not affixing stamps to certain articles... 3430
for removing stamps 3431
for offenses against navigation laws 4305
for violation of regulations of vessels in domestic commerce 4380
under merchant-seamen shipping laws 4610
for violation of postal laws, how recovered, accounted for, and deposited 4049, 4050–4059
relating to taking live-oak and red-cedar timber from lands reserved..2460–2463, 4751
in bankruptcy matters..5006, 5013, 5037, 5104, 5132
incurred under statutes in Revised Statutes, prior to repeal, &c 5598
limit to emoluments of customs officers not to extend to 2690, 2691
appropriation of, under customs laws 3687
permanent, to pay distributive shares, p. 726, 3689
district attorneys to prosecute for, under revenue laws 838
statement by, of suits to Solicitor of Treasury 772
to report to Secretary of Treasury, &c., cases where they decline to prosecute. 838
application of certain, to naval hospitals... 4809
to Soldiers' Home 4818
to National Home for Disabled Volunteers 4831
persons interested in may be witnesses 5295
punishment by, in consular courts (see *Consular Courts*) 4101
by naval courts-martial ...p. 279, art. 14, 1624
against militia in service of the United States 1659, 1660
remission and discharge of, in case of vessels, &c., subject to seizure under customs, registering, &c., laws...5292–5296
methods of, prescribed by Secretary of Treasury 5293
under laws relating to steam-vessels 5294
incurred in district of Alaska 1958
by governors of Territories 1841
collected without authority, abated, &c., by Commissioner of Internal Revenue 3220
discharge of poor convict 1042, 5296

PENITENTIARIES. (See *Convicts.*)
sentence to, by courts-martial..p. 239, art. 97, 1342
naval court-martial .....p. 277, art. 7, 1624
warden of, for District of Columbia to make certain reports 1828
in Territories under control of marshals, except, &c 1892
regulations for government of 1893
services and expenses in care of, &c 1894
offenders received, &c., in 1895
custody of 1936
how maintained 1937

PENNSYLVANIA,
judicial districts in 545
district courts in, terms of 572
adjournments of, in 579
circuit courts in, terms of 658
jurors in, selection of 801
collection districts, ports of entry and delivery in 2543

Section.

PENNSYLVANIA—Continued.
officers in 2605, 2544
Pittsburgh, in collection district of New Orleans 2568
merchandise for Pittsburgh, may be entered at New Orleans 2822
masters of vessels for Burlington, N. J., to deposit manifest at Philadelphia 2834
merchandise may be entered at Philadelphia for transportation in bond to certain places 2990, 2997

PENSIONS,
Commissioner of 470
duties of 471
Deputy 472
may appoint person to sign certificates, &c 473
may detail clerks, &c., to investigate frauds 474
Agents, appointment of 4778
to give bond 4779
number of, limited 4780
compensation of 4781
additional allowance to 4782
and clerks of, to administer oaths without fee 4784
to transmit attorney's oath with pension voucher 4745
to send quarterly vouchers to pensioners. 4764
to pay pensions by check 4765
only to person entitled thereto 4766
blank vouchers to be furnished to 4767
certificates for pensions to be sent to 4768
to deduct, &c., attorney's fees, &c 4769
may issue duplicate checks (*repealed*) ... 4770
general provisions for 3646, 3647
to pay surgeons' fees 4777
penalty for demanding, &c., from pensioners, fees, &c., for services 5487
Allowance of, provisions for 4692–4791
terms on which granted 4692
who entitled to 4693
only for injuries, &c., in line of duty 4693
rate of, for total disability, period 4695
according to rank at time of disability ... 4696
for permanent specific disability, loss of both feet, &c., periods 4697
for loss of both eyes, &c 4698
when increase of, to commence 4698½
for disability not provided for 4699
status of absentees, &c 4700
period of service, how construed 4701
evidence of marriage of negroes and Indians 4705
to children abandoned by mother, &c ... 4706
to dependent relatives 4707
when to commence for injuries, &c., received after March 4, 1861 4709
when deemed to have accrued 4710
claim for arrears 4711
to persons whose claim accrued prior to March 4, 1861, and to revolutionary widows 4712, 4713
declarations of claimants for 4714
only one to be paid at a time 4715
none to persons engaged in rebellion, or widows 4716
evidence of injury, &c., when claim for, not prosecuted within five years from filing of claim 4717
disposal of accrued, in case of death, &c. 4718
where unclaimed for three years, &c 4719
under special acts 4720
limitations of time as to Indian claims .. 4721
laws extended to certain Missouri militia, &c 4722
colored soldiers enrolled as slaves to have. 4723

Section.

PENSIONS—Continued.
Allowance of—Continued.
pay at same time with, not allowed 4724
to widows and orphans 4702–4704, 4708
of war of 1812 and Indian wars 4732
not to be granted to widow for same time that husband received pension 4735
half-pay to widows, &c., continued .. 4725–4727
of Navy, prior to March 4, 1861 4728
widows, &c., half-pay continued, &c .. 4729
in Mexican war, for disabilities, &c 4730
to widows, &c., of soldiers, &c 4731
pensioners on rolls, &c., continued 4733
not to be withheld for arrears to United States 4734
to survivors of war of 1812 ..... 4736, 4737
to widows of 4738
proofs required of 4739
loss of discharge not to prevent 4740
to officers, &c., of revenue-cutters 4741
on account of revolutionary war, not to be allowed after April 2, 1862, unless, &c 4742
evidence in case of claim of widow to revolutionary 4743
investigation of attempts at fraud to procure, &c 4744
pledge, &c., of, void 4745
not liable to attachment, &c 4747
printed instructions to be furnished claimants 4748
forfeiture of, by desertion not to be remitted, &c 4749
to privateersmen, fund for 4759
rate of, how paid 4761
biennial examinations required 4771
special examinations of applicants 4775
fee for prosecuting claim for 4785
agreement to be filed by attorneys 4786
to be paid to Secretary of Navy when pensioner is in Navy hospital 4813
of certain persons in Soldiers' Home to be surrendered during their stay 4820
to be assigned to National Home for Disabled Volunteers in certain cases. 4832
penalty for false affidavit, &c., in claim, &c., for 4746
for false personation of person entitled to, in receiving money, &c 5435
for endeavoring to obtain, &c., by means of forged power of attorney .. 5436
for demanding, retaining, &c., for prosecuting claim for, greater compensation than allowed by law 5485
for fraudulent conversion, &c., to his own use by guardian 4783, 5486

PEONAGE,
system of, prohibited, and laws of States for, annulled 1990
duty of officers in New Mexico 1991
holding, arresting, or returning any person to condition of 5526, 5532
obstructing execution of laws against, how punished 5527, 5532

PERFUMERY AND COSMETICS,
manufacture of, in bonded warehouse for exportation without being stamped . 3433
imported, to be stamped 3435
tax on ..... Schedule A, p. 678, *after* 3437

PERIODICALS,
amount which may be expended for, by executive officers 1779
regularly issued, &c., to be second-class mail-matter 3877
packages of, sent to one address 3884
may be delivered by route-agents 3889
notice to be given of refusal to take 3885

Section.

PERIODICALS—Continued.
what may be written or printed on and inclosed in 3886
postage on, when sent to subscribers ...3905, 3906
special rates to dealers in..... 3908
at free-delivery offices..... 3872
affidavit of publishers, &c., as to mailing.. 3909
uncalled for, may be returned to publishers. 4061
Congressional Printer and foreman of printing and binding not to be interested in publication of..... 3765

PERISHABLE PROPERTY,
seized under customs-laws when and by whom sold, &c..... 3080
deposited in bonded warehouses to be sold.. 2975
seized under internal-revenue laws, sale of. 3459
landed from vessels from foreign ports arriving in distress how disposed of. 2892
of bankruptcy estates, sale of 5065

PERJURY,
before naval court-martial, prosecution of.. 1023
in obtaining approval, &c., of claim against United States in military service... p. 235, art. 60, 1342
in naval service.....p. 278, art. 14, 1624
by consular officers, taken abroad, in relation to accounts, may be punished in United States..... 1750
on examinations by customs officer..... 2924
willfully-false statement by internal-revenue officer relative to fees, &c..... 3158
punishment for 5392
subornation of..... 5393
indictment for, what to set forth..... 5396
persons not exempt from punishment for, when committed in judicial pleadings and proceedings 860

PERMANENT APPROPRIATIONS,
under Treasury Department.....p. 724, 3689
for collection of revenue..... 3687
for payment of debentures..... 3048
for payment of amounts of checks covered into Treasury after being outstanding three years 307, 308
return of proceeds of captured property, p. 724, 3689
of estates of persons dying abroad..p. 724, 3689
payment of land sold for taxes to persons evicted .....p. 724, 3689
for lands redeemed.....p. 724, 3689
to collector of customs, &c., at Chicago, for coin destroyed by fire.....p. 724, 3689
refunding taxes illegally collected..p. 724, 3689
salaries and expenses of steamboat inspectors, &c .....p. 724, 3689
for public debt and bonds to Pacific Railway, interest on.....p. 725, 3689
for payment on public debt of amount equal to interest of sinking-fund bonds..... 3888
for payment of one per cent. of entire debt annually.....p. 725, 3689
for payment of interest by Secretary of Treasury .....p. 725, 3698
expenses of national loan.....p. 725, 3689
expenses of refunding national debt..p. 725, 3689
for sinking-fund.....p. 725, 3689
refunding moneys erroneously received and covered into Treasury....p. 725, 3689
compensation of persons employed in 1865 and 1866 in insurrectionary States... p. 725, 3689
allowance and drawback on articles exported which have paid internal-revenue tax .....p. 725, 3689
refunding internal-revenue taxes illegally collected .....p. 725, 3689

Section.

PERMANENT APPROPRIATIONS—Continued.
under Treasury Department—Continued.
redemption of stamps .....p. 725, 3689
debentures, drawbacks, and charges, customs .....p. 725, 3689
distributive shares of fines, &c., forfeitures, &c., customs .....p. 726, 3689
repayment of excess of deposits of unascertained duties and duties paid under protest.....p. 726, 3689
refunding duties on goods destroyed.... p. 726, 3689
of moneys for marine hospitals and collected of seamen, &c .....p. 726, 3689
from proceeds of buildings sold..p. 726, 3689
refunding certain customs duties..p. 726, 3689
proceeds of goods seized and sold, unclaimed goods, and on tea and coffee, p. 726, 3689
drawback on materials, &c., used in Chicago on site of buildings burned.... p. 726, 3689
refunding discriminating duties...p. 726, 3689
War Department.....p. 726, 3689
for bounties to soldiers .....p. 726, 3689
support of Home for Disabled Volunteers, p. 727, 3689
Soldiers' Home .....p. 727, 3689
for horses and property lost in service... p. 727, 3689
for payment of certain military organizations in Kansas .....p. 727, 3689
payment of taxes, salaries, &c .....p. 727, 3689
for traveling expenses of California and Nevada volunteers .....p. 727, 3689
for reduction of wages under eight-hour law .....p. 727, 3689
Navy Department .....p. 727, 3689
for indemnity to seamen, &c., for lost clothing .....p. 727, 3689
of prize-money to captors.....p. 728, 3689
Interior Department.....p. 728, 3689
of deposits by individuals for surveys of public lands .....p. 728, 3689
to pay certain States proceeds of certain public lands sold .....p. 728, 3689
for indemnity for swamp-lands..p. 728, 3689
for refunding money for lands erroneously sold.....p. 728, 3689
for survey of Vigil and Saint Vrain land claims.....p. 728, 3689
for instructing certain indigent blind.... p. 728, 3689
interest to North Carolina Cherokees.... p. 728, 3689
survey of Nolan land claim .....p. 728, 3689
certain interest on funds Smithsonian Institution.....p. 728, 3689
judicial, salaries of Supreme Court judges, p. 729, 3689
pay of reporter of Supreme Court..p. 729, 3689
miscellaneous, for salaries of Southern Claims Commission .....p. 724, 3689
fees of supervisors of elections.....p. 729, 3689
for providing arms and equipments for militia 1661
for payment of salaries and certain expenses of inspectors of steam-vessels. 4461
for refunding money paid through mistake as fees accruing at Patent Office. 4936
to refund payments for land sold erroneously.....2362, p. 728, 3689
money deposited by settlers for surveys.. 2402, p. 728, 3689
not repealed by incorporation into Revised Statutes of parts of acts..... 5596

Section.

PERMANENT APPROPRIATIONS—Continued.
miscellaneous—Continued.
statement of, to be annexed to estimates. 3670
PERMITS,
under customs laws, to lade for exportation ... 3035
for unlading vessels ... 2867, 2869, 3121
what to specify ... 2870
by whom given for unlading and delivery of merchandise ... 2872
indorsement on, for landing spirits, &c. 2883
to unload vessel seeking port in distress of weather, &c ... 2891
to vessels from contiguous foreign territory adjacent northern, &c., districts ... 3109
not required of vessels on northern, &c., frontier to unlade cargo from American port ... 3119
to unlade domestic goods on Lake Michigan may be dispensed with by regulations of Secretary of Treasury ... 3120
for vessels in coasting-trade ... 4332
for neighboring districts, with spirits, sugars, or foreign merchandise when granted ... 4349, 4354
penalty on master proceeding without ... 4350
for unlading, when granted ... 4351
departing for remote district, when granted ... 4353
for unlading vessel arriving from remote district ... 4355
need not be procured, &c., by vessels on Mississippi River above New Orleans (*act of* 1876, *ch.* 185, *inserted after*) ... 4349
exemption of vessels bound for adjoining districts, &c ... 4359
fees for ... 4381, 4382
for transportation by land of foreign merchandise across New Jersey, Delaware, and Maryland ... 4362
for fishing-vessel to touch at foreign port. 4364
for foreign vessel bound coastwise ... 4367
delivery of, on arrival ... 4368
for vessel to discharge at quarantine ... 4793
for receiving merchandise entered ... 4795
to vessels arriving at insurrectionary district to go to another port ... 5315
falsely making, forging, altering, &c ... 4375, 5423
under internal-revenue laws, for removal of stills ... 3265
of alcohol from bond for scientific purposes ... 3297
of distilled spirits for exportation ... 3330
of fermented liquors ... 3345
to brewer to conduct business at another place on account of accident ... 3350
for removal of tobacco, snuff, and cigars for exportation ... 3385
PERSIA,
provisions as to judicial authority of diplomatic officers extended to (see *Diplomatic Officers, Consular Officers*) ... 4126
PERSON,
word as used in statutes includes corporation ... 1, 5013
PETERSBURG, VA.,
vessels arriving in collection district of, what to do ... 2836
loaded in, may be cleared at Richmond, Va., in certain cases ... 2554
PETTY OFFICERS (of Navy),
who shall be deemed ... 1410
entitled to obedience ... 1410
punishment of ... p. 281, art. 24, 1624

Section.

PETROLEUM,
not to be carried on steam passenger-vessel, except, &c ... 4472
how packed and marked for shipment ... 4475
may be used for production of motive power, when ... 4474
penalty for shipping, contrary to law ... 4476
PHOTOGRAPHIC,
representations, &c., to be third-class mail-matter ... 3878
pictures imported for exhibition by, &c., to be free of duty, &c ... 2512
photographer in Treasury Department, assistants and salary ... 235
PIERS (public),
none to be built for United States on site until cession of jurisdiction by State. 4661
when cession deemed sufficient ... 4662
on Northern and Northwestern lakes to be marked by Light-House Board ... 4677
PILATKA, FLA.,
merchandise for, where entered ... 2818
PILLORY,
punishment by, not to be inflicted ... 5327
PILOTS,
to be governed by State regulations ... 4235
on waters between two States master may employ those of either State ... 4236
States not to make regulations for discriminating rates by ... 4237
by whose misconduct life is destroyed, how punished ... 5344
liable for damages done by their misconduct ... 4493
sailing-vessels of, to carry lights ... p. 817, rule 11, 4233
licensed for steam-vessels, and classified by local boards (see *Licensed Officers*) 4438
licenses granted, suspended, or revoked. 4442
State regulation of, restricted ... 4444
oath of ... 4445
license to be exhibited, how ... 4446
coastwise sea-going steamers, not registered, to be under control of, when. 4401
to answer inquiries, &c., of inspection officers ... 4406
investigation into failure to perform duty ... 4407
penalty upon, for violating rules as to steamers passing ... 4413
fees for licenses to ... 4458
of war-vessels, when to have pensions. 4693, 4695
PIRACY,
jurisdiction of district court in cases of ... 563
President to employ public armed vessels to suppress, &c ... 4293, 4294
merchant-vessels may resist and seize pirates, &c ... 4295
condemnation and sale of pirate-vessels ... 4296
seizure of vessels fitted out for ... 4297, 4299
provisions of neutrality laws not to prevent prosecution for ... 5291
accessory to, before the fact ... 5323
after the fact ... 5324
as defined by law of nations ... 5368
making war on the sea against United States, or cruising, &c., of foreign state contrary to treaty, &c., deemed to be ... 5374
seaman laying violent hands on commander to prevent his fighting in defense of vessel ... 5369
committing robbery on high seas, &c., on vessel or ship's company, &c ... 5370
person deemed pirate who, being of crew of piratical vessel, lands and commits robbery ... 5371

Section.

PIRACY—Continued.
on high seas or in river, &c., out of jurisdiction of State, punishable with death 5372
committing acts of hostility on high seas or under color of commission from foreign state 5373
making war against the United States, &c., by citizens of foreign states contrary to treaty, &c 5374
crew, &c., confining on vessel or offering to sell negro for purpose of enslaving him 5375
landing on foreign shore, &c., seizing negro, &c., with intent to enslave, &c 5376
officer or mariner of vessel on high seas, &c., voluntarily yielding up to 5383
attempting to corrupt officer or mariner to yield up to, or turn pirate, or to confederate or to trade with, aiding, &c. 5384

PITTSBURGH, PA.,
port of delivery for, New Orleans, La 2568
surveyor to reside at, duties of 2569

PLANK-ROADS,
when to be post-roads 3964
when mail to be carried on 3968

PLATES AND DIES, (See *Dies.*)
for printing United States securities; punishment for offenses relating to 5430

PLATINA,
shipper of, to notify carrier, &c 4281

PLAYING-CARDS,
imported, to be stamped 3435
tax on ..... Schedule A, p. 679, *after* 3437

PLEADING,
in circuit and district courts in civil causes other than equity or admiralty 914
in equity and admiralty 917
when not to be used in criminal proceedings against party 860

PLUNDERING,
by persons in Navy, on shore. p. 278, art. 8, par. 16, 1624
money, goods, &c., from vessel in distress, or wrecked, &c 5358
attacking vessel with intent to plunder 5361

POISONS,
shall be excluded from mail 3878

POLICE COURT,
of District of Columbia not to naturalize foreigners 2173

PONTCHARTRAIN, LA.,
vessels bound for, may unlade at, after making report, &c 2574
departing from, for foreign ports, how cleared 2575

POOR DEBTORS,
Postmaster-General may discharge those confined on account of department. 410, 411
discharge of certain, by Secretary of Treasury 3471
President may discharge 3472
poor convicts imprisoned for fines, &c., how discharged 1042, 5296

PORT CHARGES,
Brazilian mail-steamships exempt from 4232

PORT JEFFERSON, N. Y.,
merchandise for, to be entered and duties paid at New York 2540
enrollment and license of vessels at 4345

PORTLAND, OREG.,
masters of vessels bound for, with merchandise, what to do 2588
clearing from 2589
arriving at Astoria with merchandise for 2590
collector of customs to reside at 2587

Section.

PORTRAITS,
of living persons not to be placed on bonds, notes, &c 3576

PORTS OF ENTRY AND DELIVERY,
meaning of word "port" as used in customs laws 2767
ports of entry to be ports of delivery 2770
qualifications, pay, and duties of officers. 2613–2746
shipping commissioners to be appointed at. 4501
foreign vessels, where to enter 2770–2772
ports of delivery may be discontinued in certain cases 253
President may cause duties to be collected at ports of delivery or elsewhere in case of insurrection 5314–5316
may close ports, and vessels attempting to enter to be forfeited 5317
forfeitures in such case, in what districts prosecuted 564
additional inspectors for certain districts 2605
weighers, gaugers, measurers, and inspectors in certain districts 2606
in district of San Diego 2607
general appraisers appointed to visit ports of entry, &c 2608
merchant appraisers appointed by collectors when there are no others 2609, 2610
provisions respecting ports on northern boundaries (see *Northern, Northeastern, Northwestern Frontier*) 3096, 3097
entry for transportation in bond may be made at New York, Philadelphia, Boston, Baltimore, Portland, Me., Port Huron, Detroit, New Orleans, Toledo, San Francisco (see *Warehouses*) 2990
for New York and Buffalo, Boston, Providence, R. I., Philadelphia, Pittsburgh, Baltimore, Norfolk, Va., Charleston, S. C., Savannah, New Orleans, Portland, Me., Chicago, Cincinnati, Toledo, Saint Louis, Evansville, Ind., Milwaukee, Louisville, Cleveland, San Francisco, Portland, Oreg., Memphis, Mobile, Detroit, and to importations from or to Europe, Asia, and the islands adjacent thereto, via United States 2997
warehouse laws may be extended by Secretary of Treasury to Albany 2968
privilege extended to Genesee, N. Y., and Saint Paul, Minn ..... *note after* 2990

and collection districts in—
Alabama 2564
officers 2565
weighers, gaugers, and other officers may be appointed at Mobile 2606
clearance of vessels from ports in, with cargoes of live-oak, provisions concerning 2463, 4205
merchandise for Selma may be entered at Mobile 2820
Alaska 2591
officers 2592
regulation of coasting-trade in (see *Alaska*) 4358
California 2582
officers 2583
weighers, gaugers, and other officers necessary may be appointed at San Francisco 2606
and at San Diego 2607
entry of merchandise for Vallejo may be made at San Francisco 2824–2831
vessels going to or from Vallejo, where to report 2584

Section.

PORTS OF ENTRY AND DELIVERY—Continued.
California—Continued.
going to or from Eureka, where to report, &c. 2585
entry of merchandise may be made at San Francisco for transportation to certain places. 2990, 2997
Connecticut 2535
officers in 2534
masters of vessels bound for any port in, via Sandy Hook, to deposit manifests at New York 2834
Delaware 2546
officers 2547
District of Columbia 2550, 2551
Florida 2562
officers 2563
merchandise for Pilatka may be entered at Saint John's 2818
for Bayport may be entered at Cedar Keys 2819
Georgia 2559
officers in 2560
merchandise for Augusta may be entered at Savannah 2817
collectors of districts of Savannah and Brunswick may grant permits to unload at any ports in their districts 2561
Indiana and Illinois 2601
collector and officers 2569, 2602
weighers, gaugers, measurers, and other officers necessary may be appointed for Evansville 2606
ports of, in collection district of New Orleans 2558
merchandise for Alton, Galena, Quincy, Cairo, Evansville, New Albany, Madison, and Jeffersonville may be entered at New Orleans 2823
imported at Louisville for Jeffersonville may be landed and warehoused at latter place 2967
Iowa,
ports in collection district of New Orleans 2568
officers of 2569
Kansas,
Leavenworth, port of, in collection district of New Orleans 2568
surveyor for 2669
Kentucky,
ports of, in collection district of New Orleans 2568
officers 2569, 2606
merchandise imported at Louisville for Jeffersonville may be landed and warehoused at latter port 2967
Louisiana 2568
officers in 2569, 2576, 2577
weighers, gaugers, and other officers necessary may be appointed for certain ports of 2606
vessels bound to ports of delivery in district of New Orleans, to enter there, except, &c. 2570
bound for Bayou Saint John, where to enter, &c 2571
bound to or from Lakeport 2572, 2573
bound to or from Pontchartrain 2574, 2575
for Natchez or Vicksburg, to stop at New Orleans 2832, 2833
entry of merchandise for Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, may be made at New Orleans or other ports 2822

Section.

PORTS OF ENTRY AND DELIVERY—Continued.
Louisiana—Continued.
entry of merchandise may be made at New Orleans for Parkersburg, Paducah, Saint Joseph, Kansas City, Memphis, Alton, Galena, Quincy, New Albany, Madison, Jeffersonville, Keokuk, Dubuque, Burlington, Leavenworth, Omaha, Cairo, Ill., and Evansville 2823
proceedings in such cases 2825–2831
may be made at New Orleans for transportation in bond to certain places 2990, 2997
Maine 2518
officers in 2518
additional inspectors, when necessary, may be appointed for Passamaquoddy, Portland and Falmouth 2605
weighers, gaugers, and other necessary officers may be appointed for Portland 2606
collectors may agree upon division of collection districts when no boundaries are prescribed 2519
vessels owned in Edgecomb and Newcastle, entered at Wiscasset, may unlade at towns adjoining Sheepscut River 2520
entering and clearing vessels at Calais 2521
merchandise for Kittery or Berwick may be entered at Portsmouth, N. H., or York, Me 2524
entry of merchandise in bond may be made at Portland for transportation to certain places 2990, 2997
Maryland 2548
officers in 2549
entry of merchandise in bond may be made at Baltimore for transportation to certain places 2990, 2997
Massachusetts 2527, 2528
officers in 2529, 2530
additional inspectors may be appointed for Boston and Charlestown 2605
entry of merchandise may be made at Boston for transportation in bond to certain places 2990, 2997
Michigan 2599
officers in 2600
certain additional officers may be appointed for Detroit and Superior 2605, 2606
entry of merchandise at Detroit and Port Huron for transportation in bond to certain places 2990, 2997
privilege extended to Saint Paul *note after* 2990
Minnesota 2595
officers in 2596
additional inspectors for Pembina 2605
privileges respecting entry and transportation in bond extended to Saint Paul *note after* 2990
Mississippi 2566
officers in 2567
Missouri, ports of entry in collection district of New Orleans 2568
officers in 2569, 2606
Montana and Idaho, port of entry to be designated by Secretary of Treasury 2593
collector, where to reside 2594
Nebraska, Omaha, port of, in collection district of New Orleans 2568
surveyor for 2569

Section.

PORTS OF ENTRY AND DELIVERY—Continued.

New Hampshire 2522
officers in 2523
merchandise for Kittery or Berwick, Me., may be entered at Portsmouth 2524
New Jersey 2541
officers in 2542
masters of vessels for Burlington to deposit manifests at Philadelphia ... 2834
New York 2535
officers in 2536, 2538
clerks, verifiers, samplers, &c., may be appointed for 2539
additional inspectors may be appointed for Dunkirk, Buffalo, Niagara, Genesee, Oswego, Oswegatchie, and Champlain 2605
merchandise for Greenport may be entered at Sag Harbor 2537
for Cold Spring or Port Jefferson to be entered at New York 2540
entry of merchandise at New York for transportation in bond 2990, 2997
privilege extended to Genesee... *note after* 2990
masters of vessels bound for any district in Connecticut by way of Sandy Hook to deposit manifest at New York 2834
North Carolina 2555
officers in 2556
Ohio 2603
officers in 2569, 2604
in Miami, Sandusky, and Cuyahoga districts 2604
additional inspectors for Superior, Sandusky, and Cuyahoga 2605
ports of, in collection district of New Orleans 2568
entry of merchandise for Cincinnati may be made at New Orleans 2822
may be made at Toledo for transportation in bond to certain places .. 2990, 2997
Oregon and Washington Territory ... 2586
officers in 2587
weighers, gaugers, and other officers necessary may be appointed for Portland 2606
manifests of vessels to and from Portland 2588, 2589
vessels having merchandise for both Astoria and Portland 2590
Pennsylvania 2543
officers in 2544, 2545
additional inspectors may be appointed for Erie 2605
Pittsburgh in collection district of New Orleans 2568
surveyor for 2569
merchandise for Pittsburgh may be entered at New Orleans 2822
masters of vessels for Burlington, N. J., to deposit manifest at Philadelphia 2834
merchandise may be entered at Philadelphia for transportation in bond to certain places 2990, 2997
Rhode Island 2531
officers in 2532
weighers, gaugers, and other officers necessary may be appointed for Providence 2606
South Carolina 2557
officers in 2558
Tennessee, ports of entry in collection district of New Orleans 2568
officers in 2569

Section.

PORTS OF ENTRY AND DELIVERY—Continued.

Texas 2578
officers in 2579, 2580
transshipment of goods in bond for Brownsville 2581
exports of merchandise from ports of, to Mexico 3002–3005
merchandise for Houston and Buffalo Bayou may be entered at Galveston. 2821
Vermont 2525
officers in 2526
additional inspectors 2605
Virginia 2552
officers in 2553
weighers, gaugers, and other officers necessary may be appointed for Norfolk 2606
vessels owned in Richmond district bonded in Petersburg may clear at Richmond 2554
bound up James River need not deposit manifest at Norfolk, but to be boarded by master of revenue cutter 2835
duties of masters of vessels arriving in districts of Petersburg and Richmond in certain cases 2836
West Virginia, ports of, in collection district of New Orleans 2568
surveyors for 2569
Wisconsin 2597
officers in 2598
weighers, gaugers, and other officers when necessary may be appointed. 2606
La Crosse, port of, in collection district of New Orleans 2568
surveyor for 2569

PORTSMOUTH, N. H.,
merchandise may be entered at, for Kittery or Berwick, Me 2524

PORT-WARDENS,
certificates of, as to necessity for unlading vessels in distress 2891

POSSE COMITATUS,
may be summoned by persons appointed to execute process under civil-rights laws 1984
by marshal and deputies, when resisted, &c 2024
by marshals in Indian country 2153

POSTAGE,
mail matter divided into three classes .. 3875–3878
rate of, on newspapers, &c., at free-delivery offices 3872
extra, not to be charged on mail-matter collected or delivered by carriers 3873
on letters and letter-matter 3903
on drop-letters 3904
on regular printed matter 3905, 3906
on packages of small papers 3907, 3908
on transient and miscellaneous matter, third class 3910
on clothing to soldiers 3911
on foreign matter 3912
on irregular sea-letters 3913
on letters carried in foreign vessels 4015
extra, on advertised letters 3935
received at post-offices to be accounted for as revenue 4051
uncalled-for newspapers may be returned to publishers on payment of 4061
on letters for United States held in foreign countries, paid by consuls 4014
no allowance for, to members and delegates in Congress 44
allowance to collector of internal revenue .. 3145
record of, to be kept by postmasters 3842

Section.

POSTAGE—Continued.
quarterly account of, by postmasters 3843
sworn statement to accompany 3844
neglect to render 3845
to be prepaid by stamps, unless, &c 3896
on matter of third class, at office of mailing 3897
unpaid, on matter forwarded 3898
penalty for receiving illegal 3899
for writing on, or concealing letters in, packages not charged with letter postage 3887
no extra postage to be charged for cards printed or impressed on envelope or wrapper 3887
mail-matter not to be delivered until paid. 3900
on letters to soldiers, &c., need not be prepaid 3902
letters on which postage is wholly unpaid to be sent to dead-letter office 3937
cards, envelopes, and stamps, provisions concerning 3914–3925
with indecent epithets on not mailable .. 3893
fractional currency receivable for 3574
records of, to be kept by postmasters 3842
prepayment required in 3896, 3897
to be prepared, &c 3914
impressed on envelopes 3915
postal cards 3916
improvements in, may be adopted 3917
to be kept for sale at all post-offices; postmaster accountable for 3918
may be sold at a discount to designated agents 3919
not to be sold for more than face value .. 3920
to be defaced at mailing office 3921
penalty for removing 3922
attempt to re-use 3923
removal, re-use, &c 3924, 3925
penalty for neglecting to account for 4053
for unlawfully intercepting 3892
for embezzling, forging, and other offenses relating to 5464
for forging, &c., foreign stamps 5465

POSTAL SERVICE,
Post-Office Department 388–414
Post-offices and postmasters 3829–3864
Carriers, branch offices, and receiving-boxes 3865–3874
Mail-matter 3875–3895
Postage 3896–3913
Postage-stamps and envelopes 3914–3925
Registered letters 3926–3929
Unclaimed dead and request letters .. 3930–3940
Contracts for carrying mail 3941–3963
Carrying the mail 3964–3996
Railway service 3997–4005
Foreign mail service 4006–4016
Special, local, and route agents 4017–4026
Money-order system 4027–4048
Accounts and revenues 4049–4061
Agents, special, salary 4017, 4018
Assistant Postmasters-General as special. 4019
of railway service and their pay 4020
resident at Isthmus of Panama 4021
on mail-steamers 4022
in China and Japan 4023
route-agents 4024
clerks in railway post-offices 4025
may be placed in charge of post-offices .. 3836
recorder, &c., of post-offices to be subject to examination by 3842
may require affidavit of publisher as to mailing papers 3909
may search vessels for letters, &c 3989
may seize, &c., letters, &c., illegally carried 3990

Section.

POSTAL SERVICE—Continued.
Agents—Continued.
disposal of letters, &c., seized by 3991
salaries, &c., of 4017
when to give bond 4018
may search for mail unlawfully carried .. 4026
when, may be employed to carry letters. 3992
route-agents may carry packages of newspapers for publishers and news agents, how 3889
Accounts, manner of keeping 4049
how settled 270, 277, 292–298
record of receipts to be kept 3842
miscellaneous and money-order receipts . 4050
revenues to be accounted for 4051
rent on lock-boxes 4052
neglect to deposit revenues 4053
appropriation of revenues 4054
payments, how made, advances 4055
transfer of debts to contractors 4056
suits for recovery of wrongful payments . 4057
delivery of stolen money from mail to owner 4058
disposal of fines, &c 4059
of uncalled-for printed matter 4061
of mails sent and received to be preserved two years 4060
suits for money due 381, 382, 775
money accounts to be kept separate 3642
how drawn, &c 3829, 4061
Carriers, for free delivery of mail-matter .. 3865
salaries uniform, bonds 3866, 3867, 3870
extra postage and fees for, prohibited ... 3871
expenses of 3872
Boxes, for receiving letters 3868
penalty for injuring same or contents. 3869, 5466
expenses, how limited 3874
at post-offices, rent payable quarterly before box can be assigned 3901
rents to be accounted for as postal revenue 4051
lock-boxes may be provided, &c 4052
Cars for, refusal to furnish by companies .. 4003
additional pay for 4004
length, &c., of 4005
Carrying mail and contracts therefor .. 3941–3963

Contracts, advertising for proposals 3941
with railways 3942
with owners of vessels 3943
proposals, guarantees, &c 3944–3947, 3953
bids to be preserved, and contract to lowest bidder 3948, 3949
combinations to prevent bid 3950
failure of bidder to give bond 3951
when bidder for, may be released 3952
bids to be accompanied with check 3953
penalty for failure to enter into 3954
new sureties 3955
limit of term of 3956
omission of route from advertisement ... 3957
change of, proceedings 3958
payment on 3959
additional service under 3960
allowance for increased expedition 3961
deductions from pay under 3962
assignment of, void 3963
for transporting mail through foreign countries 4006
for service over routes not established ... 3975
Carrying mail, provision for 3964, 3965
mail to every court-house 3966
on canals 3967
on plank-roads 3968
on water 3969
home-mail on steamships 3970
extending line of post, compensation 3971

Section.

POSTAL SERVICE—Continued.
Carrying—Continued.
selection from different roads 3972
discontinuing service 3974
United States vessels to carry mail 3976
master of vessels, &c., to deliver letters 3977, 3988
claiming falsely to be carriers of mail, penalty 3979
prepaid way-letters received by persons carrying mail 3980
illegally carrying or sending mailable matter, &c. 3981–3987
private expresses for, prohibited 3982–3984
not to be carried by stage-coaches, &c., except in mail 3985–3986
to be carried by railways on any train .. 4000
searching vessels for letters 3989
seizing and detaining letters, &c. 3990, 3991
carrying letters without compensation . 3992, 3993
separating mails for expedition 3994
obstructing or delaying 3995, 3996
when mails may be carried by vessels not in mail service 3978
contractors and mail carriers may convey newspapers for sale or distribution to subscribers 3888
Conventions may be negotiated by Postmaster-General 398
copies of, to be furnished to Secretary of State 3804
to Congressional Printer 210, 3803
printing and publication of 399
number to be printed for Postmaster-General 3806
for Congress, at close of session 3807
for Secretary of Interior 3808
Crimes relating to 5463–5480
may be prosecuted before State and Territorial courts 3833
forging money-orders 5463
counterfeiting stamps 5464
foreign stamps 5465
injuring mail-matter 5466, 5468
embezzling letters containing inclosures .. 5467, 5468
stealing, or fraudulently obtaining, or opening valuable letters 5469
receiving, &c., articles stolen from mail .. 5470
employé opening packages of newspapers not addressed to office where employed 5471
opening, embezzling, &c., package, &c., of newspapers by persons other than employé of postal service 5471
robbing carrier, &c., of mail 5472
robbery of mail 5473
deserting mail 5474
stealing post-office property 5475
injuring mail-bags 5476
stealing or forging mail locks or keys 5477
breaking or entering post-offices 5478
counterfeiting bid, bond, proposal, guarantee, &c. 5479
sending letters with intent to defraud ... 5480
setting up or professing to keep place of business bearing sign or name of post-office, without authority 3829
maliciously injuring receiving-boxes 3869
inclosing letters in or writing on printed matter 3887
fraudulent receipt of postage, gratuity, or reward beyond authority of law .. 3899
detaining letters 3890
detaining, opening, or destroying letters 3891
intercepting or secreting letters 3892

Section.

POSTAL SERVICE—Continued.
Crimes—Continued.
depositing in post-office for mailing or delivery obscene books, pamphlets, &c., and other unmailable matter ... 3893
letters and circulars concerning lotteries and gift enterprises 3894
selling postage-stamps for more than face by persons connected with postal service 3920
removing stamps from mail matter by postal employés 3922
removal and re-use of old stamps by employés 3924
by persons not employed in postal service 3925
postmasters making false or illusory certificates, &c., as to sufficiency of sureties or guarantors in contracts with Post-Office Department 3947
bidders for postal contracts to whom awards are made, wrongfully failing to enter into contracts 3954
obstructing passage of mail 3995, 3996
falsely claiming to be carrier of United States mail, or affixing words "United States mail" without authority to coaches, vehicles, &c. 3979
offenses against foreign mail in transitu through United States 4013
postmaster issuing money-order before receiving the money 4030
embezzling money-order funds 4046
employés in postal service neglecting to deposit postal revenues 4053
accessories to robbery and stealing .. 5534, 5535
Employés not to receive fees or perquisites. 3858
subject to penalties whether they have taken oath of office or not 3832
willfully re-using stamps, postal cards, or envelopes, how punished 3924
Foreign mail-service, contracts for ... 4006, 4008
how transported 4009
pay for transporting 4010
fine for delay in transporting 4011
transportation of Canadian mail through United States 4012
offenses against 4013
payment of postage by consuls 4014
rates of postage 4015
letters carried in foreign vessel to be deposited in post-office 4016
Laws, jurisdiction of courts of causes arising under 563, 629
suits to be brought in name of United States 919
prosecutions or suits may be had before State courts or justices 3833
revenue laws for protection of seizing-officers to extend to officers seizing under 3991
Mail matter, obscene books not mailable .. 3893
circulars of illegal lotteries not mailable .. 3894
free delivery of, authorized 3865
collection of, from receiving-boxes 3868
divided into three classes 3875–3878
weight of 3879
metric balances for weighing 3880
wrapping and securing 3881
securing of second and third class 3881
removing wrappers from, when allowed .. 3882
newspapers not sufficiently dry and not inclosed in wrappers not to be received 3883
inclosing letters in printed, &c. 3887
detaining, &c., penalty for 3890
opening, &c., penalty for 3891

Section.

POSTAL SERVICE—Continued.
Mail-matter—Continued.
intercepting, &c., penalty for ... 3892
disposition of, seized, &c ... 3895
Money-orders, system of ... 4027
may be exchanged with foreign countries ... 4028
how issued ... 4029
penalty for issuing, before payment for ... 4030
how issued in absence of postmaster ... 4031
limit of amount of, fees for ... 4032
applications for ... 4033
forms of ... 4034
notice of issue to be sent ... 4035
good for one year ... 4036
indorsement of ... 4037
changes in ... 4038
repayment of ... 4039
replacing lost ... 4040
in favor of lotteries, &c ... 4041
cost of incidental expenses of, how paid ... 4048
pay to postmasters for issuing ... 4047
punishment for offenses relating to ... 5463
funds of, what to be ... 4045
weekly report of, by postmaster ... 4044
transfer of ... 4042, 4043
embezzlement of ... 4046
bond of postmasters at offices of, to contain additional condition ... 3834
accounts of money-order business, how to be kept by Sixth Auditor ... 293
copies of money-order account-books of P. O. Department, when evidence ... 889
Postage, (see *Postage*) ... 3914–3925
Postmasters, (see *Postmasters*) ... 3829–3864
Post-offices, provisions concerning (see *Post-Offices*) ... 3829–3864
Post-roads, what shall be ... 3964
mail shall be carried on ... 3965
Postmaster-General to designate which of two shall be ... 3972
terminus of certain, may be changed ... 3973
discontinuing service on ... 3974
certain, shall be reported to Congress, &c ... 3975
private expresses for carying letters, &c., on, prohibited ... 3982
routes to be published in papers of District of Columbia ... 3827
railway routes to be classified ... 3997
Railway service ... 3997–4005
routes classified ... 3997
rates of pay for ... 3998
when mail may be carried by horse-express over railway routes ... 3999
mail to be carried on any train ... 4000
on railways receiving government aid ... 4001
conditions of ... 4002
refusal of companies to provide cars ... 4003
additional pay per car, &c ... 4004
length of cars, &c., for ... 4005
Registered letters, system of ... 3926
registered matter, &c., fees ... 3927
receipt for delivery of ... 3928
containing currency to and from United States Treasury ... 3932
for lotteries may be returned, when ... 3929
Receiving-boxes (see *Boxes under Postal Service*) ... 3868, 3869, 5466–5468
Revenues, to be part of basis for fixing salaries of postmasters ... 3855
not liable for loss of registered mail ... 3926
classification of ... 4049
deposit of certain ... 4050
postage, &c., to be accounted for as ... 4051
neglect to deposit, penalty ... 4053
money required for postal service to be appropriated out of ... 4054

Section.

POSTAL SERVICE—Continued.
Revenues—Continued.
recovery of illegal payments out of ... 4057
appropriation of, how drawn ... 3674
record of, to be kept ... 3842
other provisions concerning ... 3829–4061
(See *Accounts under Postal Service.*)
Stamps and envelopes (see *Postage*) ... 3914–3925
Unclaimed, dead, and request letters ... 3930–3940
advertising and posting ... 3930–3935
return of undelivered letters ... 3936
unpaid letters sent to dead-letter office ... 3937
proceeds of valuable dead letters ... 3938
request-letters to be returned ... 3939
forwarding from one office to another ... 3940
POSTMASTER-GENERAL, (See *Post-Office Department, Postal Service.*)
to be head of Post-Office Department ... 388
department embraces the following:
general provisions ... 388–414
post-offices and postmasters ... 3829–3864
carriers, branch offices, and receiving-boxes ... 3865–3874
mail-matter ... 3875–3895
postage ... 3896–3913
postage-stamps and envelopes ... 3914–3925
registered letters ... 3926–3929
unclaimed dead and request letters ... 3930–3940
contracts for carrying mail ... 3941–3963
carying the mail ... 3964–3996
railway-service ... 3997–4005
foreign mail-service ... 4006–4016
special, local, and route agents ... 4017–4026
money-order system ... 4027–4048
accounts and revenues ... 4049–4061
salary of ... 160
reduced by act of 1874 (*Appendix*, p. 1093), provisions common to all executive departments (see *Departments*) ... 158–198
to be member of Smithsonian Institution ... 5579
to furnish Congressional Printer by November 1, annually, with documents to accompany report of ... 196
to keep inventory of public property ... 197
to cause to be filed biennial list of employés ... 198
to direct payment by collectors and receivers of public money to pay same to Treasurer or assistant treasurers as often as once a week ... 3615
may transfer postal money ... 3641
to direct manner, &c., of making returns of postal money ... 3644
may direct application of payments by postmasters giving new bonds ... 3835
to fill vacancy in office of postmaster, may place special agent in charge of post-office in case of vacancy, &c ... 3836
may require new bond ... 3837
may direct time for keeping open post-offices ... 3839
may allow not exceeding an hour for making up mail at certain offices ... 3840
furnish postmasters schedule of arrival, &c., of mails ... 3841
prescribe form of records at post-offices ... 3842
require sworn statements with quarterly accounts of postmasters ... 3844
to record and notify Sixth Auditor of orders as to postmasters' salaries ... 3856
may designate distributing-offices ... 3859
under what heads to submit estimates ... 3668
postal money drawn on warrant of ... 3674
to approve plans of public buildings ... 3734

Section.

POSTMASTER-GENERAL—Continued.
annual report of, of offers and contracts for carrying mail not printed unless, &c.. 3797
to furnish to Secretary of State copies of postal conventions for purpose of printing 3804
to establish post-offices, &c 3829
what postmasters to be appointed by 3830
duties of, in fixing salaries and compensation of postmasters 3852–3863
may make allowances for rent and other expenses at certain offices 3860
salary and allowances may be deducted out of receipts under direction of 3861, 3862
in case of unusual business, may allow for clerical service and increased salary. 3863
discontinue offices 3864
fix salaries of letter-carriers 3866
may prescribe uniform dress for letter-carriers 3867
may establish receiving-boxes 3868
may establish branch post-offices 3871
expenditures for letter-carriers, &c 3874
furnish metric balances to certain offices... 3880
may prescribe manner of securing, &c., mail-matter 3881
may authorize delivery of newspapers, &c., by route-agents 3889
may provide for transmitting unpaid soldiers' letters 3902
may provide for carrying small newspapers 3907
may prescribe affidavit as to mailing papers, &c 3909
may reduce rate on foreign letters, &c.; may collect postage in coin 3912
to prepare postage-stamps 3914
stamped envelopes and special stamps for departments 3915
to provide, &c., postal cards 3916
may adopt improvements in stamps and envelopes 3917
may establish a system of registration 3926
may instruct postmasters to return registered letters sent to persons conducting fraudulent lotteries, &c 3929
may prescribe regulations for registering letters containing currency from and to Treasurer of United States 3932
may make regulations as to dead letters ... 3936
to advertise for proposals for carrying the mail 3941–3943, 3957
to be present at opening bids 3944
to have record made of proposals 3948
not bound to consider bid of negligent, &c., contractor 3949
may contract without advertising, for intermediate service, in case of default 3951
may accept new sureties on contracts 3955
may deduct from contractors' pay for payment of fines 3962
to provide for carrying mail on post-roads 3965
to court-houses 3966
may contract for carrying mail on canals .. 3967
on plank-roads 3968
in steamboats, &c 3969, 3970
for extending line of post 3971
may designate which of two roads shall be post-roads 3972
may change terminus of certain post-roads. 3973
may discontinue or establish service on certain post-roads 3974, 3975
may suspend provision for sending letters in stamped envelopes otherwise than by mail 3993

Section.

POSTMASTER-GENERAL—Continued.
may provide for separate carriage of letter-mail for expedition 3994
to classify railway mail routes 3997
other duties respecting carrying mails .. 3997–4005
may contract for carrying mail through foreign countries between points in United States 4006
to foreign countries 4007
compensation allowed by, for carrying foreign mail 4009
may fine contractors of foreign mail service. 4010
stipulation that foreign mail contracts may be annulled by 4011
may employ special, local, and route agents, &c 4017–4026
may make advances to certain agents 4055
may transfer debts due department to contractors 4056
may empower consuls in foreign countries to pay postage on letters detained ... 4014
duties of, respecting money-orders 4027–4048
to cause suits to be instituted to recover money illegally paid out 4057
may deliver to owner money stolen from mail when received at department .. 4058
how to dispose of quarterly returns and accounts-current 4060
may provide regulations for disposal of uncalled-for printed matter 4061
may fix rates for telegrams between departments and their officers, over lines having right of way, timber, &c., through public domain 5266
to select appraisers, in case of purchase of telegraph lines 5267

POSTMASTERS,
appointment and removal of 3830
to reside within delivery of office 3831
bond of 3834
in case of married women 3834
at money-order offices to contain additional condition 3834
application of payments by, when new bond given 3835
responsible for safe-keeping, &c., until successor qualified, &c., except when, &c 3836
new bond of 3837
limitation of liability of sureties of 3838
salaries of, and how fixed 3852–3857
how paid 3861
not to receive fees or perquisites 3858
at distributing offices, allowances to 3859
allowances to, for clerks, &c 3860, 3863
to keep offices during such hours as Postmaster-General may direct 3839
to keep records of stamps, envelopes, blanks, &c 3842
quarterly accounts of 3843
sworn statements to accompany 3844
neglect to render, penalty 3845
to safely keep, &c., public money, without loaning, &c 3846
in certain counties may deposit money in national banks, without interest 3847
to deposit with assistant treasurers, &c 3848
to report delinquencies, &c., of contractors. 3849
not to be contractors, or concerned in contract for carrying mail 3850
not to purchase, &c., lottery-tickets, &c., penalty 3851
may remove wrappers of mail-matter not charged with letter-postage to ascertain if correct rate is paid 3882
to distribute newspapers sent to one address 3884

Section.

POSTMASTERS—Continued.
to notify publishers of refusal, &c., to take paper 3885
unlawfully detaining letters 3890
to give receipt for box-rent 3901
accounts of, for quarterly postage 3906
to keep on hand, &c., stamps and envelopes, accountable for 3918
at mailing-offices shall deface stamps and envelopes 3921
may return to sender registered letters directed to persons conducting fraudulent lottery schemes, &c 3929
to decide between competing newspapers for advertising letters 3930, 3931
registering money-letters from and to United States Treasury 3932
to post list of non-delivered letters 3933
to forward letters when requested to do so. 3940
punishment of, for false certificate to bid for mail contracts 3947
delivery to, of letters brought by vessels in foreign trade 3976
by steamboats 3977
responsibility of, for money-order business at branch offices, &c 4029
penalty for issuing money-orders without payment 4030
at money-order offices may appoint acting postmasters 4031
to preserve applications for money-orders.. 4033
to use money-order blanks 4034
to send notice of money-orders issued 4035
to not pay money-order after one year 4036
to pay money-order to indorsee 4037
to modify, &c., money-orders 4038
to repay money-orders 4039
certificate of, as to payment of lost money-orders 4040
may be forbidden to pay money-orders to lotteries 4041
transfer of money-order funds from and to 4042, 4034
report of money-order business by 4044
penalty for embezzling money-order funds. 4046
pay to, for money-order business 4047
shall be held accountable for uncollected revenue 4051
may allow box-holders to provide lock-boxes 4052
neglect of, to deposit revenues; penalty 4053
collections of revenue from, by transfers to contractors 4056
to give receipt for copyright book, &c., or title of books, &c., intended to be copyrighted 4961
penalty for fraudulent receipt by, of postage, gratuity or reward not authorized by law 3899
quarterly statement by Sixth Auditor to Postmaster-General of payments by, for postal service 294
copies of quarterly returns of, when admitted as evidence 889
copy of statement that letter of demand was mailed to delinquent, &c., when and of what evidence 890
proceedings against defaulting officers ... 924–934
when claim for credit allowed on trial of suit for delinquency against 952
duties as to public money 3639
of Senate and House 52, 53, 72

POST-OFFICE DEPARTMENT, (See *Postmaster-General, Postal Service.*)
post-offices and postmasters 3829–3864
carriers, branch offices, and receiving-boxes 3865–3874

Section.

POST-OFFICE DEPARTMENT—Cont'd.
mail-matter 3875–3895
postage 3896–3913
postage-stamps and envelopes 3914–3925
registered letters 3926–3929
unclaimed dead and request letters 3930–3940
contracts for carrying mail 3941–3963
carrying the mail 3964–3996
rail-way service 3997–4005
foreign mail service 4006–4016
special, local, and route agents 4017–4026
money-order system 4027–4048
accounts and revenues 4049–4061
Postmaster-General to be head of 388
general provisions relating to (see *Departments*) 388–414
relating to all executive departments ... 158–198
three Assistant Postmasters-General of 389
Assistant Attorney-General for 390
oath of office of Postmaster-General and employés in 391, 392
clerks, officers, and employés in 163–169, 393
superintendent of free delivery 394
seal of; custody and use of 395
general duties of Postmaster-General 396
inventories and account of property in 397
postal arrangements with foreign countries and publications of conventions 398, 399
blank-agency for, at Washington, D. C 400
action of, as to foreign dead-letters 401
date to be affixed to orders, entries, &c., contracts, &c 402
bonds taken by, and contracts with 403
revenues and collections, how paid into Treasury 407
deposits on account of, how brought into Treasury 408
remission of fines, &c., compromises and releases of claims, &c 409
discharge of persons confined on judgment in behalf of 410, 411
employés in, not to be interested in contracts for carrying mail, or act as agent for contractor, &c 412
annual reports of Postmaster-General 413
estimates, when to be furnished to Secretary of the Treasury 414
copies of contracts, orders, &c., to be delivered to Sixth Auditor 404, 405
warrant of, on quarterly statement by Sixth Auditor of payments by postmasters. 406
accounts of, how settled through Sixth Auditor, &c 270, 277, 292–298
suits for money due, provisions respecting 381, 382
employés subject to penalties without having taken oath of office 3832
statement, by district attorney, of suits for moneys due on account of 775
by marshal, to Sixth Auditor, of executions for moneys due on account of.. 792
transcripts from money-order account-books of, when evidence 889
proceedings by attachment for debts due from postmasters, contractors, officers, and employés of 924–932
credit allowed on trial of suit for delinquency against employé of 952
interest in suits for balances due to 964
money-accounts of, to be kept separate 3642
estimates for, under what heads to be submitted 3668
stealing, embezzling, &c., or misappropriating property belonging to 5475
locks and keys of 5477

POST-OFFICES,
to be established by Postmaster-General ... 3829

Section.

POST-OFFICES—Continued.
setting up or professing to keep place of business with use of sign or name of post-office, without authority; penalty 3829
branch offices 3871
responsibility for public property in 3836
to be kept open during what hours 3839
letters brought to, half hour before closing mail, to be forwarded 3840
schedule of arrival, &c., of mail at, to be posted 3841
allowance for extra labor at 3863
may be discontinued 3864
boxes in, must be paid for quarterly in advance 3901, 4052
non-delivered letters to be published and posted 3930–3936
on routes not established, when road a post-road 3969
carrying mail to 3971
not on post-roads, when service to be discontinued 3975
letters brought by foreign vessels to be deposited in 4015, 4016
stealing mail, or letter, or packet from 5469
receiving or concealing valuable inclosure stolen or embezzled from, &c 5470
opening mail or packages of newspapers by employé not directed to office, &c 5471
forcibly breaking into, or attempting, &c., with attempt to commit, &c 5478
balances of metric system to be furnished certain offices 3880

POST-ROADS,
provisions concerning (see *Postal Service*) .. 3964, 3965, 3972–3975

POUND STERLING,
value fixed 3565

POWER OF ATTORNEY,
to draw wages of men in Navy 1576
to receive payment of claim on United States before warrant drawn, &c., void 3477
affecting title to bounty-land warrants before issue of patent, void 2436
penalty for post-dating, in pension cases 4746
to receive pension not to be recognized 4766
to collect interest on bonds deposited by banks 5167
falsely making, altering, &c., with intent to obtain money from United States, &c 5421
having in possession any false, &c., with intent to defraud United States 5422
endeavoring by means of forged, to obtain, &c., any sum in public stocks, pension, prize-money, wages, &c., from United States 5436

PRACTICE,
and procedure in courts (see *Process and the several Courts*) 911–1042
in circuit and district courts, in civil causes. 914, 918
Supreme Court may regulate, in equity and admiralty 917
power of Court of Claims to regulate 1070
in bankruptcy proceedings and appeals 4990

PRECEDENCE,
in Army, by brevet commissions 1211
in Navy, of commanding officers 1468
of the staff corps 1485
estimating length of service for 1486
of staff corps gives no additional right to quarters 1487
of line and staff on boards, &c 1489

Section.

PRE-EMPTION (public lands),
what lands are subject to 2257, 2258
who are entitled to 2259, 2260
limitation upon right of 2261
oath of pre-emptor, where filed 2262
proof of settlement, assignments, &c 2263
statement of settler to be filed 2264
claim of settler on land not open for settlement to be filed 2265
failing to file, claim to be forfeited 2265
filing of declaratory statement of settler on unsurveyed land 2266
time of making proof and payment 2267, 2268
completion of claim of person dying before consummation 2269
non-compliance with laws because of vacancy in office of register, &c 2270
lands sold but not confirmed not subject to. 2271
purchase by private entry where pre-emption right has expired 2272
adverse claims, how decided 2273
joint entry on same subdivision 2274
patented, not to exceed 160 acres 2274
settlements on sections 16 or 36, school-lands 2275
deficiency in school-lands, &c 2275, 2276
military bounty-land warrants and college-script receivable for 2277, 2278
pre-emptions in limits of railroad grants ... 2279
on lands reserved because of Spanish, &c., grants afterward found invalid 2280
on lands withdrawn for railroads 2281
sale of lands not delayed beyond time of President's proclamation 2282
Osage Indian trust-lands in Kansas 2283
prior transfer of such claims 2284
restriction of pre-emption lands not to apply to certain settlers on 2285
by counties for seats of justice 2286
claimant appointed register or receiver, how may perfect his title to pre-emption land 2287
transfer by pre-emptors, &c., for certain purposes authorized 2288
subject to water-rights 2340
of coal-lands 2348
rights of, not impaired by homestead laws 2299
fees of registers and receivers for services respecting 2238
rights not impaired by mining claims, except, &c 2330
agricultural lands in mining districts subject to 2331
coal-lands subject to 2347
limitation of rights 2349–2351
rights of, attach to lands in California withdrawn from market 2367

PREFERENCES, (See *Bankruptcy.*)
provisions concerning, in respect to bankruptcy proceedings 5021–5084

PREMIUMS,
on sale of drafts to be accounted for 3652

PRESENTS,
penalty for soliciting or receiving, from employés, by superiors in office 1784
for acceptance of, by inspector, gauger, weigher, or measurer of customs 2637
by internal-revenue officers for compromise, &c., of violation of law 3169
by marshals or district attorneys for compromise, &c 3170
for officers of customs receiving, for services performed, &c 4187, 4373
for making or offering, to any revenue officer, by persons engaged in importation of goods 5452

Section.

PRESENTS—Continued.
for judge or officer of court of bankruptcy receiving 5012
diplomatic and consular officers not to take. 1751

PRESIDENT,
Constitutional powers of, and provisions concerning (see *Analytical Index in this volume, p.* 48).
election of, by electoral college.....135–149
in case of vacancy.....150, 151
electors of, how chosen, &c.....131–134
term of office, commencement and duration. 152
salary 153
officers of household of, salaries..... 155
steward of household of 156, 157
may convene Congress elsewhere than at Washington in case of epidemics, &c. 34
to appoint Librarian of Library of Congress 88
designation by, to fill certain offices temporarily in case of absence, resignation, &c.....177–180
may assign duties to heads of departments. 202, 216
approval of laws by, to be sent to Secretary of State, &c..... 204
may assign settlement of accounts of war of 1812 to Second or Third Auditor 277
may cause certain accounts for expenditures relating to foreign intercourse to be settled on certificate of Secretary of State (secret service) 291
may require opinion of Attorney-General.. 354
may order Secretary of Navy to procure stores, &c 417
to appoint secretary to sign land-warrants.. 450
to prescribe regulations as to Indian affairs. 465
may enlist Indian scouts 1112
may designate officer to act, in absence of chief of bureau of War Department.. 1132
may assign medical purveyors to duty as surgeons 1171
may detail officers of Army to duty in colleges and universities..... 1225
may drop from rolls officers of Army absent without leave, when 1229
may authorize sale of damaged stores..... 1241
may retire certain officers of Army.....1243–1245
to appoint superintendent commandant of cadets and professors at Military Academy..... 1313
to appoint cadets at Military Academy 1315
and direct their duty..... 1323
to appoint seven visitors annually to West Point Military Academy..... 1327
duties, compensation of visitors.....1328, 1329
may prescribe uniform of Army, and quantity and kind of clothing 1296
may select commander of squadron, with title of flag-officer..... 1434
may designate, temporarily, three naval officers to inspect transport-vessels for War Department 1437
retirement of naval officers by (see *Retired Officers*) 1443–1465
may detail retired officers of Navy to command ships and squadrons in time of war.....1463–1465
to fix rank of civil engineers in Navy..... 1478
to select eleven candidates annually as cadet midshipmen at Naval Academy..1513, 1514
naming of vessels of Navy to be under direction of 1531
may keep in service or lay up public armed vessels 1534
to direct manner of officering and manning naval vessels..... 1535

Section.

PRESIDENT—Continued.
may cause vessels to cruise in severe weather to afford aid to distressed navigators. 1536
may direct sale of armed vessels 1540
may select commandants of navy-yards.... 1542
to approve alterations of orders, instructions, and regulations of Secretary of Navy 1547
to make regulations for purchase, preservation, and disposition of stores and supplies for Navy 1549
to direct preservation of flags taken from enemy by Navy..... 1555
may direct advances of money to Navy officers on distant stations 1563
may, with advice of Senate, transfer naval officers on furlough to retired pay list. 1594
duties of, in relation to Marine Corps...1616–1623
may call out militia to repel invasion or suppress insurrection 1642–1644, 1648
to organize militia when called into service (see *Militia*).....1645–1648
powers and duties of, in relation to armories, arsenals, and arms 1662–1673
may appoint an interpreter for legation to China..... 1680
interpreters for consulates in China 1692
may discontinue consulate at Trinidad de Cuba and appoint consul at Cienfuegos 1694
may define extent of country embraced in consulates or commercial agencies... 1695
thirteen consular clerks may be appointed by..... 1704
to be examined, and when appointed not to be removed except for cause..... 1705
may allow consular officers who are not allowed to trade, actual expenses of office rent..... 1706
may prescribe regulations and issue orders and instructions in relation to duties of diplomatic and consular officers .. 1752
may prescribe regulations for admission to civil service of United States..... 1753
may suspend civil officers, &c., fill vacancies during recess of Senate under tenure-of-office provisions 1768, 1769
may make out and deliver commissions of officers whose appointments are advised by Senate..... 1773
to notify Secretary of Treasury of appointments made without advice of Senate. 1774
to prescribe regulations respecting public buildings in District of Columbia under charge of Chief of Engineers 1797
house of, furniture, domestic manufacture to be purchased for 1829
annual statement of property in, by whom to be made.....1832–1834
may procure assent of States, where United States buildings, &c., have been erected without such consent 1838
may restrict or prohibit importation and use of fire-arms, ammunition, and spirits in Alaska..... 1955
may direct attendance of judge, marshal, and district attorney of any district for speedy trial of offenses against civil rights 1988
may employ land and naval forces in aid of civil rights 1989
to demand and obtain release of citizens of United States unjustly deprived of liberty by foreign governments 2001
may transfer duties of register and receiver in any land district, to Surveyor-General 2228

Section.

PRESIDENT—Continued.
may reserve, from the public lands, townsites on shores of harbors, at junctions of rivers, and other prospective centers of population 2380
and require the same to be surveyed into lots, appraised, and sold 2381
may direct exploration, survey, and reservation of live-oak and red-cedar lands for naval purposes 2458, 2459
may employ land and naval forces for protection of such lands 2460
may declare, by proclamation, that prohibition of importation of neat-cattle and hides shall be inoperative in certain cases 2494
may establish ports of delivery in district of Florida 2562
may appoint a surveyor of customs, if he deems necessary, to reside at Folly Landing, Va 2553
may establish ports of entry and delivery in collection districts of Ohio 2603
may cause revenue-cutters to be maintained for collection of import and tonnage duties 2747
may cause revenue-cutters unfit for service to be sold 2748
may direct revenue-cutters to co-operate with Navy 2757
may cause regulations to be established for estimating duties on goods when cost is represented in foreign depreciated currency 2903
may establish internal-revenue collection districts 3141
to appoint collectors 3142
to appoint officers of mints and assay offices. 3496, 3554, 3559
to appoint members of assay-commission to examine and test coins 3547
to appoint assistant treasurers 3595
may regulate and increase bonds of district attorneys, collectors of customs, naval officers, surveyors of customs, navy agents, receivers and registers of public lands, paymasters in Army, Commissary-General, and other officers employed in disbursement of money under War and Navy Departments.. 3639
to remove public officers who exchange public funds contrary to law 3651
to obtain release of interest in lands conveyed to individuals or officers for use of United States 3752
message of, number of copies to be printed. 3798
when to be delivered, with reports, &c., by Congressional Printer 3810
in case of war, to issue proclamation and direct conduct to be observed toward resident aliens 4067, 4068
may employ vessels in suppression of piracy 4293
may instruct commanders of public vessels to seize boats, vessels, and crews engaged in piracy 4294
may suspend privileges granted under treaty to certain foreign vessels to engaged in lake coasting-trade, &c... 4347
to appoint members of Light-House Board. 4653
to detail engineers of Army to superintend construction and repair of light-houses, &c 4653
power and duties of, in relation to coast survey 4681–4691
to establish pension agencies and appoint agents 4778, 4780

Section.

PRESIDENT—Continued.
may order the purchase or erection of warehouses, wharves, and inclosures for merchandise subject to quarantine 4794
in case of epidemic disease at seat of government, may direct removal of public offices 4798
may receive donations of real or personal property for hospitals for seamen.... 4801
to be member of board of managers of Home for Disabled Volunteer Soldiers 4825
to provide, out of annual appropriations, for care of United States military cemetery in Mexico 4879
may direct application of rules to said cemetery 4870
may take measures for transportation and safe-keeping of persons surrendered in foreign countries as fugitives from justice 5275
may employ land or naval forces or militia to compel foreign vessels which by treaty or international law ought not to remain, to depart 5288
in case of insurrection, rebellion, domestic violence, or obstruction of execution of laws 5297–5300
proclamation by, of insurrection, &c., and suspension of commercial intercourse. 5301–5315
may in certain cases license and permit certain commercial intercourse in case of insurrection, &c 5304
may change or close ports of entry in case of insurrection or rebellion or cause duties to be collected elsewhere.. 5314–5317
may employ other vessels than those of revenue-cutter service in collection of duties on imports and tonnage.... 5318
may pardon or remit either of two punishments without impairing other..... 5330
may man and employ armed vessels of United States to cruise for and seize vessels engaged in slave-trade..... 5557
may make arrangements for keeping and removal of colored persons brought in on vessels seized in prosecution of slave-trade 5559
certain sentences of courts-martial not to be executed until approved by...p. 240, arts. 105, 106, 108, 1342
may specially direct what officer shall command when different corps join on marches, guards, or quarters..p. 241, art. 122, 1342
power and duties of, in relation to discoveries, &c., of guano islands 5570–5578
member of Smithsonian Institution 5579
to preside at certain meetings of Smithsonian Institution 5585

PRESIDENT OF SENATE,
to be sworn in by any Senator 29
to administer oath of office to Senators 28
salary of, when there is no Vice-President..36, 154
to administer oaths to witnesses in Congressional investigations 101
to notify district attorney of refusal of witness to testify 104
to act as President, when 146
to appoint one director of Columbia Institution for Deaf and Dumb 4863
to certify accounts for salary of Senators... 47, 48
to appoint three members of Joint Committee on Printing 3756

PRICES CURRENT,
consular officers shall procure, &c..... 1713

Section.

PRINCE EDWARD'S ISLAND,
certain fish and fish-oil from, to be admitted free of duty, &c 2506
entry of merchandise destined for export to, according to treaty stipulations 2866
lading and unlading vessels from 3129
vessels of, in coasting-trade on lakes, &c., under treaty of Washington 4347

PRINTING,
public (see *Government Printing Office*) ..3756–3828
of United States notes, &c., may be done at Treasury 3577
on stamped envelopes, limitation of 3915
in Territories, limitation of expense of 1887
how prescribed 1883

PRINTS,
third-class mail-matter 3878
postage on 3910
obscene, not mailable 3893

PRIORITY,
of claims due United States 3466
of surety, &c., on bonds given to United States 3468
in distribution of bankrupt's estate 5101
district courts to adjust ..... par. 4, 4972
of invention, by whom determined in cases of interference of application for patent 4904
of hearing of cases in court where State is party or execution of revenue laws of State is enjoined 949
of transmission of telegrams by departments and officers over lines of companies to which certain grants have been made 5266

PRISONERS,
in jail, writ of habeas corpus not to extend to, unless, &c 753
privilege of yard 992
in District of Columbia, none to be confined there who are insane 4857
removal of, to district where to be tried 1014
copy of mittimus to be authority of sheriff or jailer for holding 1028
only one writ necessary for removal of, from one district to another 1029
how brought into court and remanded 1030
standing mute 1032
indicted for capital offense entitled to copy of indictment, list of jury, &c 1033
allowed counsel, &c 1034
may be removed in case of contagion or epidemic 4800
officer suffering escape of, penalty 5409, 5410
expenses of transportation, confinement, and execution of sentence 5536
marshal may hire temporary jail for, or make other temporary provision for safe-keeping of, when 5537, 5538
of United States imprisoned in States, &c., subject to same discipline, &c., as State convicts 5539
where, may be imprisoned when judicial district is divided 5540
sentenced to imprisonment for period longer than one year, how imprisoned 5541
sentenced to imprisonment at hard labor, where may be imprisoned 5542
deduction from term of, on account of good conduct 5543, 5544
allowance for subsistence of, in custody of marshal or warden of jail of District of Columbia 5545
Attorney-General to prescribe regulations for marshals and of warden of jail of District of Columbia, &c 5545

Section.

PRISONERS—Continued.
to designate jail or penitentiary for prisoners sentenced in district, &c., where no suitable jail, &c 5546
confinement of, in house of correction or of reformation when convicted of offense punishable by fine and imprisonment or by either 5548
of juvenile offenders under age of sixteen 5549
contracts for subsistence of juvenile offenders in houses of refuge 5550
in Army, releasing, without authority or suffering to escape ..... p. 237, art. 69, 1342
duty of provost-marshal with regard to ..... p. 237, art. 67, 1342
military prison, provisions concerning (see *Military Prison*) 1344–1361
in Navy, punishment of master-at-arms for refusing to receive, or suffering, to escape ..... p. 277, art. 8, 1624
in foreign countries, expenses and other provisions respecting 4121–4124
form of bail of 4117
bail of, shall be admitted when offense not punishable by death 1015
may be admitted when offense punishable by death, by whom taken in such case 1016
in cases removed from State court by writ of error 1017
to continue in force on removal, against persons denied civil rights or against officer, &c 641
on removal of suits against officers, &c., under revenue or election laws, &c 643
where defendant on bail in one district is arrested and committed in another ..943, 944
when commissioner of circuit court may take 945
calling party who has given, in Kentucky 946
by whom taken of offenders against United States 1014
surrender by, of party charged 1018
when insufficient, new bail or commitment 1019
officers of revenue-cutter service, when admitted to 2765
in suits for making false claims 3492
not to be accepted of seamen committed on refusal to sail, &c 4558
in bankruptcy, liability of debtor as, how provable 5069
for bankrupt, how provable 5070, 5091
acknowledging, &c., in name of another not consenting to same, penalty 5394

PRIVATE EXPRESSES,
for carrying letters, &c., prohibited, penalty 3982–3984

PRIVATEERS,
journals of, to have entered names of persons disabled 4762
transcripts to be sent to Secretary of Navy 4763
when men to be placed on pension-list 4761
fund for disabled privateersmen 4758–4760

PRIVILEGES,
jurisdiction of courts to redress deprivations of, made under color of law, &c. 563, 629, 699
restrictions on granting, by Territories ..1889, 1924
offenses under civil-rights and elective-franchise laws to deprive citizens of, &c .. 5508–5510, 5519

PRIZE,
provisions applicable to all captures 4613–4652
to what captures the provisions of law apply 4613
what are vessels of the Navy 4614

Section.

PRIZE—Continued.
duties of commanding officers 4615
claim of United States to share in prize 4616
prize-master, duties of 4617
district attorney, duties of 4618, 4619
special counsel may be employed (*repealed*) . 4620
appraisal of property taken for government . 4624
property, proceedings for adjudication of .. 4625
delivery of, on stipulation 4626
when, may be sold 4627
mode of sale of 4628
transfer to another district for sale 4629
vessels captured by citizens and condemned as, entitled to register 4132
delaying or defrauding captors or claimants, how prevented 5441
Accounts, fees, and compensation, accounts of clerks of district courts 4644
allowance and commission to marshals .. 4645
compensation of district attorneys 4646
accounts of district attorneys and prize commissioners 4647
compensation of special counsel 4648, 4649
commissions of auctioneers 4650
witness fees 4651
Bounty to persons on vessels sunk or destroyed 4635
distribution of, and of salvage, ransom-money, &c 4642
property employed in aid of insurrection, when lawful subject of, &c 5308
proceedings when such property is taken . 563, 735, 5309, 5311
seized on inland waters not subject of ... 5310
penalty for attempting to defraud United States or captor 5414
for removal of property from vessels taken as ..... p. 279, art. 16, 1624
for maltreating persons taken on .. p. 279, art. 17, 1624
Jurisdiction and proceedings in prize cases in district courts .... cl. 8, 563–565, 735, 4625
captures under laws relating to insurrection, in what district condemned 735
appeal to Supreme Court from what decrees 695, 696
none from district to circuit court 631
proceedings of district courts after ... 565, 4637
amendment of 1006, 4636
within what time and on what notice to be taken 1009
security for costs on appeal 3638
new evidence not to be received in Supreme Court on 698
subject to same rules as writs of error .. 1012
Supreme Court may affirm, modify, or reverse the decree or judgment or direct further proceedings 701
Prize commissioners 4621
duties of 4622, 4641
duties of marshals as to keeping, sale, and disposition of proceeds of prize property 4623
Recaptures 4652
Shares and prize-money to captors 4630
distribution to captors 4631
vessels entitled to 4632
officers entitled to 4633
determination of 4634
costs and expenses, how paid 4639, 4640
net amount to be paid into Treasury for distribution 4641
final distribution and payment 4641
list of persons claiming, to be forwarded by commanding officer .. p. 279, art. 15, 1624
due colored soldiers and sailors 2032

Section.

PRIZE—Continued.
Shares and prize-money—Continued.
moiety of, to go to Navy pension-fund ... 4752
from vessels, &c., captured by privateers, part of, to go to privateer pension-fund 4759
permanent appropriation for payment of . p. 728, 3689
assignment of, void unless attested by certain officers 4643
commanding officers to discourage sale of. 1430
false personation of person entitled to, in receiving money, &c 5435
endeavoring to obtain, &c., by means of forged power of attorney 5436
PROBABLE CAUSE,
when burden of proof on claimant to show, in cases of seizure 909
no action against officer or prosecutor when seizure made with, and no costs to claimant 970
informer, &c., having, not liable for defendant's cost on discontinuance, &c 975
for fees of clerk, marshal, &c 976
when to be paid by United States in such cases 976
execution not to issue against revenue officer in suits for acts done by him officially, if court certifies to probable cause, but judgment to be paid out of Treasury 989
PROBATE COURTS,
certificate of, that mother entitled to pension has abandoned children; disposal of pension 4706
in Territories, judicial power of 1907
Colorado 1929, 1931
Montana 1932
PROCESS, (See *the several courts.*)
in United States courts to conform to those of State courts 914–916
not abated by altering terms of 573, 660, 684
relating to cases at special sessions of circuit courts for criminal causes 662
in hands of marshal, &c., on removal or expiration of office, how executed 790
how sealed, signed, and bear teste 911, 912
Supreme Court may prescribe forms of, in causes of equity and admiralty 917
how directed and executed when marshal, &c., is party in the cause 922
circuit and district courts may allow amendments of 948
costs when several processes are instituted against persons who might have been joined 977
execution of, in Territorial courts 1876
in civil-rights cases 1984, 1985
military and naval forces in aid of 1984, 1989
fees for, in civil-rights cases 1986
in Indian country 2153
against foreign ministers and their domesties to be void, &c 4063, 4064
when, may issue against ministers' servants. 4065
ministers and consuls in certain countries may issue 4084
execution and return of, by marshals of consular courts 4112
regulation by minister of form, &c., of 4117
against marshals of consular courts, how executed 4116
for enforcing decrees, &c., in bankruptcy .. 4975
for contempt against assignee, bankrupt, and witnesses in bankruptcy proceedings 5005, 5037, 5104
concealment to avoid, to be act of bankruptcy 5021

Section.

PROCESS—Continued.
stealing, falsifying, &c., of any court 5394
obstructing, &c., officer in executing, &c... 5398
PROCEDURE, (See *Process and the several courts.*)
of United States courts to conform to those of States.....914–916
PROCEEDS,
of sale of old material, condemned stores, supplies, marine hospitals, revenue cutters, and certain other public property, how disposed of 3618, 3692
detailed statement of, to be included in the book of estimates 3672
of property seized, &c., under internal-revenue laws 3191–3195, 3453, 3459
of property of delinquent collector of internal-revenue..... 3217
of prize-money (see *Prize*).....4615, 4625–4629
PROCLAMATION,
by President as to conduct to be observed toward alien enemies.....4067, 4068
duties of judges, courts, and marshals thereafter.....4069, 4070
as to powers of foreign consular officers in maritime cases..... 4079
suspending discriminating duties on tonnage or impost of foreign vessels 4228
terminating exemption of Prussian vessels from discriminating duties..... 4230
to insurgents 5300
of insurrection..... 5301
closing port of entry in insurrectionary district..... 5317
by governors of Territories, defining judicial districts, &c 1873
PRODUCTION,
of letters, accounts, and invoices by importer before collector..... 2922
of books and papers in bankrupty proceedings.....5002, 5003
PROFANITY,
punishment for, in Army ....p. 234, art. 53, 1342
in Navy .....p. 277, art. 8, 1624
PROFESSORS,
at Military Academy, part of Army 1094
retired officers of Army may be detailed to serve as, in colleges, but with no additional pay 1260
in Navy, number of..... 1399
by whom appointed..... 1400
duties of 1401
relative rank of, on the active list..... 1480
assignment of, at Naval Academy 1528
pay of..... 1556
retired after forty-five years' service to have rank of commodore..... 1481
PROOF, (See *Evidence.*)
mode of, in trials at common law 861
in equity and admiralty cases..... 862
in appeals from district to circuit courts, copies of, certified up 632
burden of, in different cases (see *Burden of Proof*) 909, 2126, 3225, 3333
in public land claims (see *Public Lands*).. 2263, 2264, 2268, 2281, 2284, 2287, 2291, 2301, 2313, 2317, 2321, 2335
PROHIBITION,
writs of, issued by Supreme Court to district courts as courts of admiralty... 688
of importation,
of obscene articles and their condemnation.....2491, 2492
of neat-cattle and their hides when...2493–2495
of watches, &c., with trade-mark, &c., of domestic manufacture..... 2496

Section.

PROHIBITION—Continued.
of importation—Continued.
of merchandise in foreign vessels, in certain cases 2497, 2498
of dutiable articles in public vessels... p. 278, art. 12, 1342
regulation of importation of fire-arms and spirits in Alaska 1955
Secretary of Treasury to give instructions to collectors to prevent importation of spurious and adulterated chemicals, drugs, and medicines..... 2612
PROMOTION,
in Army, in staff corps and departments.. 1194
in line 1204
in staff 1204
in Engineer Corps 1206
after fourteen years' service 1207
in Ordnance Department 1208
of non-commissioned officers..... 1214
assistant surgeons who have served three years in volunteer force eligible to .. 1170
to fill vacancies in case of retired officers. 1257
officer may be transferred from line to staff without prejudice to right of. 1205
in Navy, of seamen for heroism..... 1407
to vacancies created by retired list 1458
of commodores to rear-admirals on retired list 1460
of retired officers on active list..... 1461
to rear-admiral on retired list limited.... 1461
physical examination before..... 1493
wounds not a disqualification for..... 1494
to grade limited in number..... 1495
professional examination before 1496
to rear-admirals, in time of peace 1497
of officers for eminent conduct..... 1506
although grade may be full..... 1507
of officers receiving vote of thanks 1508
to vacancies caused by death, &c., of officers who received vote of thanks.... 1510
of retired officers, not to increase pay.... 1591
in Marine Corps, for gallant conduct..... 1605
on receiving vote of thanks..... 1607
PROOF-SPIRITS (distilled),
standard of..... 3249
tax on 3251
adding substances to create fictitious proof. 3252
PROOF-SHEETS,
when to be third-class mail-matter..... 3878
postage on..... 3910
to be prepaid in full..... 3897
PROPERTY, (See *Public Property.*)
all persons have equal benefit of laws for security of..... 1977
and equal rights of receiving, holding, conveying, &c 1978
lost in military service, how paid for ...3483–3488
permanent appropriation for.....p. 727, 3689
malicious destruction of, by persons in Army .....p. 235, art. 55, 1342
attached, when United States are interested, how released 3753, 3754
wrecked on Florida coast, how disposed of. 4239
forfeiture of vessel conveying, to foreign port 4240
buying, on high seas, &c., knowing same to have been stolen..... 5357
valuable inclosures stolen, &c., from mail 5470
inventory of public, to be kept by heads of departments..... 197
by Postmaster-General 397
PROPOSALS,
falsely making, altering, forging, &c., uttering as true any false, &c 5418
for carrying mails, advertising for 3941
how opened, &c 3944

Section.

PROPOSALS—Continued.
for carrying the mails—Continued.
guarantee of, required 3945
oath of bidder to accompany 3946
for naval supplies, provision concerning..3718–3724
for public works, separate, required for each, by Secretary of War 3717
for supplies shall be advertised for 3709
notice of, and who may be present at opening of 3710

PROPRIETARY ARTICLES, ETC.,
internal-revenue tax on..Schedule A, p. 678, *after* 3437
medicines compounded according to pharmacopœia, exempt from 3436
imported, to be stamped, &c..... 3435
designs and dies for stamps on, may be furnished by proprietors of..... 3423

PROTECTION AND RELIEF OF SEAMEN,
provisions relating to.....4554–4591

PROTESTS,
consular officers to receive, of citizens of United States and foreigners..... 1707
by master, &c., of vessel seeking port in distress of weather..... 2891
customs duties paid under, money how credited 3010
suits for recovery of, how brought, &c.... 3011
of national-bank notes 5226, 5228

PROVISIONS,
customs duties on.....Schedule F, p. 467, 2504
carried and delivered by vessels transporting passengers between Europe and United States 4260
penalty for supplying short allowance of. 4261
how cooked and furnished 4262
by vessels between Atlantic and Pacific ports of United States 4265
carried by merchant-vessels 4564
complaint as to, how made 4565
forfeiture for false complaint as to..... 4566
permission to complain guaranteed..... 4567
table of scale of, to be served to crew.. Schedule A, p. 895, *after* 4612
pay to seamen for reduction of allowance. 4568
to be weighed when required 4571
for Navy, contracts for (see *Contracts*). 3718–3722
punishment for waste of....p. 277, art. 8, 1624
bureau of, and of clothing 419–421
chief to be appointed from list of paymasters 425
relative rank of chief (see *Navy*) 1471, 1473

PROVOST-MARSHALS,
duty of, as to prisoners.....p. 237, art. 67, 1342
when to have pensions 4693
rate of total disability, pension to 4695
pensions to widows, &c., of..... 4710

PROXIES,
of shareholders in national banks as..... 5144

PRUSSIA,
vessels of, exempt from discriminating duties 4229
duration of such exemption..... 4230

PUBLIC ACCOUNTS,
decimal-money system extended to..... 3563
pay of Members and Delegates of House passed as 46
(See *Accounts, Auditors, Comptrollers, Public Money.*)

PUBLIC BUILDINGS, ETC.,
title of land for, to be approved by Attorney-General and assent of State obtained before money expended upon..... 355
assent of States to be obtained to purchases of land for, heretofore made 1838
estimates for erection of, to be made..... 3663

Section.

PUBLIC BUILDINGS, ETC.—Continued.
appropriations for those under control of Treasury Department to be available at once..... 3684
before new, are commenced plans and estimates to be prepared and approved by Secretary of Treasury, Postmaster-General, and Secretary of Interior... 3734
contracts for, not to exceed appropriation.. 3733
penalty for knowingly contracting for erection, repair, or furnishing of, beyond specific sum appropriated..... 5503
disbursing agents for moneys appropriated for, Secretary of Treasury may designate public officers as 255
limit of compensation 3654
collectors of customs to act as, of money appropriated for custom-houses and certain other buildings 3657
where there is no collector, Secretary of Treasury may appoint..... 3658
may be leased by collector of customs, with approval of Secretary of Treasury, for appraisers' and customs-house purposes.....2953, 2955–2958
warehouses for storage of unclaimed goods, &c., may be leased by Secretary of Treasury (see *Warehouses*) 2954–2957
and grounds in District of Columbia, (see *Seat of Government.*)
under whose charge..... 1797
provisions concerning 1795–1835
estimates, appropriations, and expenditures for..... 1798
employés in, number and employment of. 1799
expense of mains for supply of water in, to be paid by United States..... 1805
plans and surveys of District to be kept by Chief of Engineers 1809
improper occupation of, how prevented.. 1818
planting ailantus trees in, prohibited 1830
not to be rented in, without previous appropriation .....*note after* 3679
in New Mexico, management of 1920

PUBLIC CONTRACTS,
suits on, in Court of Claims 1059
provisions concerning 3709–3747
advertising for proposals.....3826, 3709, 3716, 3723
opening bids for..... 3710
for fuel in District of Columbia.....3711–3713
for military and naval service, how controlled, &c..... 3714
for Army subsistence..... 3715
separate proposals and contracts for each class of work..... 3717
naval supplies to be furnished by, made on proposals with lowest bidder.3718–3720, 3723
certain exceptions.....3721, 3726, 3727
opening proposals and rejected bids ..3722–3724
domestic manufactures to be preferred..3725, 3728
ten per cent. reservation, how relinquished 3730
bunting of domestic manufacture, how contracted for..... 3729
name of contractor to be marked on Army and Navy supplies..... 2731
not to be made unless authorized by law, &c 3732
not to exceed appropriations.....3679, 3733
not to be made for renting buildings in District of Columbia without previous appropriations, *note* after..... 3679
restrictions on commencement of new buildings 3734
penalty for contracting to pay for erection or repairs of buildings beyond specific appropriation 5503

Section.

PUBLIC CONTRACTS—Continued.
for stationery and supplies limited to one year ... 3735
land not to be purchased unless authorized by law ... 3736
not assignable, and if assigned, contract void ... 3737
members of Congress not to be interested in ... 3739–3742
members of Light-House Board, inspectors and light-keepers not to be interested in those relating to their service ... 4680
officers of commercial corporations or trading firms or persons interested in having contracts not to be employed as officers or agents of United States in certain cases ... 1783
to be deposited with Comptrollers or Commissioner of Customs ... 3743
of Secretaries of War, Navy, and Interior to be in writing, signed, returned, &c ... 512, 3744–3747
payments on, not to be beyond services rendered ... 3648
for collection of abandoned property ... 3755
members of Congress and public officers prohibited from receiving pay for services concerning ... 1781, 1782
officers of military prisons not to be interested in ... 1358
penalty for breach of, by workmen at arsenal or armory ... 1669
for stationery for Congress, how made ... 65–68
for supplies for War Department, to be laid before Congress ... 229, 230
for furnishing goods, &c., to Indians, restriction on payment ... 2107
for survey of public lands, when binding instructions to be deemed a part of ... 2398, 2399
for apparatus or to construct buildings, &c., for light-house service, by whom accepted ... 4665
for materials for construction or repair of light-house, beacons, buoys, &c ... 4666
for erection of light-houses, how made ... 4667
for Government Printing Office, paper ... 3767–3778
engraving and lithographing ... 3779–3782
report to Congress, for paper and materials ... 3821
Congressional Printer and foremen not to be interested in ... 3765
with Post-Office Department, form of ... 403
duplicates to be sent to Sixth Auditor ... 404
persons in department and postmasters not to be interested in ... 412, 3850
statement of accounts on, by Sixth Auditor ... 889
postmasters to report delinquents ... 3849
for carrying mail ... 3941–3963
to and through foreign countries (see *Postal Service*) ... 4006–4011

PUBLIC DEBT,
permanent appropriation for payment of, equal to interest on bonds of sinking-fund ... 3688
of one per cent. annually of entire debt toward payment of ... p. 725, 3689
for payment of interest on, and on bonds to Pacific Railways ... p. 725, 3689
for expenses of refunding ... p. 725, 3689
for payment of interest by Secretary of Treasury ... p. 725, 3689, 3698
payable in coin ... 3693
coin from duties pledged for ... 3694
sinking-funds and bonds applied thereto ... 3695, 3696
redemption of five-twenty bonds ... 3697
anticipation of payment of interest ... 3699

Section.

PUBLIC DEBT—Continued.
bonds may be sold to purchase coin with ... 3700
interest not payable in national-bank notes ... 5182
nor in United States notes, except, &c ... 3588–3590
exempt from taxation ... 3701
duplicate of bonds destroyed how obtained, ... 3702–3705
exchange of registered for coupon bonds ... 3706
credit to public officers for notes, &c., stolen ... 3707
imitating notes or printing cards on, prohibited ... 3708
punishment for false personation of holder of, in receiving money, &c ... 5435
for endeavoring to obtain, &c., sum in, by forged power of attorney, &c ... 5436

PUBLIC DEPOSITARIES. (See *Depositaries, Designated Depositaries, Public Money.*)

PUBLIC DOCUMENTS,
Secretary of Interior charged with safe-keeping and distribution of ... 497, 499
provisions as to distribution of ... 500–506
superintendent of ... 507, 508
rooms provided for, in Department of Interior ... 509
what, to be delivered to Secretary of Interior ... 3813
document-room of Senate, officers, &c ... 52
of House of Representatives, officers, &c ... 53
number of, for Congress as "usual number" ... 3792
motions to print extra copies of ... 3793–3795
additional number of, printed by order of Joint Committee on Library (see *Joint Committee on Library*) ... 3796
accompanying annual reports of departments, number of, to be printed ... 3798
when to be furnished to Congressional Printer ... 196
to be edited by person appointed by Joint Committee on Printing ... 75
printed by order of either House, fifty additional copies for exchange in foreign countries ... 3799
extra copies of, how sold to any person ... 3809
money received from sale of, to be deposited in Treasury, &c ... 3818
to be furnished to certain National Homes for Disabled Volunteer Soldiers ... 4837
provisions as to printing, &c., (see *Government Printing Office*) ... 3756–3828
destroying, or carrying away, &c., of any court, or deposited in any public office, penalty ... 5403
by the officer having custody of ... 5408

PUBLIC HEALTH,
provisions concerning (see *Health*) ... 4792–4800

PUBLIC LANDS, (See *Lands, Public.*)
Surveyors and deputy surveyors ... 2207–2233
Registers and receivers ... 2234–2247
Land districts ... 2248–2256
Pre-emption ... 2257–2288
Homesteads ... 2289–2317
Mineral lands and mining ... 2318–2352
Sale and disposal ... 2353–2379
Reservation and sale of town-sites ... 2380–2394
Survey ... 2395–2413
Bounty ... 2414–2446
Miscellaneous provisions ... 2447–2490

PUBLIC MONEYS,
provisions respecting ... 3591–3659
officers concerned in collecting or disbursing, forbidden to trade in ... 1788, 1789
officers receiving internal-revenue taxes or revenues to pay gross amount into Treasury ... 3210

Section.

PUBLIC MONEYS—Continued.
recovered as fines and penalities in internal-revenue cases to be paid into Treasury as taxes are paid 3216
under control of Treasurer United States, where to be kept 3591
Carson and Denver mints and Boisé City assay-office to be places of deposit of .. 3592
shall be subject to draft of Treasurer United States 3593
in custody of assistant treasurer, &c., at specified places, and provisions concerning 3594–3613
special agents to disburse, to give bonds ... 3614
to whom paid by collectors and receivers of. 3615
when may be paid to any depositary 3616
to be deposited without deduction 3617–3619
to be drawn for only as required for use, and how kept where there is no public depository 3620
to be deposited and receipted for..... 3621
accounts of, to be rendered monthly, &c... 3622
distinct accounts of disbursement of, by appropriations 3623
neglect or refusal to deposit, proceedings..... 3624
proceedings by distress-warrant, &c., against delinquent collectors, &c., of 3625–3638
to be safely kept without using, loaning, or exchanging.....3639, 3846
Secretary of Treasury may transfer..... 3640
Postmaster-General may transfer, belonging to his department..... 3641
of Post-Office Department, accounts of to be kept separate and in detail 3642, 3643
no advances of, to be made..... 3648
in depositories shall be examined 3649, 3650
exchange of, restricted 3651
premiums on, to be accounted for..... 3652
compensation of depositaries of 3655, 3656
appointment of special disbursing agents where no collection is authorized ... 3658
investment of trust-funds..... 3659
accounts of expenditure of, to be settled within fiscal year 250
for War and Navy Departments, how drawn 3673
for postal service, how drawn..... 3674
form of drawing and recording warrants on Treasury for..... 3675
received from sale of certain public property, how credited 3618, 3692
detailed statement of, to be included in book of estimates 3672
of public documents, paper shavings, &c., how deposited in Treasury 3818
at post-offices, quarterly accounts of ...3843, 3844, 3845
postmasters to keep without loaning, using, or exchanging 3846
may deposit in certain cases as specified . 3847, 3848
no extra allowance for disbursement of, by officer having fixed salary, unless... 1765
Territorial officers in Washington, Idaho, and Montana to give security for.... 1951
superintendents of mints to receive, &c.... 3506
special agents Post-Office Department collecting, &c., to give bond..... 4018
may be deposited in national banks in certain cases.....3847, 3848, 5153
judgment at return term, in suits against persons accountable for 957
transcripts from books, &c., of Treasury Department made evidence in suits against persons accountable for 886
in trial of indictment for embezzling 887

Section.

PUBLIC MONEYS—Continued.
embezzlement of, by any person, furnished for military, &c., service 5439
depositing otherwise than authorized by law, converting, &c., loaning, &c., by disbursing officer 5488, 5493
failure of treasurer or assistant treasurer or public depositary safely to keep..5489, 5493
loaning, using, converting, &c., depositing in banks, exchanging for other funds, except, &c., by person charged with safe-keeping 5490, 5493
failure of officers receiving, to render accounts as provided by law.....5491, 5493
failure of persons having in possession, to deposit, &c., when required, &c..5492, 5493
evidence of balance of, against defendant on trial of indictment for embezzlement of 5494
prima-facie evidence of embezzlement of .. 5495
evidence of conversion of..... 5496
receiving, from disbursing officer, &c., on deposit, loan, &c., or using, converting, by bankers, not being authorized depositary, penalty 5497
by president, cashier, teller, director, &c., of any bank or banking association .. 5497
embezzlement of, by persons in military service.....p. 236, art. 60, 1342
by persons in naval service.p. 279, art. 14, 1624

PUBLIC PRINTING, (See *Congressional Printer, Government Printing Office.*)
provisions concerning 3756–3828
Joint Committee on (see *Joint Committee on Public Printing*)..... 3756
to appoint person to edit documents..... 75
estimates for, by departments..... 3661
neglect or delay in, how to be remedied ... 3757
foreman of 3761
when, to be done at night 3764
estimates of paper for 3766
contracts for paper for.....3767–3778
for engravings, &c., for.....3779–3782
provisions for printing bills, resolutions, and public documents.....3791–3801
to be done at Government Printing Office.. 3786

PUBLIC PROPERTY,
inventories of, to be kept by heads of departments..... 197
by Postmaster-General 397
disbursing and collecting officers forbidden to trade in 1788, 1789
proceeds of sales of, how disposed of ...3618, 3692
detailed statement of, to be included in book of estimates 3672
statement of proceeds of sale in book of estimates..... 3672
uniforms and equipments, provisions concerning 3748
Solicitor of Treasury may rent or sell unproductive, &c..... 3749
to have charge of that taken for debts ... 3750
to release such lands when debt is paid.. 3751
lands conveyed to individuals for United States..... 3752
how released from attachment.....3753, 3754
preservation and sale of abandoned property..... 3755
record of, to be kept by postmasters..... 3842
proceeds of certain, acquired by Post-Office Department, how disposed of..... 4050
at seat of government, provisions concerning (see *Seat of Government*).....1795–1835
embezzlement or purchase, in military service, from officer, &c., not authorized to sell .....p. 236, art. 60, 1342
in Navy .....p. 278, art. 14, 1624

Section.

PUBLIC PROPERTY—Continued.
purchasing unlawfully, by person not in military or naval service, &c....3490, 5438
punishment for destruction of, in Navy, p. 276, art. 4, 1624
for wasting and not preventing destruction of....p. 277, art. 8, 1624
PUBLIC STOCKS. (See *Bonds, National Loan.*)
PUBLIC STORES. (See *Warehouses.*)
PUBLIC VESSELS.
exempt from certain requirements as to other vessels....2791, 4400
PUBLIC WORKS, (See *Public Buildings.*)
estimates for, how made.... 3663
officers of Army not to be employed on, if required thereby to be separated from their commands.... 1224
soldiers detailed for employment on, as artificers or laborers for not less than ten days to have extra pay, as specified.... 1287
Secretary of War to require separate proposals and contracts for each work, and each class of material, &c.... 3717
contracts for, not to exceed appropriations....3733, 5503
in District of Columbia, under whose charge (see *District of Columbia*)....1800–1818
PUBLIC WORSHIP,
performance of, by chaplains in Navy.... 1397
PUBLISHERS, (See *Newspapers.*)
to be notified of refusal to take paper, &c.. 3885
may print, &c., date of expiration, &c., on papers, &c.... 3886
may contract for delivery of papers, &c., by route agents.... 3889
of newspapers, &c., affidavit as to mailing papers, &c.... 3909
not to be paid for advertising mail-lettings, &c., unless, &c.... 3941
when uncalled-for newpapers, &c., may be returned to.... 4061
PUNISHMENT, (See *Crimes and Offenses.*)
in States, &c., all persons to be subject to alike, and to no other.... 1977
not to be inflicted when division of opinion exists between judges of circuit court concerning.... 651
on seamen to be recorded in log-book.... 4290
penalty for inflicting cruel or unusual, upon.... 5347
provisions concerning....4596–4612
by consular courts....4101–4104
in **Navy,** for offenses not specified in articles....p. 281, art. 22, 1624
for offenses committed on shore....p. 281, art. 23, 1624
inflicted by commanding officer....p. 281, art. 24, 1624
by officer temporarily commanding, p. 281, art. 25, 1624
by summary court-martial....p. 282, art. 30, 1624
PURCHASES, (See *Contracts.*)
at sales on execution in favor of United States through Solictor of Treasury.. 3470
of land on account of United States restricted....3732–3736
of public supplies, provisions concerning, 3709, 3747
PURSERS,
accounts of, lost on captured vessels, how settled....284–286
in case of loss of funds by, Court of Claims may grant relief, if found to be without fault....1059, 1062

Section.

Q.

QUARANTINE,
States, laws of, to be observed by United States officers.... 4792
discharge of cargo of vessels in.... 4793
warehouses at....4794, 4795
time for entry of vessels subject to, may be extended.... 4796
QUARTERMASTER'S DEPARTMENT (Army),
authorized.... 1094
organization of, and rank in.... 1132
duties of officers of.... 1133
to equip, &c., naval detachments co-operating.... 1135
restrictions on erection of permanent barracks.... 1136
employment of forage and wagon masters.. 1137
officers of, not to trade in articles pertaining to....1137, 1138
accountability in issue of supplies by.... 1139
officers of, to give bond.... 1191
appointments and promotions in, suspended until, &c.... 1194
Quartermaster-General, appointment and selection of.... 1193
officers to render quarterly returns to, of issue of clothing or camp-equipage.. 1221
in absence of, &c., President to designate officer to perform his duties.... 1132
one to militia of each State.... 1631
may employ forage-masters and wagon-masters; their pay, &c.... 1137
to prescribe system of accountability, and to account quarterly to Secretary of War.... 1139
Assistant quartermasters-General, number and rank.... 1132
to do duty as commissaries of subsistence.... 1134
Deputy quartermasters-general, number and rank of.... 1132
Quartermasters for artillery regiments, selection of, &c.... 1099
for cavalry regiments.... 1102
for infantry regiments.... 1106
regimental, pay of.... 1261
of brigade, in militia.... 1631
in regiment of militia, when in service.. 1646
assistant for each brigade of militia in service.... 1647
in case of accidental losses by, Court of Claims may grant relief....1059–1062
Quartermaster-sergeants, for regiment of artillery.... 1099
for battery of artillery.... 1100
for regiment of cavalry.... 1102
for troop of cavalry.... 1103
for regiment of infantry.... 1106
for company of infantry.... 1107
Supplies, preference to domestic manufacturers.... 3716
QUARTERS (Army),
of permanent nature, restrictions on construction of.... 1136
for officers may be furnished in kind.... 1270
punishment for lying out of..p. 233, art. 31, 1342
rank of staff-officers gives no additional right to.... 1487
to be furnished superintendents of national cemeteries.... 4875
QUARTZ MILL,
owner of, not owning mine, may have patent for mill-site.... 2337
QUI TAM ACTIONS,
plaintiff, when liable for defendant's costs.. 975

Section.

QUI TAM ACTIONS—Continued.
when alone liable to clerk, marshal, and attorney, for fees of prosecution.... 976
QUORUM,
of House of Representatives; *Constitution*, p. 18.
to choose President; *amendment Constitution*, p. 30.
of Senate to choose Vice-President; *amendment Constitution*, p. 30.
of Supreme Court..... 673
adjournment of, for want of..... 685
powers of less than, during first twenty days..... 686
of judges of Court of Claims..... 1052
of supreme court in Territories..... 1864
QUO WARRANTO,
jurisdiction of district court of proceeding by, for removal from office....cl. 14, 563
of circuit court of proceedings by, for removal from office.....p. 112, 629
district attorney to proceed by, against persons illegally holding office..... 1786

R.

RACE,
rights of citizens to vote not to be abridged on account of, &c.; *fifteenth amendment to Constitution*, p. 32.
no distinction on account of, in homestead laws..... 2302
at elections (see *Elections*) 2004–2010
in Territories..... 1860
RAILROADS,
government directors for roads having subsidies..... 5259
right of, to carry passengers, freight, &c., from one State to another, form connection, &c., but not to build new road without consent of State, &c... 5258
when foreign, may own and employ tug or ferry-boat..... 4370
transportation of animals by, provisions concerning.....4386–4390
penalty on, for transporting empty casks, having uncanceled stamps, brands, &c., in violation of law..... 3324
for carrying persons acting as private letter-expresses..... 3983
cars laden with imports, sealed by customs officer, &c., exempt from manifest fees..... 3007
and engines lost in military service, how paid.....3483–3488
permanent appropriations for payment of those lost in military service..p. 727, 3689
not subject to forfeiture for goods being transported on, contrary to customs laws, unless owners are privy to violation..... 3063
iron, partially worn, imported for remanufacture, &c., regulations concerning re-exportation..... 3021
land-grants, pre-emption limits within limit of..... 2279
settlers on, prior to withdrawal from market..... 2281
Pacific Railways, provisions concerning. 5256–5262
connections may be made with, by other roads..... 5257
government directors of..... 5259
money due from United States to, for transportation, to be withheld until rights determined by courts, &c..5260, 5261
in postal service, contracts for carrying mail, without advertising..... 3942

Section.

RAILROADS—Continued.
in postal service—Continued.
to be post-roads..... 3964
terminous of post-roads intersecting, may be changed..... 3973
not to carry letters except in mail....3985, 3986
routes to be classified 3997
pay for carrying mail..... 3998
when reasonable contract cannot be made, how mail may be carried..... 3999
to carry mail on any train, &c 4000
pay to land-grant roads for carrying mail. 4001
readjustment of pay..... 4002
refusal of, to furnish postal cars..... 4003
pay for postal cars..... 4004
length, &c., of postal cars of..... 4005
post-office, superintendents of 4020
employment of clerks, &c., for distributing mail in railroad offices..... 4025
RANK,
in **Army,** officers of line may be promoted to staff without prejudice..... 1205
of officers with brevet commissions..... 1211
officers to be addressed by actual 1212
between officers of same grades, &c., computation of service..... 1219
of assistant surgeons absent, when entitled to examination..... 1372
relative, of Army and Navy officers..... 1466
in militia, how determined..... 1638
in **Navy,** of line-officers according to date..... 1467
of chiefs of bureaus 1471
when line-officers..... 1472
when retired 1473
of Medical Corps..... 1474
of Pay Corps 1475
of Engineer Corps..... 1476
of naval constructors..... 1477
of assistant naval constructors 1477
of civil engineers..... 1478
of chaplains 1479
of professors of mathematics..... 1480
grades of staff officers of above-named corps, &c., how filled (*new*)..... 1480
of retired staff-officers.....1481, 1482
of graduates of Naval Academy 1483
of engineer graduates 1484
precedence and authority on account of.....1485–1488
of line and staff on courts, &c..... 1489
assimilated to warrant-officers 1491
Marine Corps, commandant of..... 1601
of staff of..... 1602
with Army..... 1603
of officers of revenue-cutter service on duty with Navy 1492
RANSOM MONEY,
distribution of, to vessels of Navy..... 4642
RAPE,
by persons in Army, in time of war..p. 235, art. 58, 1342
committed on high seas, or in forts, arsenals, &c., within exclusive jurisdiction of United States, punished by death... 5345
RAPPAHANNOCK RIVER (Va.),
surveyor of customs to reside at or near mouth of, as President may designate 2553
RATES OF POSTAGE,
mailable matter divided into three classes, 3875–3878
on newspapers, &c., at free-delivery offices . 3872
on letters and letter-matter..... 3903
on drop-letters..... 3904
on regular printed matter..... 3905
on packages of small newspapers..... 3907
to regular dealers 3908

Section.

RATES OF POSTAGE—Continued.
on transient and miscellaneous matter, third class 3910
on clothing, &c., to soldiers 3911
on foreign mail-matter 3912
on irregular sea-letters 3913
extra, on advertised letters 3935
on letters carried in foreign vessels 4015
RATING (in **Navy**),
punishment by reduction of, by commanding officer ..... p. 281, art. 24, 1624
by summary court-martial .. p. 282, art. 30, 1624
revocation of, for incompetency, by summary court-martial .... p. 282, art. 31, 1624
RATIONS,
to Indians visiting military post 2110
in revenue-cutter service, to officers of 2755
contracts for 2756
in **Army**, Subsistence Department to supply 1141
when to be furnished to naval detachments 1143
credit sales of, to officers and men 1144
purchase of, by officers in field 1145
component parts of 1146
coffee and sugar commuted 1147
weekly issue of 1148
to hospital matrons and nurses 1277
to enlisted men, allowance of 1273
to sergeants and corporals of ordnance ... 1293
of sugar and coffee not issued, paid for ... 1294
to laundresses accompanying troops 1295
to matrons and nurses 1295
purchased by officers on credit 1299
in militia when in service 1650
additional, on western frontiers 1655
in **Navy**, to midshipmen, &c 1577
to what other persons allowed 1578
to whom not allowed 1579, 1595
constituents of 1580
substitution for parts of 1581
diminution or variance of 1582
stopped, for the sick 1583
additional, of tea and coffee to seamen ... 1584
commutation price of 1585
to enlisted men of Marine Corps 1615
allowance of, to Navy hospitals 4812
REAL ESTATE,
all citizens to have equal rights to hold 1978
seized and sold for internal-revenue taxes .. 3196
notice of sale and other proceedings 3197
when sold, certificate of purchase and deed of 3198
effect of deed of 3199
by collector of, in any other district within State 3200
owner may redeem 3201, 3202, 3204
return of proceedings in sale of 3203
commissioner to have charge of sales, &c., of 3208
successive seizures 3205
fees and charges 3206
proceedings by bill in chancery to subject, to payment of tax 3207
of delinquent collector of internal-revenue, sale of, by United States marshal 3217
acquired by United States for debt, powers of Solicitor of Treasury as to management, sale, &c 3749–3751
conveyed to individuals for use of United States, authority of President to obtain release of title 3752
in Territories, limit to right of religious, &c., associations to hold 1890
when national banks may purchase 5137
REAR-ADMIRALS,
number of, on active list 1363

Section.

REAR-ADMIRALS—Continued.
selection and promotion of 1365, 1366
promotion to grade of 1497
pay of 1556
may be nine on retired list 1460
Secretary of Navy may in certain cases promote commodores to be, in addition .. 1460
REASSESSMENT (of internal-revenue taxes),
may be made within fifteen months 3182
REBATE,
of interest on public debt when paid before due 3699
REBELLION,
constitutional provisions disabling certain persons engaged in, from holding office ..... p. 31
debts incurred in aid of, and claims for slaves void ..... p. 31
for pensions and bounties for services in suppressing, not questioned .... p. 31
writ of habeas corpus not to be suspended in case of, unless, &c ..... p. 21
persons engaged in, not to be appointed in Army 1218
not to be appointed cadets 1316, 5298
claims of persons who sustained, not to be paid 3480
for pensions not to be paid to rebels 4716
vessels sailing under foreign flag, &c., during, not to be registered, &c 4135
militia may be called forth to suppress 1642
subject to Rules and Articles of War 1644
land and naval forces employed to suppress. 5298
engaged in giving aid and comfort, &c., punishment 5334
intercourse with those engaged in, by persons in Navy ..... p. 276, art. 4, 1624
effect of, on limitation of time for commencing proceedings in courts 1048
in cases in Court of Claims 1072–1074
contracts for collecting money and property of late Confederate States, how made. 3755
provisions respecting power of President to suppress, commercial intercourse, &c. (see *Insurrection*) 5297–5322
conspiring to levy war, destroy government, by force, how punished 5336–5338
RECAPTURE,
of vessel once captured, salvage 4652
RECEIPTS,
by internal-revenue collectors, &c., for all sums collected 3183
using, &c., by persons not in military or naval service of false, for claim against United States 3490
for purchase-money of lands, falsely making, altering, &c 5420
falsely making, &c., with intent to obtain from United States any sum of money. 5421
having in possession any false, &c., with intent to defraud United States 5422
using, &c., of false, to obtain approvals, &c., of claims against United States, &c .. 5438
officer charged with payment of appropriation paying sum less than provided by law and requiring receipt for amount greater than paid 5483
in **Army**, making, using, false, &c., and other fraudulent acts respecting ..... p. 235, art. 60, 1342
in **Navy**, making, using, &c., false, and other fraudulent acts respecting, p. 279, art. 14, 1624
in **post-office matters**,
how covered into Treasury 408
postmaster to keep a record of 3842

Section.

RECEIPTS—Continued.
in post-office matters—Continued.
quarterly account of, by postmasters..... 3843
sworn statement to accompany..... 3844
neglect to render..... 3845
to be accounted for as revenue..... 4051
for registered mail, be taken and admitted as evidence..... 3928

RECEIVERS,
of national banks, may be appointed on failure to make capital equal to legal minimum..... 5141
when reserve is not made good..... 5191
on failure to redeem notes.....5195, 5234
when bank continues to own its own stock..... 5201
on refusal to make good impaired capital, &c..... 5205
duties of.....5234–5236
fees and expenses of..... 5238
suits to enjoin.....629, 5237
of public money (see *Registers and Receivers*) bonds and duties of..... 3639
registers of land-office to examine books of..... 3650
in District of Columbia to pay over to Treasurer, in certain other places to assistant treasurers..... 3615
to render accounts monthly..... 3622
to render distinct accounts of application of money according to appropriations, 3623
of stolen goods on high seas or in places within exclusive jurisdiction of United States, punishment for..... 5357

RECEIVING-BOXES (post-office),
where, may be established..... 3868
penalty for injuring.....3869, 5466
expenses of, how limited..... 3874

RECOGNIZANCES,
in cases at special session of circuit courts for trial of criminal causes..... 662
in criminal cases in southern district of New York..... 659
in Supreme Court not affected by altering time of holding term..... 684
time for, not extended by summoning grand jury during term, &c..... 810
how required of witnesses..... 879
in Vermont..... 880
for appearance at trial..... 881
taken de bene esse of special bail..... 947
of witness in criminal case returned by examining magistrate..... 1014
exoneratur, on arrest of party by bail..... 1018
penalty in criminal case may be remitted in whole or in part after breach..... 1020
acknowledging or procuring, &c., in name of another not privy or consenting to same..... 5394

RECOINAGE,
of foreign coins required.....3566, 3568

RECORDER OF GENERAL LAND OFFICE, (See *Lands—public.*)
appointment and salary of..... 447
to countersign patents for land..... 458
duties of..... 459
in absence of, who to act..... 459

RECORDING OF VESSELS,
vessels built in United States and owned by foreigners to be recorded..... 4180
measurement for record..... 4181
certificate of record, form of..... 4182
change of master to be indorsed on certificate of record..... 4183
production of certificate on entry..... 4184
fees of collector for..... 4185
of surveyor for measurement, &c..... 4186

Section.

RECORDING OF VESSELS—Continued.
penalty for falsely recording, &c..... 4187
on officers neglecting duties..... 4188
for fraudulently obtaining record..... 4189
for forging, uttering as true, any false record, &c..... 5423
sea-letters.....4190, 4191
conveyances, mortgages, &c., to be recorded, &c.....4192, 4193
index and copies of.....4194, 4195

RECORDS,
of district court, where kept..... 562
transfer of, when Territory is admitted as State.....567, 568
transcripts of, into new books of district courts in Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas..... 897
in western district of North Carolina..... 898
lost or destroyed, of judgment, &c., how supplied.....899–901
of courts for northern district of Illinois destroyed by fire, how supplied....902–904
of courts of States, Territories, &c., how proved, &c.; effect of, in evidence.. 905
in public offices, &c., not appertaining to court, how proved..... 906
of foreign governments relating to lands claimed, &c., how authenticated.... 907
maps, field-notes, &c., of surveyors-general turned over to State authorities..... 2218
safe-keeping of, &c., to be provided for.. 2221
deputy of surveyors to have access to.... 2220
of bills of sale, mortgages, &c., of vessels, &c.....4193–4196
by local inspectors of steam-vessels..... 4457
of proceedings in bankruptcy....4990, 4992, 5000, 5004, 5054
copy of, in State court for use in court of United States, how obtained if refused by clerk..... 645
transcript of, transmitted to Supreme Court on appeal..... 698
filed by either to be used by both parties..... 1013
final, in equity and admiralty causes, what to contain..... 750
stealing, falsifying, &c., of any court whereby judgment is reversed, &c.. 5394
destroying or carrying away, &c., of court or in public office..... 5403
by officer having custody of..... 5408
of cigar-makers to be kept by collectors of internal revenue..... 3389
of distillery operations, storekeeper's entries to be made in..... 3302
of makers of tobacco and snuff, to be kept by collectors of internal revenue.... 3357
of mining-claims, what to contain..... 2324
of post-offices to be kept, preserved, &c. 3842
of sales of real estate for taxes to be kept by collector, &c..... 3203
entry of redemption to be made on..... 3204
of special taxes to be kept in office of collector of internal revenue..... 3240

RECRUITS,
premium for each, accepted..... 1120
oath to be taken by.....p. 230, art. 2, 1342
obtaining, to serve against United States or opening station for, penalty..... 5337

RECTIFIED SPIRITS, (See *Distiller.*)
stamp for, form of..... 3320

RECTIFIERS (internal revenue),
penalty for doing business without paying special tax..... 3242
not to carry on business within six hundred feet from distillery, and to pay special tax, &c.....cl. 3, 3244

Section.

RECTIFIERS (internal revenue)—Cont'd.
notice of intention to carry on or to change business ... 3259
to furnish facilities for examination of premises ... 3277
officer, &c., may break up ground or walls, to search for concealed pipe, &c ... 3278
to put up signs ... 3279
returns of ... 3317
book to be kept by ... 3318
not to purchase spirits in quantities of more than twenty gallons, except from rectifier, wholesale dealer, or distiller ... 3319
casks or packages of rectified spirits to be gauged and stamped ... 3320
penalties for violating laws relative to business, in omissions, and in doing acts forbidden, and where no specific penalty is imposed ... 3456–3461

RED-CEDAR TIMBER,
lands containing, to be explored and selected for use of Navy ... 2458
selection of, for reservation ... 2459
protection of ... 2460–2463
penalty on master, owner, or consignee of vessels carrying away timber cut from ... 2462

REDEMPTION,
of real estate sold for taxes ... 3201–3204
of fractional currency ... 3574
of United States notes, &c ... 3575
of copper and nickel coins ... 3529
of five-twenty bonds ... 3697
of notes of national banks, proceedings on failure to provide for ... 5195
when at the Treasury United States ... 5224
protest on failure of ... 5226
proceedings on notice of failure of ... 5227
business not be done by banks after failure to redeem any of their notes ... 5228
of banks in liquidation, account to be kept ... 5222
when notes shall be charged to ... 5225
agencies of national banks to be selected for ... 5195

RE-ENLISTMENT,
in Army, pay of men on ... 1282
under honorable discharge ... 1284
in Navy, bounty pay for ... 1573

RE-EXPORTATION,
when vessels may proceed with merchandise for, without payment of duties ... 2776
when, &c., bond for, to be given ... 2776, 2777
of rejected drugs, medicines, &c., imported, when allowed ... 2937

REFERENCE,
diplomatic officers in China and other Eastern countries to encourage settlement of controversies by, &c ... 4098
for taking testimony in bankruptcy proceedings ... 5003

REFUNDS,
Customs, of duties on goods destroyed by accidents ... 2984
permanent appropriation for same ... p. 726, 3689
Secretary of Treasury may refund duties paid in excess or illegally collected upon protest and appeal ... 3012½
in certain cases where no appeal has been taken ... 3013
may refund proceeds of sales of goods and vessels seized for violation of revenue laws in certain cases ... 3078
of duties assessed on materials of repairs of vessels in foreign countries, when ... 3114
of duties paid on equipments and repairs of certain vessels in trade on northern, &c., frontier, in certain cases ... 3115

Section.

REFUNDS—Continued.
permanent appropriations for, for duties on tea and coffee, on materials used for rebuilding Chicago, and certain discriminating duties ... p. 726, 3689
of excess of deposits for unascertained duties and duties paid under protest, p. 726, 3689
on account of unclaimed merchandise sold for duties, &c ... p. 726, 3689
debentures and drawbacks, provisions concerning (see *Drawbacks*) ... 3015, 3057
Internal revenue, of taxes illegally assessed, erroneous, &c ... 3220
limitation of time for presenting claims for ... 3228
for stamps spoiled, rendered useless, &c ... 3426
permanent appropriation for same ... p. 725, 3689
on distilled spirits destroyed by accidental fire or other casualty ... 3221–3223
distiller's special tax in certain cases ... 3245
on tobacco, snuff, and cigars in certain cases ... 3379
of taxes collected under direct-tax laws, permanent appropriation for ... p. 724, 3689
of taxes paid on articles exported ... 3441, 3442
permanent appropriation ... p. 725, 3689
of money paid for land sold for taxes, when purchasers are evicted ... p. 724, 3689
of purchase-money of lands redeemed from sale of taxes ... p. 724, 3689
of taxes illegally collected under direct-tax law ... p. 724, 3689
of drawback on exported spirits ... 3329
tobacco, snuff, and cigars ... 3386
on medicines, &c ... 3443
certificates receivable for taxes ... 3442
fraudulent claims for ... 4344
permanent appropriation for ... p. 725, 3689
of duty or tax paid by national banks in excess of requirement of law ... 5218
of purchase-money of public lands, where sale is erroneously made and cannot be confirmed ... 2362, 2363
of Patent Office fees paid into Treasury by mistake ... 4936

REGIMENTS,
in Army, number of ... 1094
of artillery ... 1099
of cavalry ... 1102
of colored cavalry ... 1104
of infantry ... 1106
of colored infantry ... 1108
chaplains of ... 1094
courts-martial of, to try offenses not capital, &c ... p. 238, arts. 81, 83, 1342
in militia, in service of States ... 1630
officers and staff of ... 1631
in service of United States ... 1646
colors for, how provided ... 1633
staff of ... 1631

REGISTERED BONDS,
duplicates of lost, &c., how obtained ... 3704, 3705
may be issued in exchange for coupon-bonds ... 3706

REGISTERED LETTERS,
provisions relative to ... 3926–3929, 3932
postal revenues not to be liable for lost ... 3926
on whose application; fees on ... 3927
receipts for delivery of; evidence ... 3928
to persons engaged in fraudulent lottery schemes, may be returned ... 3929
containing currency free of registry fee in certain cases ... 3932
accounts to show amount from ... 4049

REGISTER OF THE TREASURY,
appointment and salary of ... 312

Section.

REGISTER OF TREASURY—Continued.
duties of ... 313
not to engage in certain business ... 243
shall keep appropriation accounts ... 3675
to keep a record of certificates of registry of vessels, &c ... 4158
to cancel certain certificates of registry ... 4170, 4174
changes of masters of vessels reported to ... 4171
assistant, his appointment and duties ... 314, 315
clerks in office of ... 235

REGISTERS AND RECEIVERS (public lands),
appointment of, for each land district ... 2234
to reside where land-office is kept ... 2235
bond ... 2236
salary ... 2237
fees, &c., of, in addition to salary ... 2238
additional fees in consolidated land districts ... 2239
limit of fees, &c ... 2240
excess of fees to be paid into Treasury ... 2241
receiving illegal fees; not to receive compensation for past services ... 2241
to be removed from office ... 2242
compensation to commence when ... 2243
term of office ... 2244
may hold oves after expiration of term ... 2222
plats of lands surveyed to be transmitted to, by surveyors-general ... 2223
President may transfer duties of, to surveyors-general, when ... 2227
proof before, of settlement and improvement by pre-emptor ... 2263
to transmit statement of fees, &c., paid by applicants for mineral lands ... 2334
to conduct sale of town-lots, when ... 2381
receiver to make returns and pay over money, &c ... 2245
to administer oaths without fee ... 2246
register to keep record, make returns, &c. 2295
to publish notices of applications for mineral lands ... 2325
of application for patent for mining-claim ... 2325
to certify proceedings and judgment-roll in case of adverse claim to mineral lands to Commissioner ... 2326
to give separate certificates to purchasers of same section or fraction of land ... 2361
President may increase, &c., bonds of ... 3639
books of, to be examined ... 3650
giving false information as to registry of land; penalty ... 2247

REGISTERS IN BANKRUPTCY. (See *Bankruptcy.*)

REGISTRY, ETC., OF VESSELS,
provisions for, and for recording ... 4131–4196
what vessels entitled to registry ... 4132–4126
new register on transfer to resident citizens ... 4134
American vessel sailing under foreign flag during rebellion not entitled to ... 4135
of foreign-built vessels wrecked and repaired in United States, when ... 4136
of vessels owned by incorporated companies, how made ... 4137–4139
where and by whom to be made ... 4141
of vessels owned on New River, N. C., may be made at Wilmington, N. C ... 4342
oath for registry by owner, &c ... 4142
forfeiture of vessel for false swearing ... 4143
oath by master to obtain ... 4144
bond to obtain ... 4145, 4146
carpenter's certificate ... 4147
measurement of vessel before issue of ... 4148
certificate of measurement for ... 4149
mode of measurement ... 4150–4152

Section.

REGISTRY, ETC., OF VESSELS—Continued.
register tonnage, table of classes, and rules for ascertaining ... 4153
measurement of foreign vessels ... 4154
register kept in books, certificate to be issued by collector ... 4155–4156
blank certificates of, how provided, &c. 4157, 5158
new register to purchaser in another district ... 4159, 4160
on purchase, by agent or attorney ... 4161, 4162
forfeiture of vessel for false swearing by agent, &c., to obtain ... 4163
upon sale under legal process ... 4164
American vessel sold to foreigner not to be registered afterward, &c ... 4165
of vessels sold abroad to American citizen ... 4166
new register, in place of one lost or destroyed ... 4167, 4168
penalty for not obtaining new registry, when required ... 4169
new register, on sale or alteration of form or burden ... 4170
change of master to be indorsed on certificate of, &c ... 4171
forfeiture of registered vessel for failure to report sale, &c., to foreigner ... 4172
oath by owner, &c., upon entry, as to ... 4173
certain surrendered certificates of, to be transmitted to Register of Treasury ... 4174
cancellation of bond on delivery of certificate of ... 4175
certificates of, how numbered ... 4176
numbers for registered vessels, carved on main-beam ... 4177
names of registered vessels to be carried on stern, &c ... 4178
change of name to deceive public to cause forfeiture of vessel ... 4179
not to issue to steam-vessels until regulations have been complied with ... 4498
register of foreign vessel to be produced on entry ... 4209, 4210
licensed or enrolled, going abroad without register, forfeiture ... 4337
in whale-fishery ... 4339
registered vessels may be licensed or enrolled, and licensed vessels registered, when ... 4322, 4323
privileges of; may touch at foreign ports, &c ... 3126
foreign merchandise taken at certain ports, when not subject to duty ... 3127
engaged in coasting-trade or fisheries, exempt from tonnage duties ... 4220
carrying passengers between foreign ports subject to provisions concerning transportation of passengers ... 4274
going from one district to another subject to provisions for licensed vessels ... 4361
record of vessels built in United States and owned by foreigners ... 4180–4184
fees of collectors and surveyors, relating to registry and record of vessels, &c. 4185, 4186
penalty for misconduct and neglect by officers respecting ... 4187, 4188
for fraudulent registry ... 4189
sea-letters, to what vessels issued ... 4190
making false, &c ... 4191
conveyances, lien by bottomry, &c., to be recorded ... 4192–4196
index of record ... 4194
copies of, how obtained ... 4195
what to be set forth in bills of sale ... 4196
penalty for illegal granting of documents relating to ... 4373
for malfeasance ... 4374

Section.

REGISTRY, ETC., OF VESSELS—Continued.
for forging or altering 4375, 5423
for obstructing officers 4376
REGULATIONS, (see *Secretary of Treasury, Commissioner of Internal Revenue, and other officers.*)
President may prescribe, in relation to Indian affairs 465
as to importation and use of fire-arms and spirits in Alaska 1955
by heads of departments for the conduct of their officers, clerks, and business, the custody of records, &c. 161
Court of Claims has jurisdiction of claims founded on 1059
by Secretary of Treasury in regard to collection of revenue 251
as to mining claims may be made by miners. 2324
by diplomatic officers in China, Japan, &c., to supply deficiencies in laws, effect of 4086
by advice of consuls, proceedings 4117–4119
of Navy, articles for government of Navy, pp. 275, 284, 1624
orders, instructions, &c., to be considered. 1547
officers to be furnished with copy of 1548
for discipline of Marine Corps 1620
of Army, Articles of War, pp. 230–242 1342
RE-IMPORTATION,
of merchandise once exported, of growth of United States, duties on to be equal to tax imposed by internal-revenue laws 2500
articles of domestic manufacture free of duty, when ..... p. 483, 2505
of barrels exported filled with petroleum returned empty free of duty .. p. 483, 2505
of empty domestic-manufactured casks, barrels, carboys, other vessels, and grain-bags, free of duty ..... p. 482, 2505
Secretary of Treasury to make regulations to prevent illegal 3057
REISSUE OF PATENTS,
to assignee; how application made, and corrected specification signed 4895
appeal by applicant for, from examiner to board of examiners 4909
from board of examiners to Commissioner 4910
from Commissioner to supreme court of District of Columbia 4911
when and to whom allowed, effect of, &c. 4916
further remedy for, by bill in equity 4915
RELADING,
of vessels in distress, inspection 2894
no charges, &c., on Spanish vessels 2895
RELIEF AND PROTECTION OF SEAMEN,
provisions relating to 4554–4591
consular officers not to receive fees, &c., on payments for 1719
REMARRIAGE,
of widows, effect of, as to pensions. 4702, 4708, 4725, 4726
REMISSION,
of forfeitures in case of non-production of invoice of goods imported 2858
Secretary of Treasury may remit in certain cases additional duty secured by transportation bonds 3001
of forfeiture and return of proceeds of sale of goods or vessel seized for violation of revenue laws 3078
of duties assessed on materials used in repairs of vessels in foreign ports in certain cases 3114, 3115

Section.

REMISSION—Continued.
of fines, penalties, and forfeitures on summary investigation before district judge, &c. 5292
under regulations of Secretary of Treasury 5293
under steamboat laws 5294
officers and informers may be witnesses in 5295
discharge of indigent convicts 5296
in Alaska 1958
for offenses against Territorial laws 1841
of internal-revenue taxes by Commissioner 3220
of forfeitures under internal-revenue laws on application to Secretary of Treasury 3461
of penalty on mining and certain other corporations, by payment of tax alone on circulation or certain evidences of indebtedness (*act of* 1875) ..... *after* 3412
of penalty for not affixing stamps to instruments, when and how made 3422
of sentence by general court-martial in Navy ..... p. 284, art. 54, 1624
REMOVAL,
from office contrary to law, penalty 1772
of suits, from State to Federal court on account of alienage or citizenship of parties 639
against corporation, &c., under law of United States, &c. 640
against person denied equal civil rights or officer making arrest, &c. 641
when writ of habeas corpus to issue on 642
against officer for acts done under revenue laws and laws relating to elective franchise 643
by alien against citizen, being a civil officer, &c., and non-resident in State where brought 644
attachments, injunctions, and bonds of indemnity to remain in force 646
where title to land is claimed under grants, &c., and parties are citizens of same State 647
of beer from brewery by brewers contrary to law, how punished 3345
of distilled spirits from warehouse unlawfully, penalty 3299, 3327
RENDEZVOUS,
of militia, allowance of pay, &c., from place of residence to 1652
expenses of march to, how paid 1654
RENT,
of post-offices, allowance for 3860
light and fuel for post-offices, accounts to show expenditures for 4049
of prisons for American convicts in foreign countries, allowance for 4121
claim for, how provable in bankruptcy 5071
REPAIRS,
to hull and spars of vessels of the Navy, limited 1538
to sails and rigging, limited 1539
to be made on steam-vessels on notice of inspectors 4453
penalty for refusal to make, on notice ... 4454
inspectors of another district may order, only when conditions are changed ... 4455
materials of, for vessels in foreign countries, duties on, and refunds and remission in certain cases 3114, 3115
REPEAL,
of statutes, effect of 12, 13
of acts embraced in Revised Statutes 5596

Section.

REPEAL—Continued.
not to affect acts done, accrued rights, &c 5597
how offenses under, prosecuted 5598
of acts of limitation, how affected 5599
acts passed subsequent to Revised Statutes to have full effect, &c., when in conflict with, &c 5601

REPLEVIN,
property detained, &c., under authority of revenue laws not subject to 934

REPORTERS,
to House of Representatives to be approved by Speaker 54
reporter of decisions of Supreme Court 677
duties and salary 681, 682
reports of, price 682
distribution of 386, 387, 683
appropriation for three hundred copies of ..... p. 729, 3689
of courts-martial in Army 1203

REPORTS,
annual, of heads of departments 193–198
of Secretary of State 207–209
of Treasury 257, 265
of War 228–232
of Navy 429
of Secretary of Interior 445
of Postmaster-General 413
of Attorney-General 384, 385
of Treasurer 311
of Comptroller of Currency 333
of Commissioner of Patents 494
of Commissioner of Agriculture 528, 529
of decisions of Supreme Court, price and distribution of, to public officers, &c 386, 387, 682, 683
permanent appropriation for certain copies of ..... p. 729, 3689
of national banks, of assets and liabilities and special reports 5211
of dividends 5212
penalty for failure to make 5213
penalty for failure or refusal of any officer to make, when required 1780
number to be printed of annual, of departments 3798
of bureau officers, &c., how printed 3788
of offers and contracts for carrying mail, not to be printed unless, &c 3797

REPRESENTATIVES, (See *House of Representatives.*)
constitutional provisions concerning .. pp. 18, 19, 23, 27, 31.
apportionment of 20
on admission of new States 21
reduction of, from State abridging rights under fourteenth amendment to Constitution 22
elected by districts 23
at what time 24, 25
by ballot 27
in cases of vacancies 26
offenses against rights of voters, &c., at elections 5511–5515, 5520
compensation of 35–51
of Speaker 37
in case of contested elections 38
payable monthly 39
roll of, elect, how made, &c 31–33
organization of House of 30–34
deductions from pay of, for absence, for books, &c 40–42
no allowance for newspapers 43
nor for postage 44
contested elections 105–130
notice and answer 105, 106

Section.

REPRESENTATIVES—Continued.
taking testimony in 107–109
subpœnas, by whom issued, &c 110–111
justices of peace may act, when 112
depositions taken, without notice 113
witnesses in, provisions in regard to 114–117
additional officer to take testimony 118
party may appear by agent or attorney .. 119
examination of witnesses 120–122
production of papers 123
adjournments in taking testimony 124
subpœna, &c., to be attached to depositions 125
certifying, transmission, &c., of testimony 126, 127
opening of deposition 127
fees of witnesses and officers 128, 129
expenses of parties not paid by House ... 130

REQUISITIONS,
of Secretary of Senate, for what money 56
by Attorney-General 369
by Secretary of Interior 444
for money of War and Navy Departments 3673
for publications disiributed by Secretary of Interior, by whom made 500

RESCUING,
property, &c., seized by internal-revenue officers 3177
person found guilty of capital crime, while going to or during execution 5400
persons committed for capital crime, before conviction, or convicted of crime other than capital 5401
dead body of executed offender from marshal or surgeon 5402
property detained by officer under revenue law 5446
property seized by customs-officer, or by person assisting him 5447
from custody persons arrested under laws respecting civil rights 5516

RESERVATIONS,
in District of Columbia, plans, &c., to be kept by Chief of Engineers 1809
improper occupation of, by whom prevented 1818
of public lands, minimum price to be fixed for when brought into market 2364
for light-houses, custom-houses, mints, &c., excepted from operation of laws relating to town sites 2393
not subject to pre-emption 2258
ulawfully cutting or destroying timber on, how punished 5388
of live-oak and red-cedar lands for naval purposes, how made and protected (see *Timber*) 2458–2463, 4751
on contracts with Navy Department may be relinquished 3730

RESERVED FUND,
of national banks, amount, &c., of 5191
what it may consist of 5192, 5193
when half of, may be kept in New York. 5195
issuing gold-notes 5186

RESIGNATION,
of judges in certain cases entitles them to salary for life 714
in Army, leaving before acceptance, penalty ..... p. 234, art. 49, 1342
in Navy, except dismissal by court-martial, disqualifies from again becoming officer 1441
or in Marine Corps, leaving post before acceptance of, penalty .. p. 278, art. 10, 1624

RESOLUTIONS (of Congress),
resolving clause of 8, 9

Section.

RESOLUTIONS (of Congress)—Cont'd.
sections to be numbered and contain but single propositions 10
repeal of, not to revive former, repealed thereby, nor to release penalties and liabilities incurred 12, 13
becoming laws by approval of President, or by passage without his approval, to be deposited with Secretary of State. 204
number of copies to be printed 3791–3793
copies of joint resolutions becoming laws to be furnished Congressional Printer .. 3803
to be printed 3805–3808
RESPONDEAT OUSTER,
judgment of, when demurrer to indictment or information overruled 1026
RESTAMPING,
of distilled spirits when stamps have been lost or destroyed 3315
RESTRAINING,
suits to prevent collection, &c., of revenue tax not allowed 3224
orders, when, may be granted by circuit or district court, or by judge thereof. 718
when, by justice of Supreme Court elsewhere than in his circuit 719
RETAIL DEALERS,
of cigars, special tax on .....p. 624, cl. 8, 3244
sale of, by 3392
of leaf tobacco, special tax of ..p. 624, cl. 7, 3244
penalty for doing business as, without paying special tax 3242
of liquors .....p. 623, cl. 4, 3244
not to purchase in quantities of more than twenty gallons, except from a rectifier, wholesale dealer, or distiller 3319
of malt liquors .....p. 623, cl. 5, 3244
RETAINERS OF CAMP,
subject to rules and discipline .p. 236, art. 63, 1342
RETIRED OFFICERS,
Army retiring board, how composed 1246
oath of members of 1247
powers and duties of 1248
to report causes of incapacity ...1249, 1251, 1252
approval of finding and proceedings of ... 1250
constitute part of Army 1094
retirement on own application 1243
from age or length of service 1244
from incapacity to perform duty 1245
from disability incident to service 1251
not incident to service 1252
entitled to full hearing, except, &c 1253
of professors of Military Academy 1333
to retain actual rank at retirement 1254
to be withdrawn from command and promotion 1255
entitled to wear the uniform 1256
to have names on Register 1256
vacancies by retirement, how filled 1257
number of, allowed 1258
assigned to duty at Soldiers' Home 1259
may be detailed for colleges 1260
pay of 1274
when wholly retired 1275
Navy retiring board, how constituted 1448
powers and duties of 1449
oath of members of 1450
findings of 1451
revision of record by President 1452
retirement on own application 1443
from age or length of service 1444
in certain grades for disability only 1445
after receiving vote of thanks 1446
when not recommended for promotion. 1447
from incidents of service 1453
from other causes, &c., wholly retired. 1454
entitled to hearing, except, &c 1455

Section.

RETIRED OFFICERS—Continued.
Navy—Continued.
officers not to be retired for misconduct, but to be tried by court-martial 1456
continued on register, entitled to wear uniform, and subject to laws and regulations 1457
vacancies by retirement, how filled 1458
withdrawn from command, &c 1459
number of rear-admirals by promotion ... 1460
entitled to promotion 1461
employment of, in time of war 1462
assignment of, to squadrons 1463
selection of, as flag-officers 1464
restoration of, to active list 1465
relative rank of 1481, 1482
pay of 1588
of certain rear-admirals 1589
of third assistant engineers 1590
not increased by promotion 1591
on active duty 1592
retired on furlough pay 1593
transfer from furlough to retired pay .. 1594
rations not allowed to 1595
in Marine Corps, retired in same manner as in Army 1622
retiring board 1623
RETURN,
of uncalled-for letters at post-offices 3939
RETURNS,
failure of officers to make any, required by law or regulations 1780
Army, of regiments, troops, batteries, &c., to be made to War Department .p. 230, art. 7, 1342
penalty of making false .....p. 231, art. 8, 1342
census, how made 2192, 2194
proceedings in case of lost returns 2195
disposition of 2196
customs, after delivery of merchandise, how made 2888
how signed, transmitted, compared, indorsed, and subscribed 2889
internal revenue, to be made by all persons liable to tax 3173
persons neglecting to make, or making false and fraudulent 3173
of collector or deputy may enter premises and make returns, when 3176
to be stated in or reduced to legal-tender currency 3178
penalty for delivering or disclosing to collector any false or fraudulent 3179
of special taxes 3233
daily, by gauger 3291, 3314
daily and monthly, by storekeeper 3301
by distillers 3307–3309
of stamps for spirits by collector of internal revenue 3314
by rectifiers 3317
by brewers 3337
by tobacco or snuff manufacturer 3358
by cigar manufacturer 3390
by banks, &c 3414
militia, of condition of arms, &c 1635
annual, by adjutant-general in each State 1636
by brigade-inspector to adjutant-general of State 1640
RETURNS OFFICE,
to be provided in Interior Department 512
what contracts to be filed in 3744–3747
clerk in 512
returns how filed and numbered 513
index of, how to be kept 514
certified copies of, how furnished 515
copy of contract in, how evidence 888

Section.

REVENUE AND REVENUE LAWS,
jurisdiction of circuit court of suits arising under 629
removal from State to United States courts of suits and prosecutions against officers for acts done officially 643
final judgments of circuit courts in actions for enforcement of, may be reviewed in Supreme Court without regard to sum in dispute 699
and against officers for acts of official duty or for recovery of money paid them 699
district attorneys to appear for defendants in suits against officers 771
to prosecute for fines 838
officers concerned in collection of revenue not to trade in public property of the United States or of any State 1789
regulations for enforcement of, prescribed by Secretary of Treasury 251
when two or more things belonging to same person are seized for violation of, the whole joined in one suit 920
property taken or detained under, irrepleviable 934
priority in courts of United States of cases where revenue laws of State are enjoined 949
limitation of time for finding indictment or instituting information of crimes arising under 1046
laws extended over Alaska 1954
for protection of seizing officers extended to officers seizing under postal laws .. 3991
rescuing or attempting, &c., property taken or detained by officer or person under authority of 5446

REVENUE MARINE,
service maintained for protection of the revenue 2747
provisions concerning 2747–2765
officers, &c., of 2749
grades of engineers in, rank and pay 2750
commissioned officers in, how appointed. 2751
qualifications of 2752
compensation of 2753
rations of 2755
contracts for 2756
wages of petty officers and seamen 2754
relative rank of, serving with Navy 1492
deemed officers of customs; power, &c ... 2760
additional duties of, by whom directed .. 2762
at Norfolk, duties of, to vessels bound up James River 2835
when to board vessels and make searches and arrests 3059, 3067
penalty for obstructing, &c 3068
when to have pension 4741
cutters, when to co-operate with Navy, &c 2757
service of, for protection of revenue, by whom directed 2758
on the lakes to aid vessels in distress 2759
masters of, to make weekly returns to collector, &c 2761
how distinguished, ensign and pendant of 2764
when masters of, may fire at vessels not bringing to; indemnity for damages 2765
President may employ vessels in addition to 5318
unfit for service to be sold 2748
disposal of proceeds 2748, 3618, 3692
admission of persons belonging to, to Government Hospital for Insane 4843

Section.

REVENUE OFFICERS, (See *Customs, Internal Revenue, and the several officers' titles.*)
transcript of books, &c., of Treasury evidence in suit against, for delinquency &c 886
when execution not to issue against, in suits for acts done, &c 989
may be removed from port when contagious or epidemic disease prevails 4797
rescuing property taken or detained by 5446
falsely assuming to be, and in such character demanding money, &c 5448

REVENUE-STAMPS. (See *Stamps.*)

REVERSAL OF JUDGMENT,
by circuit court of judgments, decrees, &c., of district court on review 636
prayer for, to be returned with writ of error. 997
none for error in ruling on plea in abatement other than to jurisdiction or for error in fact 1011

REVIEW. (See *Appeal, Writs of Error.*)

REVISED STATUTES,
provisions of 1866 for revising the laws. (*Appendix*, p. 1089.)
for publication of first edition. (*Appendix*, p. 1090.)
this second addition, provisions for publishing, &c. (*Appendix*, pp. 1092, 1093.)
how far evidence. (*App.*, pp. 1092, 1093.)
definition of words in (see *Definitions*) 1–6
what are embraced in 5595
what acts incorporated in, are repealed 5596
repeal not to affect acts done, rights accrued, &c 5597
nor punishment of offenses 5598
nor acts of limitation 5599
arrangement, &c., of sections no inference of legislative construction, &c 5600
not to affect acts passed since December 1, 1873 5601
table of sections of acts incorporated therein with references to sections where so incorporated. (*Appendix*, pp. 1101–1162.)

REVOLT,
endeavor of crew of vessel to make 5359
certain acts which constitute 5360

REVOLUTIONARY WAR,
warrants for bounty-lands for services in, how located 2416, 2417
patents for bounty-lands to heirs of officers and soldiers of 2443
pension to widows of persons serving in ... 4712
claims for, not to be allowed after April 2, 1862, unless 4742
evidence in case of 4743

RHODE ISLAND,
judicial districts in 531
term of district court 572
of circuit court 658
collection districts, ports of entry and delivery in 2531
officers 2532, 2606
privilege of coasting-vessels trading between, and Long Island 4357

RICHMOND, VA.,
Vessels loaded in Petersburg, Va., collection district may be cleared at, in certain cases 2554
arriving within collection districts of, what to do 2836

RIGHT OF WAY,
over public lands for construction of ditches and canals for mining, agricultural, and manufacturing purposes confirmed 2339

Section.

RIGHT OF WAY—Continued.
for construction of highways 2477
RIOTING,
by soldiers, punishment for..p. 234, art. 54, 1342
RIPARIAN RIGHTS,
on streams not navigable 2476
RIVERS AND HARBORS,
reports respecting improvements of, to be laid before Congress 231
in public lands all navigable rivers are highways 2476, 5251
provisions concerning 5244–5255
certain rivers in Alabama free of tolls 5244
tolls on canals in Tennessee 5245
Des Moines River free of tolls to United States 5246
passage of vessels to and from harbor of Michigan City, Ind., free of toll 5247
Iowa River north of Wapello public highway, but dams and bridges may be constructed over 5248
Wisconsin and Fox Rivers, provisions concerning 5249
Maquoketa River, bridges over, may be authorized by State of Iowa 5250
navigable rivers in Territories of Louisiana and Orleans are highways 5251
water-gauges in Mississippi River and tributaries 5252
employment of civil engineers on Western and Northwestern rivers 5253
piers and cribs on Mississippi River 5254
Louisville and Portland Canal, direction of, assumed by United States 5255
punishment for various offenses committed on, and on other waters within exclusive jurisdiction of United States. 5339–5391

ROBBERY,
by persons in Army, in time of war, punishment for ..... p. 235, art. 58, 1342
on high seas, &c., accessory before fact 5323
accessory to, after fact 5324
deemed piracy 5370
landing from piratical vessel and committing robbery on shore, deemed piracy 5371
committing, on high seas, or in harbor, &c., out of jurisdiction of State, deemed piracy, &c 5372
committing, upon citizen, &c., under color of commission from foreign State, deemed piracy 5373
of personal property belonging to United States 5456
of mail from carrier, &c 5472
attempting to commit, by assaulting, &c 5473
accessories after the fact, how punished 5533
to robbery of carrier or person intrusted with mail 5534
ROCHESTER, MASS.,
vessels belonging to Sippican and Mattapoisett Harbors need not be described as belonging to district of 2528
ROUTE-AGENTS (Post-Office),
employment, &c., of 4024
may deliver newspapers, &c 3889
shall receive way-letters for mailing, &c 3980
penalty for illegally carrying mail-matter 3981
ROYALTY,
none to be paid by United States to its officers for use of patent for Springfield breech-loading system 1673

Section.

S.

SACCHAROMETERS,
to be adopted, and prescribed for use by Commissioner of Internal-Revenue .. 3249
SADDLERS,
for troops of cavalry 1103
sergeants of, for cavalry regiments 1102
SAG HARBOR,
collection district 2535, 2536
cargoes for Greenport, N. Y., to be entered and duties paid at 2537
SAILING RULES,
for steam and sailing vessels, navigation ... 4233
lights ..... p. 816, 4233
fog-signals ..... p. 817, 4233
steering and sailing ..... p. 817, 4233
SAIL-MAKERS (in Navy),
number and appointment of 1405
to be known as warrant-officers 1406
assimilated rank to 1491
pay of ..... p. 267, 1556
SAILORS, (See *Merchant-Seamen.*)
recruiting in United States to serve against same, how punished 5337
serving when so enlisted, how punished ... 5338
in Navy, promotion of, for heroism, &c... 1407
rating of, as mates 1408
not to discharge from enlistment 1409
appointment of, as warrant-officer, not to discharge from enlistment 1409
number authorized to be enlisted 1417
additional pay to, doing duty as firemen. 1570
letters may be transmitted to, without prepayment 3902
how, may acquire homesteads on public lands 2304
collection and payment of bounty, prize-money, &c., due colored 2032
when to have pension 4693, 4694
rate of total disability, pension to 4695
when not to be deemed deserters 4749
disabled by age, &c., to have half-pay from Navy pension-fund 4756
certain, may have aid from surplus income of Navy pension-fund 4757
hospital relief for 4807–4813
enticing to desert, &c., harboring, &c., after desertion, knowing, &c 5455
date of loss of vessel, how fixed in settlement of accounts of 286, 287
compensation for personal effects of, in case of loss of vessel 288
to whom paid, in case of death 289
permanent appropriation for....p. 727, 3689
SAINT CROIX RIVER,
certain products of Maine upon, sawed in New Brunswick, admitted free of duty 2509
SAINT JOHN'S RIVER (Florida),
President may select port of entry on 2562
SAINT JOHN RIVER (Maine,)
certain products of Maine upon, sawed in New Brunswick, admitted free of duty 2508
SALARIES, (See *titles of different officers.*)
repeal of act of 1873 increasing salaries. (*Appendix*, p. 1093.)
schedules of, before and after repeal. (*Appendix*, pp. 1093–1097.)
of Vice-President, Secretaries, Assistant Secretaries, and members of Congress. (*Appendix*, pp. 1093, 1094.)
of officers of Senate. (*Appendix*, pp. 1094, 1095.)
of House of Representatives. (*Appendix*, pp. 1095, 1096.)

Section.

SALARIES—Continued.
of employés Library of Congress. (*Appendix*, p. 1097.)
of judges of Supreme Court, permanent appropriation for payment of .676, p. 729, 3689
of judges upon resignation 714
no money to be paid as, to persons holding unauthorized office, unless, &c..... 1760
to persons appointed during recess of Senate, to fill vacancy existing while Senate in session, if, &c 1761
to persons holding office contrary to provisions of tenure-of-office law 1762
two salaries not to be paid for two offices when, &c 1763
none to be paid to officers performing duties of other officers..... 1764
nor for extra services unless expressly authorized by law 1765
nor to persons in arrears to United States..... 1766
nor to collectors of internal revenue, unless confirmed by Senate, except in certain cases..... 3145
nor to collectors of internal revenue without certificate of Commissioner 3147
nor to certain customs and internal-revenue officers until they take special oath 1790
apportionment of, for part of year's service. 2687
estimates for, to be founded on express provisions of law..... 3662
of steamboat inspectors, permanent appropriation for .....p. 724, 3689
certain, not to be increased by Territorial legislature..... 1855

SALERATUS,
may be manufactured where spirits are distilled 3266

SALES,
of gold by Secretary of Treasury 3699
of public armed vessels by order of the President 1540
of vessels and materials by Secretary of Navy 1541
report of, to Congress 1541
of old material, condemned stores, supplies, &c., revenue-cutters, &c., disposal of proceeds, &c.....3618, 3672, 3692
of damaged military stores 1241
of marine-hospital buildings, &c 4806
on execution in favor of United States, government may purchase..... 3470
of land and property on distress-warrants issued by Solicitor of Treasury against public officers failing to pay over money 3628–3632
of real estate no longer used for light-houses may be made by Secretary of Treasury 4675
prohibited, of title or claim to military bounty-land warrant before issue ... 2436
of homesteads of Stockbridge Munsee Indians 2311
of wages of seamen before they accrue.... 4536
of pay of officers and privates before discharge 1291
of wages of persons enlisted in Navy unless attested, &c 1576
of contracts with Indians, unless approved by Secretary of Interior, &c..... 2106
of pre-emption rights to public land before issue of patent..... 2263
of bounty-land warrant before issue..... 2436
of prize-money, when attested, &c....1430, 4643
of contracts with United States 3737
of mail-contracts..... 3963

Section.

SALES—Continued.
prohibited—Continued.
of claims against United States before warrant issued..... 3477
of pensions..... 4745
of public lands (see *Lands*).....2353–2379
town-sites in 2380–2394
of prize property which cannot be taken into port for adjudication..... 4615
duties of marshal..... 4623
by order of court 4627, 4628
transferred to another district 4629
under bankrupt law, effect of fraudulent, by bankrupt 5021, 5110, 5128–5132
by assignee of unincumbered property... 5062
disputed property, how sold..... 5063
uncollectible assets may be sold..... 5064
perishable property, how sold 5065
incumbered property, sale of 5066–5075
under customs laws, of vessels, goods, &c., condemned, how made; distribution 939, 940
of abandoned merchandise in bonded warehouse 2971, 2972
of merchandise in public store after one year 2973, 2974
of perishable articles and explosive substances in bonded warehouse 2975
of unclaimed merchandise in public warehouse liable to depreciation 2976
of imports prior to entry, &c., not to affect ownership..... 3058
collectors of customs when to order, of property seized; proceeds of, &c..3077–3079
of perishable articles seized..... 3080
under internal-revenue laws, distrained for taxes 3186–3195
of real estate for taxes.....3196–3205
of merchandise not transferred from unsafe or unfit warehouse as required 3272
of distilled spirits by order of court or under process of distraint to be subject to tax..... 3334
of tobacco, snuff, and cigars under distraint or by order of court or of any government officer..... 3369
of forfeited boilers, still, machinery, materials, &c., at public auction 3450
of whisky, tobacco, &c., under distraint, to be branded, stamped, and marked. 3458
of property forfeited, found in possession in fraud of revenue laws..... 3459
of goods seized as subject to forfeiture... 3460
of goods, &c., to avoid tax due on same renders debt therefor void and payments made may be recovered as forfeited to United States and complainant 3454

SALOON STORES,
for vessels on northern, &c., frontiers, when to be entered for duty, &c 3113

SALT,
duties on .....p. 481, 2504
may be remitted when used for curing fish 3022
imported, may be landed on Mississippi River opposite New Orleans..... 2897
and coal, time for unlading extended to vessels laden with 2881

SALTPETER,
drawback of duties on, when made into gunpowder and exported..... 3026

SALVAGE,
seamen cannot abandon claim for..... 4535
distribution of, to vessels of Navy.....4642, 4652
in cases of recapture..... 4652

Section.

SALVAGE—Continued.
of vessels, &c., by privateers, part of, to go to privateer pension-fund 4759
permanent appropriation to pay captors of prizes, &c ..... p. 728, 3689
SAMPLES,
of imported sugar, how taken 2915
of wool and hair, to determine class of imported article 2916
what to be third-class mail-matter 3878
SAVINGS,
deposits of, by enlisted men in Army 1305
interest on 1306
regulations for 1307
when payable 1308
SAVINGS BANKS,
internal-revenue tax on 3408
returns from 3414
not to use "national" in title, except 5243
SCHOOLS,
for enlisted men at posts and garrisons 1231
public lands reserved for, in Territories 1946, 1947
appropriation of, where sections 16 and 36 have been pre-empted or are fractional, &c 2275
selection of, to supply deficiencies 2276
SCHEDULES,
of diplomatic and consular officers—
B 1, consuls-general ..... p. 296, *after* 1690
2, consuls ..... p. 297, *after* 1690
3, commercial agents ..... p. 300, *after* 1690
C 1, consuls ..... p. 301, *after* 1690
2, commercial agents ..... p. 302, *after* 1690
of merchandise to be deposited with surveyors at certain ports of delivery 2825
for census certificates 2206
of forms, fees, provisions, reduction of wages, &c., relating to shipping commissioners and merchant-seamen (A, B, C, D, and E) .... pp. 894–896, *after* 4612
in bankruptcy matters (see *Bankruptcy*). 4998, 5014–5020, 5030, 5031, 5110
of articles subject to certain internal-revenue taxes (A) ..... p. 678, *after* 3437
drawback on articles contained in 3441–3443
subject to duties in addition to tax 3435
penalties for violation of laws respecting stamps on, &c 3430–3436
of duties on imports, on—
Cotton and cotton goods (A) .... p. 460, 2504
Earths and earthen ware (B) ... p. 461, 2504
Hemp, jute, and flax goods (C) . p. 462, 2504
Liquors (D) ..... p. 463, 2504
Metals (E) ..... p. 464, 2504
Provisions (F) ..... p. 467, 2504
Sugars (G) ..... p. 468, 2504
Silk and silk goods (H) ..... p. 469, 2504
Spices (I) ..... p. 469, 2504
Tobacco (J) ..... p. 469, 2504
Wood (K) ..... p. 470, 2504
Wool and woolen goods (L) .... p. 470, 2504
Class 1. Clothing-wool; 2. Combing-wools; 3. Carpet-wools, &c.
Sundries (M) arranged in alphabetical order ..... p. 482, 2504
Free-list in alphabetical order ..... pp. 482–489, 2505
SCIRE FACIAS,
Supreme, circuit, and district courts may issue writs of 716
SEA-COAST (of United States),
divided into three great districts 4348
SEA-LETTERS,
maritime, issued only to registered, enrolled, or licensed vessels 4190
penalty for using, &c., any forged, &c 4191

Section.

SEA-LETTERS—Continued.
vessel for foreign port sailing under, to be furnished with passport 4308
deposit of, with consul at foreign port 4309
penalty on master neglecting to deposit .. 4310
falsely making, altering, or uttering as true any false, &c 5423
postal, rates of postage on 3913
receipt and delivery of 3976
pay for carrying 3978
SEA-SERVICE,
in Navy, what deemed 1571
officers who have been chiefs of bureaus exempt from 1436
SEA-STORES,
exempt from duty, how specified 2795
how duty on excess of, estimated 2796
when forfeited for violation of law 2797
of vessels on northern, &c., frontiers, how reported, &c 3111
when free of duty, excess of; what collectors to do, &c 3112
for saloon purposes to pay duty 3113, 3114
SEAL,
required on instruments, how affixed 6
of United States, what declared to be 1793
Secretary of State to have custody of .. 203, 1794
how affixed to civil commissions 1794
of Treasury Department to be affixed to commissions of revenue officers 238
of Post-Office Department, custody of 395
of Department of Justice 353
of Comptroller of Currency 330
of Solicitor of Treasury 372
of General Land Office, custody of 454, 2224
of Patent Office, use of 478
of courts of United States 911
of Court of Claims 1050
counterfeiting 5419
of diplomatic and consular officers to be furnished, &c 1748
for stills required and furnished by Commissioner of Internal Revenue ... 3270, 3310
of distilleries, punishment for breaking or injuring 3268
SEAL-FISHERY,
regulation of (see *Alaska*) 1956–1976
SEAMEN, (See *Merchant Seamen; Sailors.*)
Shipping commissioners 4501–4508
fees of 4592–4595
schedule of ..... p. 896, *after* 4612
Shipment 4509–4523
Wages and effects 4524–4548
Discharge 4549–4553
Protection and relief 4554–4591
Offenses and punishments 4596–4612
SEARCHES,
by officers of customs on board vessels, &c. 3059
when and where made, seizure, &c 3061
refusing to allow, penalty 3062
regulations for, of persons and baggage; persons liable to 3064
may enter certain buildings, &c 3065
warrant for dwelling-house, how and by whom obtained, forfeitures 3066
to board vessels, demand manifest, and make 3067
to make character known; aiding in; refusal to assist; penalty 3071
of certain stores, warehouses, &c., on boundary of foreign country, when and by whom made 3107
for letters illegally carried, may be authorized 3989, 4026
warrant may be issued to internal-revenue officers in cases of fraud on the revenue, &c 3462

Section.

SEARCHES—Continued.
for spirituous liquors and wines intended to be introduced in Indian country in violation of law 2140
SEAT OF GOVERNMENT (of United States),
permanently established 1795
public offices to be exercised at 1796
in case of prevalence of epidemic or contagious disease at, public offices may be removed from 4798
Supreme Court may be adjourned 4799
Chief of Engineers to have charge of public buildings and grounds 1797
estimates and appropriations by 1798
employés of 1799
to have charge of Washington aqueduct . 1800
to obey President 1801
duties and other provisions respecting aqueduct 1802–1806, 1810–1812
compensation of 1807
apartments of, &c 1808
records of public lands, &c., to be kept by 1809
to make report 1812
limitation on contracts of board of public works 1813
States invited to furnish statuary for old Hall of House of Representatives, provisions concerning 1814
electrical apparatus for lighting Capitol to be in charge of chief engineer of House and Architect of Capitol Extension 1817
Secretary of Interior to prevent improper occupation, &c., of public streets, avenues, squares, and reservations belonging to United States at 1818
laws and regulations of District of Columbia for preservation of public peace may be extended to Capitol Square .. 1819
Capitol, paintings not to be exhibited in ... 1815
works of art for, may be accepted 1831
repairs of 1816
regulations by Sergeants-at-Arms to secure peace and prevent defacement .. 1820
police of 1821–1825
supervision by, extended over Botanical Garden 1826
Botanical Garden at, superintendent, &c., under direction of Joint Committee on Library 1827
report of warden of penitentiary 1828
furniture for President's house 1829
planting ailantus trees prohibited 1830
annual statement of public property at Capitol, Botanical Garden, and President's house, by officers in charge, &c 1832–1834
extra pay not allowed to officers, laborers, &c., employed at 1835
Treasury of United States to be at 3591
SECRETARIES,
heads of Executive Departments (see *Departments and Secretary of State, Secretary of Treasury, Secretary of War, Secretary of Navy, Postmaster-General, Attorney-General, Secretary of Interior*) 158–167
of legation, deemed diplomatic officers ... 1674
salaries of, to Austria, Berlin, Brazil, Italy, Japan, London, Mexico, Paris, St. Petersburg, Spain 1675
to China, salary when acting as interpreter 1680
to Turkey, consul-general to be, salary .. 1677
how appointed, to be entitled to pay 1684

Section.

SECRETARIES—Continued.
of legation—Continued.
salary of, when acting as chargé d'affaires 1685
term for which payable 1740
may take depositions, &c 1750
of Territories, appointment of, &c 1843, 1877
oath of office of 1878
when to act as governor 1843
general duties of 1844
salaries of, &c 1845, 1855, 1882, 1941
to record certificates of official oaths 1878
to expend appropriations for legislative expenses 1939
to account for expenditures to Secretary of Treasury 1939
in Washington, Idaho, and Montana, disbursement of moneys by 1940
secretary in New Mexico to be superintendent of buildings and grounds ... 1920
to administer oath of office to members and officers of legislature 1921
to Admiral and Vice-Admiral 1367
pay of 1556
to Commanders of Squadrons 1556
to Indian commissioners 2040
of Naval Academy 1556
to President, salary of 155
to President of Senate, salary 52
of Senate. (See *Senate.*)
to Speaker of House, salary of 53
SECRETARY OF INTERIOR, (See *titles of subjects and officers.*)
to be head of department 437
offices in his department—
Department, general provisions 437–440
Secretary, general duties, &c 441–445
General Land Office 446–461
Commissioner of Indian Affairs 462–469
Commissioner of Pensions 470–474
Patent Office 475–496
Superintendent of public documents 497–511
Returns Office 512–515
Office of Education 516–519
charged with supervision of following subjects (*which see*) 441
Census 2175–2206
Public Lands 2207–2490
Indians 2039–2157
Pensions 4692–4791
Bounty lands 2414–2446
Patents and inventions 4883–4936
Trade-marks 4937–4947
Custody and distribution of publications .....
Education 516–519
Government Hospital for Insane .. 4838–4858
Columbia Asylum for Deaf and Dumb 4859–4969
general provisions common to all executive departments (see *Departments*) 158–198
salary of 160
reduced ..... *note after* 160
to prescribe duties of Assistant Secretary .. 439
general duties of 441
duties of, relating to Territories 442
powers of, as to census 443
to sign requisitions for expenditures of department 444
annual reports of 445
to prescribe regulations for presenting claims for Indian depredations 466
for preventing sales of arms in Territory occupied by uncivilized Indians 467
to appoint clerks in Patent Office 476
charged with custody and distribution of public documents 497

Section.

SECRETARY OF INTERIOR—Cont'd.
to furnish copies of statutes and Supreme Court reports to Department of Justice for distribution 498
to cause register of publications received to be kept 499
to appoint superintendent of documents ... 507
to assign rooms for documents, &c 509
to file list of employés to be printed in Biennial Register 198
direct compilation of Biennial Register 510
to provide rooms for returns office, &c 512
to furnish Congressional Printer by November 1, annually, with documents accompanying report 196
to keep inventory of public property 197
repairs and improvements of Capitol to be paid through 1816
to prevent improper occupation of public streets, avenues, squares, and reservations belonging to government 1818
with others, to prescribe rules for deciding suspended land-claims 2450–2457
with Attorney-General, to approve decisions of Commissioner on suspended land-claims 2451, 2457
to have control of Yellowstone Park in Montana and Wyoming 2474, 2475
to direct enforcement of laws relating to public lands 2478
duties of, in relation to swamp-lands granted to States 2480–2490
to approve plans and estimates for new public buildings 3734
to cause acts, resolutions, constitutional amendments, treaties, and postal conventions, to be published after each session of Congress 3808
to require his public contracts to be in writing and copy filed in returns office 3744
duties relating to contracts (see *Public Contracts*) 3709–3747
to authorize admission of certain deaf and dumb persons to Columbia institution 4864
reports by officers of said institution to be made to 4868
may cause indigent blind persons of District of Columbia to be instructed in State institutions 4869
revision of Indian treaties to be deposited in (*Appendix*, p. 1091, § 10.)

SECRETARY OF NAVY (See *the several subjects.*)
to be head of department 415
provisions relating to department 415–436
common to all executive departments (see *Departments*) 158–198
charged with supervision of the following subjects:
Organization of Navy 1362–1427
General provisions relating to officers 1547–1555, 1428–1442
Retired officers 1443–1465
Rank, precedence, promotion, and advancement 1466–1510
Naval Academy 1511–1528
Vessels and navy-yards 1529–1546
Pay, emoluments, and allowances .1556–1595
Marine Corps 1596–1623
Articles for government of 1624
Asylums and hospitals .....p. 268, 1556, 4756, 4808–4813
general duties of 417
to have custody of books, records, &c., of department 418

Section.

SECRETARY OF NAVY—Continued.
to distribute business of the department among bureaus 419
duties of bureaus performed under authority of 420
to make collection of captured flags 428, 1554, 1555
annual reports of, to contain what 429
to furnish Congressional Printer by November 1, annually, with documents accompanying annual report 196
warrants drawn by, to be countersigned by whom 273
to keep inventory of public property 197
to cause to be filed biennial list of employés 198
may appoint, for temporary service, acting assistant surgeons 1411
may appoint storekeepers on foreign stations 1413, 1438
may discontinue employment of measurer, inspector of timber, and certain clerks 1416
may place on furlough any officer of active-list 1442
may promote commodores in certain cases to be rear-admirals in addition to limited number 1460
may detail line officer to act as aid or executive of commander of vessel on naval station 1469
duties of, respecting Marine Corps 1596–1623
nomination and examination of candidates for Naval Academy 1514, 1515
to name vessels under direction of President 1531
may change names of vessels purchased for Navy 1533
to designate one member of examining board to report on necessity, expediency, and probable cost of repair of vessel 1538, 1539
may sell vessels and materials in certain cases, and to report thereon to Congress 1541
may alter regulations, &c., of Navy with approval of President 1547
to furnish commissioned and warrant officers with copy of regulations 1548
may place insane persons of Navy in hospitals and pay therefor 1551
may establish depots for coal 1552
to cause flags, &c., taken from enemy to be transmitted and delivered to President for preservation 1554, 1555
when to direct revenue-cutters 2757
to cause certain timber-lands to be explored for reservation for naval purposes ... 2458
provisions respecting such reservations .. 2459–2463
shall submit estimates of demands on naval pension fund 3667
to be trustee of Navy pension fund 4750
appropriations for Navy to be under his control 3676
appropriation for preparation, &c., of hydrographic surveys not available without approval of, after report of board of officers 3686
to require public contracts to be in writing and copy filed in returns office 3744
provisions relating to making contracts for supplies for department (see *Public Contracts, Naval Supplies*) 3718–3747
to direct distribution of ransom money, salvage, bounty, &c., accruing to vessels of Navy 4642

Section.

SECRETARY OF NAVY—Continued.
may mitigate, &c., penalties for destroying, &c., live-oak 4751
shall invest Navy pension fund, &c 4753
may grant aid to sailors, &c., from Navy pension fund 4757
shall be trustee of privateer pension fund .. 4758
to be member of Smithsonian Institution .. 5579

SECRETARY OF STATE,
to be at head of department 199
to have charge of foreign affairs 202
Diplomatic officers 1674–1688
Consular officers 1689–1739
Provisions common to diplomatic and consular officers 1740–1752
Foreign relations 4062–4130
Extradition 5270–5280
salary 160
reduced ..... *note after* 160
general duties relating to department 199–213
common to all executive departments (see *Departments*) 158–198
to cause notification of vacancies in offices of President and Vice-President to be served on governors, &c 147
resignation of President and Vice-President to be delivered to 151
to furnish Congressional Printer by November 1, annually, with documents accompanying reports 196
to keep inventory of public property 197
to cause to be filed biennial list of employés 198
custody of seals and property of Department of State 203
to receive and preserve laws when passed, with or without approval of President 204
to promulgate amendments to Constitution 205
to procure copies of statutes of the States .. 206
annual reports of 207, 208, 209
to furnish Congressional Printer with copies of laws, treaties, &c 210
to furnish commercial information in newspapers 211
certificate by, of expenditures in intercourse with foreign nations, effect of 291
to make out, seal, and record civil commissions for 1794
documents to be furnished to, for legations and consulates abroad 504
to approve bonds of consular officers ... 1697, 1698
to report to President qualification of candidates for consular clerkships 1705
to furnish Congressional Printer with copies of acts and joint resolutions become laws, and of treaties and postal conventions 3803
copies of postal conventions to be transmitted to, by Postmaster-General, who shall revise printing 3804
collectors of customs to send lists of seamen to whom certificates are granted 4591
may empower consuls in foreign countries to pay postage on letters detained ... 4014
may issue and cause to be issued by diplomatic officers passports (see *Passports*) 4075–4078
to lay before Congress regulations by diplomatic officers for judicial proceedings in certain foreign countries 4119
to discharge judicial duties in certain countries, when no ministers are there ... 4128
copies of lists of passengers arriving in United States to be returned to, quarterly 4267

Section.

SECRETARY OF STATE—Continued.
to prescribe form of passports for vessels going to foreign countries 4306
to instruct consular officers to provide for destitute seamen in their districts 4577
duties of, in relation to surrender under treaties of persons charged as fugitives from justice (see *Fugitives from Justice*) 5270–5280
to receive and transmit to marshal names of persons in service of foreign ministers 4065

SECRETARY OF TREASURY,
to be head of department 233
Department of, general provisions 233–244
Secretary 245–267
Comptroller 268–275
Auditor ..... 276–300 B
Treasurer 301–311
Register 312–315
Commissioner of Customs 316–318
Commissioner of Internal Revenue .. 319–323
Comptroller of Currency 324–333
Bureau of Statistics 334–342
Bureau of Mint 343–345
has supervision of the following subjects:
Duties on imports 2491–2516
Collection of duties on imports ... 2517–3129
collection districts, ports, and officers 2517–2612
qualification, pay, and duties of officers 2613–2746
revenue cutters and boats 2747–2765
entry of merchandise 2766–2866
unlading 2867–2898
appraisal 2899–2953
bond and warehouse system 2954–3008
payment 3009–3014
drawback 3015–3057
enforcement of duty, laws, and punishment for violation 3058–3094
provisions applying to commerce with contiguous countries 3095–3129
internal revenue 3140–3465
officers of 3140–3171
assessment and collection 3172–3231
special taxes 3232–3246
distilled spirits 3247–3334
fermented liquor 3335–3354
tobacco and snuff 3355–3386
cigars 3387–3406
banks and bankers 3407–3417
stamp-taxes on specific objects 3418–3437
legacies and successions 3438–3440
provisions common to several objects of taxation 3441–3465
Coinage, Weights, and Measures .. 3495–3570
the currency 3571–3583
legal tender 3584–3590
public moneys 3591–3659
appropriations 3660–3692
public debt 3693–3708
regulation of commerce and navigation 4131–4305
registry and recording 4131–4196
clearance and entry 4197–4218
tonnage duties 4219–4227
discriminating duties 4228–4232
navigation 4233–4251
transportation of passengers and merchandise 4252–4289
log-books 4290–4292
regulations for suppression of piracy 4293–4299
summary trials for certain offenses against navigation laws 4300–4305

Section.

SECRETARY OF TREASURY—Cont'd.
regulation of vessels in foreign commerce 4306–4310
regulation of vessels in domestic commerce 4311–4390
regulation of fisheries 4391–4398
regulation of steam-vessels 4399–4500
lights and buoys 4653–4680
coast survey 4681–4690
public health 4792–4800
hospitals for relief of seamen 4801–4806
national banks 5133–5243
organization and powers 5133–5156
obtaining and issuing circulating notes .. 5157–5189
regulations of banking business 5190–5219
dissolution and receivership 5220–5243
rivers and harbors, tolls on canals around Muscle and Colbert's Shoals, in Tennessee River 5245
tolls at improvements on Wisconsin and Fox Rivers 5249
Louisville and Portland Canal 5255
railways (Pacific), certain matters relating to 5256–5262
remission of fines, penalties, and forfeitures 5292–5294
insurrection, provisions respecting trade with insurgents and collection of revenues in case of 5302–5322
salary of 160
reduced ..... *note after* 160
general provisions relating to his department 233–244
common to all executive departments (see *Departments*) 158–198
to furnish by November 1, annually, to Congressional Printer documents to accompany reports 196
to keep inventory of public property 197
to cause to be filed biennial list of employés for Register 198
not to engage in certain business 243
to prescribe duties of assistants 245
delegation of assistant to sign warrants 246
general duties of 248
to superintend collection of duties 249
to cause accounts to be settled within fiscal years 250
to issue regulations and forms to collectors, receivers, &c., and for execution of customs and internal-revenue laws .. 251
for appraisal of imports 252
may discontinue ports of delivery 253
to receive deposits of gold coin and bullion and issue certificates therefor 254
designation by, of disbursing agents for expenditures for public buildings 255
may employ assistance to aid in collecting moneys withheld from United States. 256
annual reports by 257–264
to furnish Congressional Printer with condensed statement of exports and imports 265
publication by, of quarterly statement of receipts and expenditures 266
to publish each month the latest weekly statement of condition of Treasury 267
may instruct district attorneys not to appear in certain suits against collectors, &c 771
reference of accounts by, to Court of Claims, &c 1063–1065
to communicate to accounting officers notices of appointments by the President without advice, &c., of Senate .. 1774

Section.

SECRETARY OF TREASURY—Cont'd.
may suspend operation of prohibition of importation of neat-cattle and hides in certain cases 2493–2494
to make regulations respecting re-importation free of duty of barrels, grain-bags, &c., of domestic manufacture pp. 482, 483, 2505
as to importation of animals imported free of duty for exhibition and breeding. p. 402, 2505
as to importation free of duty of teams of immigrants ..... p. 482, 2505
as to importation free of duty of paintings and statuary for exhibition 2512
provisions concerning ..... p. 489, 2505
of materials for construction and repair of vessels 2513, 2514
may appoint inspector of customs for Chelsea, Mass 2529
to fix number and compensation of persons employed in appraiser's office at Boston 2530
may appoint examiners to aid assistant appraisers at port of New York 2538
and other employés in appraiser's office . 2539
to fix number and employés in appraiser's office in Philadelphia 2545
to appoint additional inspectors of customs in collection districts of Texas 2580
may appoint certain additional customs officers at collection districts named . 2605–2607
to give instructions to collectors to prevent importation of spurious and adulterated drugs, medicines, and chemicals 2612
to approve appointment of deputy collectors of customs 2630
may clothe deputy collectors with power of collectors 2633
may fix number and compensation of clerks of collectors, naval officers, and surveyors 2634
to prescribe form of quarterly accounts of customs officers 2647
may appoint twenty special agents at $8 a day and traveling expenses, to examine books and accounts of customs officers and to detect and prevent fraud (see *note after* § 2649) 2649–2651
decision of, in construction of revenue laws to be conclusive on officers of customs who are required to execute and carry them into effect 2652
may abolish or suspend naval officer and other subordinate customs officers except in places named 2653
duties respecting revenue cutters and boats 2747–2765
may allow collectors of customs or principal customs officers payment of incidental expenses in certain cases 2692
to fix compensation of examiners, clerks, verifiers, samplers, openers, packers, and managers at port of New York .. 2745
powers of remission in case of forfeiture, &c., in certain cases 2858
may appoint examiners to aid assistant appraisers at New York 2940
may lease warehouses for unclaimed goods. 2954–2957
duties under laws relating to warehouses (see *Warehouses*) 2954–3008
may appoint special agents as inspectors of customs to reside in foreign country through which imported goods are transported in bond 2999

Section.

SECRETARY OF TREASURY—Cont'd.
to prescribe form of bond to be given for transportation of imported goods and time for delivery 3000
may remit additional duty secured by transportation bonds in certain cases 3001
to prescribe regulations respecting packing, inspection, and proof of delivery of imports exported to Mexico under bond 3002–3005
and in relation to other transportation in bond 3006–3007
may refund duties illegally collected or paid in excess 3012½, 3013
to make regulations as to drawback of duties on goods when exported 3019–3021, 3053–3057
may remit duties on salt used in curing fish under regulations 3022
duties as to cancellation of bonds given for export of goods for drawback of duties 3047
may prescribe regulations for search of baggage and persons coming into United States 3064
may remit forfeiture and return proceeds of sale of goods or vessel seized for violation of revenue laws 3078
to make regulations for sealing cars, vessels, trunks, &c., on arrival of vessel at first port to be inspected elsewhere 3103
to make regulations respecting unlading of goods on vessels in coasting-trade between places on Lake Michigan 3120
to prescribe form of manifests, clearances, and oaths for vessels in coasting-trade on northern, &c., frontier 3124
with approbation of President, may permit, under regulations, vessels laden with products of Canada and other provinces to lade or unlade at ports by him designated 3129
may direct which deputy collector of internal revenue shall perform duties in case of disability, &c., of collector of internal revenue 3149
to appoint certain internal-revenue officers 3151–3156
to approve sales by Commissioner of real estate acquired under internal-revenue laws 3208
may designate depositories for internal-revenue collections 3211
may designate national banks as depositaries of public money 5153
without written permission of, prosecution for forfeiture of distilleries for fraud not to be discontinued 3230
may in certain cases remit penalty for nonpayment of tax on circulation of evidences of indebtedness (*act of March 3, 1875*) ..... *after* 3412
to make regulations respecting removal of certain articles in Schedule A (p. 678), manufactured in bonded warehouses, for transportation to Pacific coast for exportation 3434
may prescribe regulations for purchase of goods without payment of internal-revenue tax 3464
power of, in case of poor debtor 3471
when may compromise claims of United States 3469
to make regulations as to receipt by public officers of gold coins reduced in weight by abrasion below standard 3505

Section.

SECRETARY OF TREASURY—Cont'd.
to prescribe rules for redemption of copper, bronze, and copper-nickel coins 3529
to proclaim annually value of foreign coins 3564
authority of, to reduce currency suspended 3582
to direct payment by collectors and receivers of public money to Treasurer or assistant treasurer as often as once a week 3615
may authorize disbursing officers in places where there is no Treasurer or assistant treasurer to deposit or keep public money elsewhere 3620
may transfer public moneys from depositaries to Treasury or other depositaries 3640
to make regulations to enforce speedy presentation of government drafts 3645
to guard against same being used as currency 3645
may appoint special agents to examine depositaries of public money 3649
may appoint special disbursing agents 3658
to submit to Congress annually book of estimates 3669
to annex statement of indefinite appropriations 3670
and statement of sale of old material 3672
form and charging of warrants by, for drawing money from Treasury 3675
to report unexpended balances 3691
may anticipate payment of interest on public debt 3699
may purchase coin 3700
to approve plans and estimates for new buildings 3734
may increase compensation of inspectors of customs 3737
to require public contracts to be in writing and filed in returns office 3744
general duties in relation to contracts (see *Public Contracts*) 3709–3747
may make contracts for collection, preservation, or sale of property wrecked, abandoned, or become derelict 3755
to furnish Congressional Printer annually, by November 1, with statement of imports and exports 3812
duties of, as to registry of vessels, may issue register to wrecked vessels purchased by citizens 4136
may make regulations for nationalization of vessels owned in Alaska 4140
may establish life-saving stations on coasts of Long Island and New Jersey 4242, 4246
may appoint keepers, crews, &c 4243, 4244, 4246
may also establish such stations at lighthouses 4244, 4246
may appoint keepers for life-saving stations on Cape Cod and Block Island 4247
to provide life-saving stations on coast of Maine, New Hampshire, Massachusetts, Virginia, and North Carolina 4249
to prepare and transmit to collectors blanks for registry of vessels 4157; 4158
may direct granting new register in case of sale under legal process 4164
may establish system of numbering vessels registered, enrolled, and licensed 4177
may authorize surveyor of any port to license vessels in coasting-trade or fisheries 4344–4346
manner of inspecting iron and steel for boilers prescribed by inspectors, subject to approval of 4430
to prescribe rules for payment of fees for licenses to officers of steam-vessels 4458

Section.

SECRETARY OF TREASURY—Cont'd.
to approve bonds of inspectors of steamers. 4459
to procure instruments and other necessary articles for inspectors of steamers.... 4460
to direct payment of salaries, expenses, &c., of inspectors of steamers..... 4461
to make regulations for inspection of steamers..... 4462
provisions prescribed by inspectors to guard against fire on steamboats, to be approved by.....4472, 4473
may grant permission for utilization of petroleum or other mineral oils for power on steamboats..... 4474
to approve life-saving apparatus and equipments to be used by steamers..... 4491
to furnish masters, &c., of steam-vessels copy of certain laws..... 4494
to prescribe regulations for collection of hospital dues from vessels..... 4587
president of Light-House Board..... 4654
may convene board whenever exigency of service requires..... 4656
to have superintendence of Light-House Board..... 4658
may cause preliminary surveys to determine sites for light-houses, beacons, &c..... 4663
may assign to collectors of customs superintendence of light-houses..... 4672
to regulate salaries of light-house keepers.. 4673
may discontinue and re-establish lights on recommendation of Light-House Board..... 4674
may sell real estate no longer used for light-houses..... 4675
to direct disposition of maps and charts of coast survey..... 4691
may direct public officers to aid in execution of State quarantine and health laws..... 4792
may give directions as to discharge and entry of vessels subject to quarantine laws.....4793–4796
removal of customs-revenue officers by, to other places in case of prevalence of epidemic or contagious disease..... 4797
cost to be reported to Congress..... 1776
to appoint supervising surgeon of marine-hospitals..... 4802
to direct employment of fund for disabled seamen..... 4803
may sell or lease marine hospital buildings..... 4806
may permit organization of banks less than $100,000 in certain places..... 5138
may designate national banks as depositories of public money..... 5153
may receive from banks coupon and issue registered bonds for deposit to secure circulation..... 5161
to direct the preparation of plates and dies, and printing national-bank notes.... 5172
to approve regulations for destruction of plates, dies, &c., of banks in liquidation..... 5174
to direct the equalization of circulation among States.....5178–5181
to appoint one of four persons to destroy mutilated and worn notes..... 5184
may receive United States notes on deposit from and issue certificates therefor.. 5193, 5194
to concur in appointment of special agents to examine banks in case of failing to redeem notes..... 5227
to approve appointment of bank examiners. 5240

Section.

SECRETARY OF TREASURY—Cont'd.
to prescribe manner of giving notice to holders of circulating notes to present them for payment at Treasury.. 5229
may make regulations as to disposition of notes redeemed at Treasury..... 5232
books, records, &c., of Union Pacific Railway to be open to inspection of..... 5256
to withhold payments from railroads, to amount of interest on bonds, &c.... 5260
may remit fines, penalties, and forfeitures, under customs, registering, &c., laws, 5292–5294
duties of, in relation to licenses by President for commercial intercourse with insurgents in case of insurrection.5304–5308
to prevent transportation of goods in aid of rebellion..... 5312
to appoint officers to execute revenue laws when President changes ports of entry in case of insurrection..... 5314
may refuse clearance to vessels or vehicles with merchandise destined for insurgents against United States..... 5320
to be member of Smithsonian Institution.. 5579

SECRETARY OF WAR,
to be at head of department..... 214
his department embraces following subjects: (See *Army and the several subjects.*)
Organization of Army.....1094–1242
Retirement.....1243–1260
Pay and allowance.....1261–1308
Military Academy.....1309–1341
Articles of War.....1342, 1343
Military prison.....1344–1361
Militia.....1625–1661
Arms, armories, and arsenals....1662–1673
Freedmen.....2032–2037
Soldiers' Home.....4814–4824
National cemeteries.....4870–4882
Rivers and harbors.....5244–5255
salary of..... 160
reduced.....*note after* 160
general provisions relating to department.214–232
relating to all executive departments (see *Departments*).....158–198
general duties of..... 216
custody of departmental property..... 217
to collect captured flags..... 218
to direct purchase and transportation of subsistence and supplies..... 219
to control transportation of troops, &c..... 220
to provide for meteorological observations and storm-signals..... 221
to provide for signal-stations and reports..... 222
may establish telegraph lines connecting signal-stations..... 223
to furnish duplicates of lost certificates of discharge..... 224
to detail officers to administer oaths in settlements of officers' accounts..... 225
to prescribe terms of sale of surplus charts of Northwestern lakes..... 226
to report to Congress appropriations of preceding year and unexpended balances 228
contracts and contingent expenses..... 229
bids for works..... 230
on river and harbor surveys..... 231
abstract of returns of State adjutants-general..... 232
warrants drawn by, how countersigned..273, 3673
so to arrange studies at West Point Military Academy as not to require cadets to pursue their studies Sunday..... 1324
report by part of board of visitors to Military Academy to be made to..... 1328

Section.

SECRETARY OF WAR—Continued.
to organize board of commissioners of military prison 1345
to visit said prison with commissioners semi-annually 1346
to detail officers and men to conduct military prison 1347
other duties respecting military prison (see *Military Prisons*) 1348–1353
duties of, in relation to arms, armories, and arsenals 1662–1673
to give directions to adjutant-generals of militia to secure uniformity of returns as to militia 1636
appropriation for public buildings, &c., in District of Columbia to be expended under direction of 1798
inviting proposals for works, materials, &c., to have separate proposals and contracts for each 3717
to require public contracts to be made in writing and filed in returns office ... 3744
duties respecting contracts (see *Public Contracts*) 3709–3747
to furnish transportation to persons entitled to artificial limbs 4791
to be member of board of managers of Home for Disabled Volunteer Soldiers 4825
duties in relation to national cemeteries (see *Cemeteries*) 4870–4877
to have water-gauges established and observations made of rise and fall of Lower Mississippi River at places named 5252
to approve employment of civil engineers for surveying, &c., Western and Northwestern rivers..... 5253
piers or cribs may be erected by owners of saw-mills on Mississippi River under his direction..... 5254
to be member of Smithsonian Institution .. 5579

SECRETING,
dutiable articles in baggage of passengers, forfeiture and penalty 2802
letters, penalty for, by persons in postal service 3891
by any person taking from post-office, before delivery 3892
seamen deserters, penalty for, recovery.... 4601

SECRET SERVICE (foreign relations),
accounts for expenses of intercourse with foreign nations, how settled 291

SEDITION,
in Army, punishment for....p. 232, art. 22, 1342
failing to suppress, &c.....p. 232, art. 23, 1342
in Navy, penalty for uttering seditious words.....p. 277, art. 8, par. 8, 1624

SEDUCTION,
of female passenger, during voyage, by person employed on vessel.....5349–5351

SEEDS,
purchase and distribution of.....520, 527
to be third-class mail-matter..... 3878

SEIZURES,
of letters illegally carried.....3989–3991
postal matter seized, how disposed of..... 3895
of goods or chattels of foreign ministers, &c., process for, void.....4063–4065
pensions not liable to 4747
nor arms, &c., of militiamen..... 1628
jurisdiction of United States courts exclusive, when .....cl. 4, 711
of district courts.....p. 95, cl. 8, 563
in what district 564, 734
circuit courts have none in cases on land, &c., arising under imposts or tonnage laws 629

Section.

SEIZURES—Continued.
proceedings in court, when burden of proof on claimant, in cases under impost or tonnage laws.....cl. 4, 909
appointment of commissioners to swear appraisers of vessels, &c., in certain cases of..... 570
where made of several things belonging to same person, whole to be joined in one suit 920
court to cause notice of libel, &c., to be given 923
bailing and delivery to claimant of vessel, goods, &c., seized, &c 938
sale, after condemnation, of vessel, &c... 939
delivery or sale may be ordered by judge, in vacation 940
certificate of probable cause in cases of .. 970
costs not allowed claimant when made with probable cause..... 970
no action nor costs against officer or prosecutor when made with probable cause 970
when double costs allowed defendant, in action against officer, &c 971
under customs and navigation laws, by customs officers, when and where made 3066
of goods entered for export with allowance of drawback and relanded, by what officers may be made 3049
to make known character when making, &c..... 3071
when and where to make, of vessels, &c. 3072
may give special matter in evidence under the general issue when sued for..... 3073
appraisement..... 3074
notice of 3075, 4379
persons claiming property held under, when to file claim, &c..... 3076
sale of property under, proceedings, &c.. 3077
remission of forfeiture under..... 3078
distribution of proceeds of sale..... 3079
of perishable articles, &c., how sold..... 3080
release on payment of appraised value... 3081
of goods imported contrary to law, &c., forfeiture, fine, &c 3082
when Solicitor of the Treasury to be notified of 3083
custody of imports under..... 3086
commencement of suits for, &c..... 3087
distribution of proceeds of..... 3090
of vessel, subject to penalty for violation of laws..... 3088
when value of property is less than two hundred and fifty dollars, portion of proceeds of sale to be applied to payment of costs 3089
of books and papers in revenue cases, warrant for, when and how issued .. 3091
return of warrant, how made, &c 3092
of goods brought into United States otherwise than as prescribed by law.... 3095
of vessels, &c., for violation of law in Alaska 1957
engaged in transportation of coolies.2159–2163
assaulting, resisting, &c., officer, &c., in making 5447
rescuing, &c., property seized..... 5447
staving, throwing overboard, &c., property, in order to prevent..... 5447
discharging deadly weapon at officer, &c., authorized to make 5447
in case property is claimed after seizure, burden of proof is on claimant..... 909
under internal-revenue laws, Commissioner may authorize..... 3166
of real estate, sale of 3196–3205

Section.

SEIZURES—Continued.
fees and charges in cases of 3206
of merchandise not transferred, as required, from unsafe or unfit warehouse 3272
of cask or package from which marks, brands, and stamps not obliterated.. 3324
of distillery, &c., when release from, may be given before judgment..... 3331
of distilled spirits, burden of proof in certain cases..... 3333
of fermented liquors for non-payment of tax 3352
in case of tobacco-peddler refusing to exhibit certificate or stamp..... 3383
of taxable articles held with intent to defraud the revenue, &c..... 3453
proceedings on seizure of goods for violation of laws..... 3460
for revision of penalties 3461
SELMA, ALA.,
merchandise for, where entered..... 2820
SENATE,
constitutional provisions respecting (see *Analytical Index* .....pp. 52, 53).
election of members..... 14–19
vacancies, how filled..... 16, 17
certificate of election..... 18, 19
organization..... 28–34
compensation of..... 35–51
of President of, when no Vice-President.. 36
officers and employés of, salaries..... 52
not to act as agents or attorneys to assist in support of claims against United States, nor receive gratuity from nor share of 5498
expenditures of, when made up and reported 63
furniture and carpets for, how purchased 1816
contingent fund of 76, 3680
Sergeant-at-Arms of, salary (see *Sergeant-at-Arms*) 52
Doorkeeper, duties of 73
Secretary of, salary..... 52
to deduct from pay of Senators for absence 40
to be disbursing officer 56
bond of 57, 59
to make report to Senate at commencement of each session 60, 61
to require reports of subordinate disbursing officers 62
to prepare and publish after each session statement of appropriations, offices created, and salaries increased 64
to advertise proposals for stationery annually, &c..... 65–68
in purchases, to give preference to domestic productions 69
to report receipts and expenditures..... 70
fees of, for copies 71
account of property to be rendered by, annually 72
to transmit petitions, &c., for private claims to Court of Claims..... 1060
to furnish documents to library of West Point Military Academy..... 1332
to notify Secretary of Treasury, Auditors, Comptrollers, and other officers of nominations, rejections, &c., at end of each session..... 1775
printing, binding, &c., for Senate, done upon requisition of..... 3789
to furnish documents to certain National Homes for Disabled Volunteer Soldiers 4837

Section.

SENATE—Continued.
two members of, to be designated as visitors to West Point Military Academy. 1327
duties and compensation of visitors...1328, 1329
Joint Committee on Library to have three members of (see *Library*) 82
to have direction of superintendent and employés of Botanical Garden 1827
members of, on Joint Committee on Public Printing..... 3756
three members of, to be regents of Smithsonian Institution to be selected by President of Senate 5580, 5581
SENTENCES, (See *Convicts, Crimes, Punishments.*)
by courts-martial in Army, provisions concerning....pp. 239, 240, arts. 96–112, 1342
in Navy, by what votes to be determined. p. 284, art. 50, 1624
when not to be carried into execution until approved..pp. 282, 284, arts. 32, 53, 1624
limit on, of persons summarily tried for offenses against navigation laws..... 4304
SENTINELS,
in Army, sleeping on post or leaving; punishment for .....p. 233, art. 39, 1342
SERGEANT-AT-ARMS,
of Senate and House, to render annual account of property, &c 72
to make rules for protection of persons and property at Capitol; powers of arrest 1820
to appoint Capitol police and may suspend same.....1821–1823
to regulate, uniform, and arm police 1824
of Senate, salary..... 52
prohibited from receiving fees 52
of House, when to make roll of Representatives-elect 32
salary..... 53
prohibited from receiving fees 53
to deduct from pay of members absent..... 40
SERGEANT-MAJORS,
for regiment of artillery 1099
of cavalry 1102
of infantry 1106
SERGEANTS,
for battery of artillery..... 1100
troop of cavalry..... 1103
company of infantry 1107
post commissary 1142
post ordnance, number and duties....1094–1109
selection of..... 1110
SERVANTS,
enlisted men in Army not to be used as.... 1232
of foreign ministers to be exempt from legal process, when 4063
what wages of, to have priority in order for dividend in bankruptcy..... 5101
SET-OFF,
in Court of Claims on part of United States, &c..... 1059
judgment for, how enforced 1061
no salary to be paid to debtors of United States until they account for and pay over to Treasury 1766
provision not to apply to pensions..... 4734
in bankruptcy, allowance of..... 5073
SETTING FIRE,
to vessel by any person not owner, with intent to destroy..... 5367
SETTLERS, (See *Pre-emption Lands.*)
on Indian lands, military force may be employed to remove 2118
injured by construction of ditches or canals, remedies of..... 2339

Section.

SETTLERS—Continued.
may have survey of township on deposit of money to pay cost thereof, &c ... 2401–2403
SHAREHOLDERS (national banks),
organization-certificate to state names of original ... 5134
rights and liabilities of succession ... 5139
failure to pay installments on capital ... 5141
may reduce capital ... 5143
directors to be elected by, &c ... 5145, 5146
may fix day for election of directors ... 5149
individual liability of ... 5151
assessed to make good capital, &c ... 5205
list of, to be open to inspection and copy sent to Comptroller ... 5210
two-thirds of, may vote bank into liquidation ... 5220
discharge from liability for notes ... 5224
surplus, after paying debts, to be paid to ... 5236
SHEATH-KNIVES,
shall not be worn on ship-board in merchant service ... 4608
SHEEP,
transportation of (see *Animals*) ... 4386–4390
SHEEPSCUT RIVER, ME.,
vessels owned in Edgcomb and Newcastle, and entered at Wiscasset, and taken on board an officer, may unlade in the ports of those towns adjoining ... 2520
SHERIFF,
marshals to have powers of, &c ... 788
SHIP-LETTERS,
rates of postage on ... 3913
receipt and delivery of ... 3976
pay for carrying ... 3978
accounts to show expenditures for ... 4049
SHIPMENT OF SEAMEN, (See *Merchant Seamen.*)
penalty for neglect of duty by consular officers relative to ... 1736
general provisions concerning ... 4509–4523
fee to be paid for, &c ... 4592–4595
shipping commissioners ... 4501–4508
fees of ... 4592–4595
schedule of ... p. 894, *after* 4612
shipment ... 4509–4523
wages and effects ... 4524–4548
discharge ... 4549–4553
protection and relief ... 4554–4591
officers and punishment ... 4596–4612
SHIPPING-ARTICLES,
in Navy, to contain substance of provisions of law as to disposition of enlisted men upon expiration of enlistment ... 1422–1425
of merchant seamen, terms of ... 4511
form ... Schedule A, p. 894, *after* 4612
rule for making, signing, &c ... 4512, 4513
carrying seamen without making ... 4514
penalty for shipping seamen without ... 4515
of seamen engaged in foreign ports ... 4517
copy of, shall be posted in vessel ... 4519
for vessels in coasting-trade ... 4520, 4521
penalty on seamen for breach of ... 4522
shall contain allotment stipulation ... 4531
advances of wages not to be made unless stipulated in ... 4532
consul shall indorse receipt, &c., for effects of deceased seamen on ... 4539
master may be required to produce in suit for wages ... 4547
allowance for reduction of provisions required by ... 4568
certified copy of, to be carried on vessels ... 4575
breach of, by desertion, punishment for ... 4598
discharge of seamen deserters by consul, &c., to be entered on ... 4600

Section.

SHIPPING-ARTICLES—Continued.
of merchant-seamen—Continued.
form of ... Schedule B, p. 896, *after* 4612
SHIPPING COMMISSIONERS,
how appointed, removed, supervision of, &c. 4501
bond and oath of ... 4502
when customs officers to act as ... 4503
penalty for illegally acting as ... 4504
clerks and deputies of ... 4505
seal of, papers, how admitted in evidence ... 4506
officers of ... 4507
duties ... 4508
to procure, &c., apprentices to sea-service ... 4509
to examine, &c., indentures of apprentices ... 4510
to witness, &c., shipping-articles ... 4512
to reship seamen in same vessel, &c., without fees ... 4513
rules for shipping seamen before, to govern shipments in foreign ports ... 4517
advance wages, &c., to seamen to be given in presence of ... 4532
proceeds of effects, &c., of deceased seamen to be delivered to ... 4539
wages, &c., of deceased seamen to be paid to ... 4542
shall pay wages, &c., into circuit court ... 4543
seamen to be discharged before ... 4549
account of wages on discharge of seamen ... 4550
when master of vessel may perform duties of, in respect to discharges ... 4551
rules for payment of wages and discharge ... 4552
certificate of character required in discharges ... 4553
to act as arbiters between masters, &c., and crew ... 4554
may require books and summon witnesses ... 4555
to inspect provisions, &c., of vessels ... 4565, 4566
to furnish copy of shipping-articles to owners (*repealed and duty imposed on collector*) ... 4575
fees of ... 4592–4595
table of ... C, D, p. 896, *after* 4612
limit as to compensation of ... 4594
may apprehend deserters without warrant ... 4599
balance of proceeds of deserters' clothing, &c., to be paid to, &c ... 4604
to notify seamen of provision against wearing sheath-knives ... 4608
SHIPPING-FEES,
of commissioners ... 4592–4595
table of ... p. 896, *after* 4612
penalty for exacting illegal, by anybody ... 4609
SHIP'S COMPANY,
list of, to be furnished to collector ... 4573
to be certified by collector ... 4574
rules respecting duplicate list of ... 4575
SHIP'S PAPERS,
production of, to collector on entry, return of on clearance ... 2790
SHIPWRECK,
holding out false lights, or extinguishing true, with intent to produce ... 5358
SHOOTING,
in forts, dock-yards, &c., or on waters within exclusive jurisdiction of the United States, when death caused by, punished by death ... 5339
willfully, without malice, manslaughter ... 5341
SIAM,
judicial authority of diplomatic and consular officers in (see *Consular Officers*) ... 4083–4121
SICK,
disabled and destitute seamen's fund ... 4545
certain fines to be added to ... 4587
unclaimed deserters' wages, &c., to go to ... 4604
penalties, &c., to go to ... 4610

Section.

SICK—Continued.
diet in Army hospitals, allowance of..... 1175
furlough to enlisted men 4700
internal-revenue tax-payer allowed additional time in making returns..... 3176
SICKNESS,
in case of prevalence of contagious disease Congress may be convened elsewhere..... 34
public offices may be removed 4797–4800
expense of removal to be reported to Congress 1776
SIGNALS,
stations for, to be provided by Secretary of War 222
telegraph lines for 223
detail of officers, &c., in Army, for duty... 1196
enlisted men to be mounted 1197
Chief Signal Officer, appointment of..... 1094
rank and duties..... 1195
to sell surplus maps, &c., in office..... 227
to be used by pleasure-yachts, how prescribed..... 4215
SIGNS,
by distillers, rectifiers, and wholesale liquor-dealers..... 3279
by manufacturer of tobacco and snuff 3356
peddlers of tobacco to affix and keep..... 3382
to be put up by cigar-manufacturers..... 3388
SILK AND SILK GOODS,
customs duties on, schedule of .....p. 469, 2504
raw silk and silk-worm eggs free....p. 488, 2505
SILVER, (See *Coin.*)
shipper of, to notify carrier, &c..... 4281
other than standard coin not to be received for public dues 3474
except foreign silver coin for public land- and Spanish pillar and Mexican dollars at rates specified..... 3567
bars, how may be cast by mint 3518
bullion, deposited for bars or trade-dollars. 3520
weighing and ascertaining value 3521, 3525
assaying.....3522, 3523
coinage, charge on..... 3524
how purchased for coinage 3526
coinage to be reported by mint superintendents 3503
profit fund, how created, used, &c..... 3526
certain recoinage to be charged to..... 3568
not to be used for wages..... 3552
coins, denomination, weight, and fineness of.....3513, 3514
how paid out..... 3527
deviations in adjusting 3536
trial-pieces of..... 3539
to what extent a legal-tender 3586
ingots, deviations allowed in 3533
SIMILITUDE (customs),
duties on non-enumerated, in similitude of enumerated articles..... 2499
SINGLE VALUE (customs),
of entered merchandise, not invoiced at actual cost with design, &c., may be recovered of person making entry..... 2839
SINKING-FUND (public debt),
established, and coin from duties set apart for..... 3694
permanent appropriation of one per cent. of entire debt for.....p. 725, 3686
interest of, to be used to purchase debt.3694, 3699
permanent appropriation for..... 3688
bonds of, to be canceled..... 3695
SLAVERY,
not to exist in United States (Constitution, thirteenth amendment, p. 30).
colored soldiers who were enrolled as slaves to have pension and bounty 4723

Section.

SLAVERY—Continued.
officers of Navy returning fugitives from labor to be dismissed the service....
p. 280, art. 18, 1624
SLAVE-TRADE,
jurisdiction of circuit courts of suits under laws relating to.....cl. 7, 629
limitation of time for finding indictments..... 1046
confining on vessel, by crew, any negro, &c., with intent, &c., constitutes piracy 5375
landing on foreign shore, seizing, or receiving on board negro, &c., with intent, &c., constitutes piracy..... 5376
bringing into United States, or holding negro so brought in as a slave..... 5377
equipping vessel for purpose of transporting persons, &c., to be held or sold as slaves..... 5378
receiving or transporting from foreign country, &c., persons to be held or sold as slaves..... 5379
captain, &c., of vessel, found in river, &c., or hovering, &c., having person of color on board, for purpose of enslaving 5380
voluntarily serving on vessel employed in transportation, &c., of slaves.....5381, 5382
master, &c., of vessel receiving person to be carried to foreign country to be held or sold as slave 5524
kidnapping or enticing person on board, with intent, &c., to sell as slave..... 5525
building, &c., vessels intended for.....5551, 5552
forfeiture of vessels transporting slaves.... 5553
taking on board persons with intent to sell, &c., pecuniary penalty 5554
forfeiture of vessel, &c., found in rivers or hovering on coast, having on board persons to be made slaves 5555
residents, &c., of United States having interest in vessels intended for, forfeiture, pecuniary penalty..... 5556
employment of armed vessels to suppress..... 5557
proceeds of condemned vessel, &c., how distributed..... 5558
negro, &c., found on vessel intended for, by whom to be taken care of, &c..... 5559
commanders of armed vessels to cause to be apprehended persons found on board vessels in, &c..... 5560
regulations for safe-keeping, removal, &c., of negroes, &c., taken from vessels in, and resident agent in Africa to receive same 5561
bounty to officers, &c., of commissioned vessels for negroes, &c., taken from slave-ships, &c..... 5562
to what port vessels captured in, to be brought..... 5563
masters of foreign vessels clearing for coast of Africa, &c., or suspected of being intended for, when and to whom to give bond 5564
distribution of forfeitures accruing under laws relating to, how made..... 5565
contract for reception in Africa, &c., of negroes, &c., taken from vessels in.... 5566
instructions to commanders of armed vessels for delivery of negroes, &c., to agent in Africa, &c..... 5567
contracts with foreign governments having possessions in West Indies, for reception, care, &c., of negroes, taken from vessels in..... 5568

Section.

SLAVE-TRADE—Continued.
instructions to commanders of armed vessels to deliver to agents of certain foreign governments negroes taken from slavers, &c 5569
SLEEPING,
on post in Army .....p. 233, art. 39, 1342
on watch in Navy .....p. 276, art. 4, 1624
SMITHSONIAN INSTITUTION,
incorporation of 5579
board of regents of 5580
appointment, term of office, vacancies... 5581
organization, executive committee, &c... 5582
duty of secretary of 5583
compensation of secretary and assistants. 5584
special meetings of members, &c 5585
reception, arrangement, &c., of objects of art, natural history, geological specimens, &c., for 5586
library of, limit of expenditure for 5587
deposited with Library of Congress subject to same regulations 99, 100
site of, evidence of appropriation of 5588
protection of property of, laws extended to. 5589
interest of fund of, &c.; expenditures to be made from 5590
permanent appropriation for .....p. 728, 3689
additional sums received to be deposited by board of regents 5591
power of regents to dispose of accrued interest not hereby appropriated 5592
making disbursements for, reports 5593
Congress may amend or repeal provisions relating to 5594
SMUGGLING,
punishment for 2865
of seamen for 4596
for concealing dutiable articles in baggage of passengers 2802
SNUFF,
stamped portion of packages of, when empty, to be destroyed 3376
on hand before April 10, 1869, provisions concerning 3365, 3378–3380
imported, duty on .....p. 470, 2504
to pay additional internal-revenue tax by stamp 3377
exportation of 3385
drawback on 3386
inspectors of, and of tobacco and cigars, appointment, bond, fees 3151, 3152
may be transferred or suspended by supervisor of internal revenue 3163
may enter building where articles liable to tax are made, &c 3177
rules for inspection of cigars may be made by Commissioner 3396
manufacturers to pay special tax..p. 624, par. 9, 3244
may sell their own products at place of manufacture without special tax.... p. 624, par. 8, 3244
to make oath, give bond, &c., before commencing business 3355
requirements of 3356–3358
how to put up packages 3362–3364
penalties for purchasing, when not stamped, or tax on not paid 3366, 3367
for internal-revenue officer becoming interested in manufacture of..... 3168
peddlers of, to pay special tax.....p. 625, par. 11, 3244
to give notice, bond, &c., before engaging in business 3381
traveling with wagon to affix sign, &c... 3382
to obtain and exhibit certificate..... 3383
penalty on, for peddling unlawfully..... 3384

Section.

SNUFF—Continued.
tax on, stamps for payment of 3368, 3369
how affixed on manufactures by one person for another or on shares 3370
estimated tax when sold without stamps. 3371
removing or selling without 3372
absence of, to be notice that tax is not paid 3373
removing packages without being stamped, &c 3374
affixing false 3375
SOLDIERS,
alien, may be admitted to citizenship..... 2166
entitled to bounty-land, when (see *Bounty-Land*) 2414–2446
collection and payment of bounty, prize-money, &c., due colored..... 2032
retained bounty-fund of certain colored, custody and use of 2035, 2036
who to be deemed wife and children of colored 2037
enlisted but not mustered, when pension to dependent relatives of, to begin..... 4710
when not to be deemed deserters, no remission of forfeiture of pension..... 4749
enlisted or engaged, to serve against United States, punishment of 5338
enticing, to desert, harboring with knowledge, &c 5455
clothing of, sent by mail at what postage 3911
letters may be transmitted by mail without prepayment 3902
homesteads on public lands, how acquired.. 2304
outfits of, not to be sold, &c 3748
when honorably discharged to be allowed transportation 1289, 1290
pay of (see *Pay of Army*) 1280–1304
deposit of, with paymaster on interest .1305–1308
effects of deceased, how disposed of..pp. 241, 242, art. 125, 127, 1342
recruiting in United States to serve against same, how punished 5337
serving when so recruited, punishment.. 5338
Soldiers' Home (see *that title below*)...4814–4824
permanent appropriation for.....p. 727, 3689
National Home for Disabled Volunteers (see *that title*) 4825–4837
permanent appropriation for.....p. 727, 3689
SOLDIERS' HOME,
who may become members of..... 4814
board of commissioners for 4815
officers of, to be taken from Army 4816
sites and buildings for, how selected 4817
funds for support of, how derived..... 4818
deduction from pay of officers, privates, &c., for support of 4819
donations of money or property may be received for use of 4819
pensioners not to be excluded from, but to surrender pensions during stay in. 4820
what persons are entitled to benefits of.... 4821
what persons are excluded from 4822
soldier admitted for disability to be discharged upon recovery, when..... 4823
Articles of War to apply to inmates 4824
what they are 1342
retired officers assigned to duty at, without extra pay 1259
permanent appropriation for .....p. 727, 3689
SOLICITOR-GENERAL,
appointment and salary of..... 347
to perform duties of Attorney-General in case of vacancy, absence, &c..... 347
duties of 359
may be sent to attend courts of any State.. 367
when traveling expenses of, allowed..... 370

Section.

SOLICITOR OF INTERNAL REVENUE,
appointment and salary of 349
opinion, &c., of, in compromise cases under internal-revenue laws 3229
SOLICITOR OF TREASURY,
appointment and salary of 349
to have charge of certain records and papers and of seal 372
to make entry of bonds for duties delivered by collectors to district attorneys ... 373
to examine reports of collectors, &c., upon bonds delivered for suit 374
to inform President of false reports of bonds delivered for suit 375
to take measures to detect frauds on revenue 376
to establish regulations for collectors of customs, district attorneys, and marshals 377
to report moneys collected and credits allowed 378
to instruct district attorneys, marshals, and clerks, when 379
to supervise suits respecting national banks, when 380
statements to, by district attorneys, of suits, &c 772, 773
by marshals of proceedings on executions 791
by clerks, &c., of judgments and decrees. 797
copies of books, documents, &c., in office of, made evidence 883
to bring suits against officers in arrears to United States 1766
to be informed of seizures under customs laws 3083
to approve sureties on internal-revenue collectors' bonds 3143
to issue warrant of distress against delinquent collector of internal revenue.. 3217
duty of, in compromise of claims of United States 3469
to appoint agent to purchase lands sold under executions in favor of United States 3470
to issue distress warrant against delinquent collector, &c 3625
contents of warrant 3626
against delinquent disbursing officers.... 3633
may sell certain lands, &c., acquired by United States in payment, &c., of debts 3749
to have charge of lands, &c., acquired by United States in payment or in trust, &c 3750
may release lands conveyed to United States, &c., on payment of debt 3751
SOUTH CAROLINA,
judicial districts in 546
district judge in 552
terms of district courts in 572
of circuit court in 658
district attorney of eastern district of, to perform duty in western 767
marshal of eastern district of, to perform duty in western 776
grand and petit jurors, from what persons drawn, to attend district court sitting in western district 817
collection districts and ports of entry in... 2557
officers in (see *Collection Districts, Ports of Entry*) 2558
SOUTHERN CLAIMS COMMISSION,
permanent appropriation for ..... p. 724, 3689
SOVEREIGN,
value of English, fixed 3565

Section.

SPANISH,
vessels exempt from discriminating duties, when, &c 4231
cargoes of, seeking ports in distress, when and how reladen, &c 2895
land-grants, rights of pre-emptors on lands, reserved as, and afterward found invalid 2280
language, professor of, at Naval Academy. 1528
pillar-dollar, &c., value of 3567
recoinage of 3568
SPARKLING WINE,
tax on imitations of 3328
SPEAKER (of House),
by whom sworn in 30
to administer oath of office to Representatives, &c 30
salary of 37
to certify accounts for pay of members 47
to approve employment of reporters 54
in Congressional investigations to administer oaths to witnesses 101
to notify district attorney of refusal of witness to testify 104
to act as President, when 146
to appoint directors of Columbia Institution for Deaf and Dumb 4863
to appoint three members of joint committee on public printing 3756
to select three members to be regents of Smithsonian Institution 5581
SPECIAL AGENTS,
of Treasury Department,
to collect money due United States 256
to disburse public money 3614
on public works 3658
to examine depositories 3649
national banks 5227
expenses of, how paid 5238
for prevention and detection of frauds on customs revenue 2649
classification and payment of 2650
regulations for, limitations on number and compensation of 2651
for management of seal-fisheries in Alaska 1973–1976
to be appointed as inspectors of customs to reside in foreign country through which merchandise is transported in bond 2999
of Post-Office Department,
special, local, and route 4017, 4020
appointment and salary; bond 4017, 4018
Assistant Postmasters-General as special . 4019
of railway service and their pay 4020
resident at Isthmus of Panama 4021
on mail-steamers 4022
in China and Japan 4023
route-agents 4024
clerks in railway post-offices 4025
may be placed in charge of post-offices.. 3836
recorder, &c., of post-offices to be subject to examination by 3842
may require affidavit of publisher as to mailing papers 3909
may search vessels for letters, &c 3989
may seize, &c., letters, &c., illegally carried 3990
disposal of letters, &c., seized by 3991
may search for mail unlawfully carried .. 4026
when, may be employed to carry letters 3992
sale of postage-stamps to 3919
SPECIAL COUNSEL,
employment of, to aid district attorneys... 363
compensation of 365
appointment, commission, and oath of 366

Section.

SPECIAL COUNSEL—Continued.
names and compensation of, to be reported to Congress 385
in prize cases, for captors, to be employed by Secretary of Navy (*repealed*) 4620
compensation may be allowed by court to special counsel of captors 4648
fees of special counsel in, how paid in certain contingencies 4649
SPECIAL DEMURRER,
to defect or want of form, &c 954
SPECIAL DEPOSITS,
national banks may deliver, after failure to redeem notes 5228
SPECIAL EXAMINATIONS OF PENSIONERS,
when, may be required, who to make 4775
SPECIAL JURY,
when, ordered in circuit court, to be returned by marshal 805
SPECIAL SESSIONS AND TERMS,
of circuit court, for criminal causes 661, 662
in California, Oregon, and Nevada 664
in Indiana and Kentucky 665
in Tennessee 666
in North Carolina 667
in Virginia and Wisconsin 668
in other States than above 669
what business may be transacted at 670
where held and business transacted at ... 581
of district court, during disability of district judge, &c 589
for trial of offenses against navigation laws 4300
SPECIAL TAX (internal revenue),
imposed as follows, on—
brewers .....p. 622, cl. 1, 3244
rectifiers .....p. 623, cl. 3, 3244
dealers in distilled liquors ....p. 623, cl. 4, 3244
dealers in malt-liquors .....p. 623, cl. 5, 3244
manufacturers of stills .....p. 623, cl. 2, 3244
dealers in leaf-tobacco .....p. 623, cl. 6, 3244
retail dealers in leaf-tobacco.p. 624, cl. 7, 3244
dealers in tobacco .....p. 624, cl. 8, 3244
manufacturers of tobacco ....p. 624, cl. 9, 3244
of cigars .....p. 624, cl. 10, 3244
peddlers of tobacco .....p. 625, cl. 11, 3244
deputy collectors to visit districts and make lists of persons liable to 3172
persons liable for, to make return annually .. 3173
may be summoned in case of neglect ..3174, 3175
persons liable to, not to carry on business until payment of 3232
names, &c., of persons liable to, to be registered and returned 3233
copartnership to pay but one 3234
business not be carried on except in place described in register 3235
where more than one pursuit, &c., is carried on in same place by same person at same time 3236
due May 1, each year, and how computed .. 3237
to be paid by stamps 3238
penalty for not keeping stamps conspicuously in place of business 3239
alphabetical list of persons paying, to be kept in office of collector 3240
cases of death, removal, &c., of persons having paid 3241
penalties for not paying 3242
does not exempt from penalty under State laws nor prevent State from taxing .. 3243
refunding of, to distillers in certain cases .. 3245
not assessable on vintners who sell wine of their own growth where made, nor on apothecaries as to spirits used in medicines 3246

Section.

SPECIAL TAX (internal revenue)—Continued.
buying, &c., tobacco, snuff, and cigars not stamped or branded from a manufacturer who has not paid, penalty .3367, 3405
SPECIFICATIONS (patents),
to be recorded in Patent Office 4883
copy of, and of drawings to be annexed to patent as part thereof 4884
to be signed by inventor and attested by two witnesses 4888
oath of inventor on applying for patent 4892
sworn to on application by assignee 4895
on application by executor or administrator 4896
in cases of reissue 4916
recovery for infringement, &c., when specification too broad 4922
printing of, for distribution to States and for sale 490–493
copies of, for gratuitous distribution, when and of what evidence 894
of foreign letters-patent, when and of what evidence 893
SPICES,
customs duties on .....Schedule I, p. 469, 2504
SPIES,
punishment of, in Army 1343
in Navy .....p. 277, art. 5, 1624
SPOILED STAMPS (internal revenue),
provisions for allowance for 3426
permanent appropriation for .....p. 725, 3689
for restamping distilled spirits in case of. 3315
SQUADRONS,
detail of retired officers to command 1463
STABBING,
with malice in forts, arsenals, &c., and on waters within exclusive jurisdiction of United States, when death caused by, punished by death 5339
without malice, manslaughter 5341
STAFF, (See *Army, Navy.*)
in Army, of General 1096
of Lieutenant-General 1097
of major-generals 1098
of brigadier-generals 1098
appointment and nominations 1194
promotions on, rule of 1204
transfers to, from line 1205
in Navy, when exempt from sea-duty 1436
right of communicating with commanding officer 1470
relative rank of retired 1481, 1482
precedence of, in their several corps 1485
length of service of, how estimated 1486
rank and precedence of, no additional right to quarters 1487
confers no authority to command 1488
on courts, boards, &c 1489
in Marine Corps, separate from line 1598
rank of 1602
STAGE-COACHES,
penalty for falsely painting, &c., "United States Mail," &c., on 3979
carrying persons acting as private letter-expresses on 3983
not to carry letters except in mail 3985, 3986
carrying mail, penalty for obstructing 3995
STAMPS, (internal revenue),
offenses of embezzling implements, paper, &c., for 5453
fractional currency receivable for 3574
penalty for having in possession washed ... 3429
for receiving, selling, and doing other forbidden acts relating to empty stamped packages 3455
On cigars, rate of 3394

Section.

STAMPS (internal revenue)—Continued.
Of cigars—Continued.
to be prepared by Commissioner, kept and sold by collectors 3395
sold under distraint 3369
changes in form, &c., of, may be made by Commissioner, &c 3445, 3446
fraudulent use of, and other offenses relating to 3397
absence of, notice and evidence that tax has not been paid 3398
to be affixed by actual maker where material is furnished by one party and manufactured by another 3399
to be affixed to imported cigars 2804, 3402
on emptied cigar-boxes to be destroyed .. 3406
penalty for purchasing cigars not stamped, &c 3404
Special taxes to be paid by (see *Special Taxes*) 3237
Commissioner to procure 3238
to be kept conspicuously in place of business 3239
by brewers ..... p. 622, cl. 1, 3244
by manufacturers of still, &c . p. 623, cl. 2, 3244
by rectifiers of distilled spirits . p. 623, cl. 3, 3244
by dealers in distilled liquors . p. 623, cl. 4, 3244
in malt liquors ..... p. 623, cl. 5, 3244
in leaf-tobacco ..... p. 623, cl. 6, 3244
by retail dealers in leaf-tobacco ... p. 624, cl. 7, 3244
by dealers in tobacco ..... p. 624, cl. 8, 3244
by manufacturers of tobacco .. p. 624, cl. 9, 3244
of cigars ..... p. 624, cl. 10, 3244
by peddlers of tobacco ..... p. 625, cl. 11, 3244
On specific objects 3418–3437
on checks 3418–3422
official checks exempt 3420
unstamped, not to be admitted in evidence, &c 3421
cancellation of 3423, 3424
sale of 3425
spoiled, &c., allowance for 3426
may be furnished for sale to certain officers 3427
regulations for the safe-keeping, &c., of 3428
forging, &c., on checks, papers, &c 3429
on medicines, perfumery, cosmetics, &c., playing-cards 3419
on articles enumerated in Schedule A 3419
Schedule A ..... p. 678, *after* 3437
penalties for violation of law relating to 3431, 3432, 3435
assessments of unpaid taxes payable by .. 3437
Tax-paid; taxes on distilled spirits to be paid by 3287, 3295
how to be engraved and issued 3312
how gallons stated on 3313
how to be used by collector of internal revenue 3313
accountability of collector for books of 3314
restamping in case of destruction of, &c .. 3315
officer using, issuing, or permitting use of, illegally, penalty for 3316
for rectified distilled spirits 3320–3322
to be effaced, &c., at time of emptying casks, &c 3324
changing, &c., on cask 3326
on imitation wines, &c 3328
for exportation, twenty-five-cent stamp for each package 3330
to be destroyed before sale of forfeited spirits 3334
Commissioner may change form, &c., of 3445, 3446

Section.

STAMPS (internal revenue)—Continued.
Tax-paid—Continued.
distilled spirits found in casks of five gallons or more without stamps to be forfeited 3289
On fermented liquors, to be prepared by Commissioner, &c 3341
to be obtained by brewer from collector of district 3342
mode of affixing and canceling 3342
absence of, notice and evidence that tax is not paid 3352
removal or defacing, except by the owner 3353
form of, &c., may be changed 3445
bottling fermented liquors from unstamped packages; penalty 3354
making, selling, or using false beer-stamps or dies or permitting same, how punished 3346
sour malt liquors, removal of, in certain cases without 3347
to be used by brewers who sell at retail .. 3348
On tobacco and snuff, taxes to be paid by 3368
to be prepared by Commissioner and sold by collectors, &c 3369
manufactured on commission or shares, by whom, to be affixed 3370
removing, unlawfully, selling without, &c 3272
absence of, notice to all persons and evidence of the non-payment of tax 3373
removing, without, &c 3374
affixing false and fraudulent, &c., or stamp previously used 3375
fraudulent use of 3376
imported, by whom to be affixed 3377
for export 3385
estimating tax on, sold without stamp ... 3371
penalty for purchasing without 3366
forms, &c., of, may be changed 3445, 3446
Spoiled, destroyed, provisions for refund or issue of new stamps 3315, 3426
permanent appropriation for same . p. 725, 3689
STAMPS (Postage),
fractional currency receivable for 3574
prepayment required in 3896, 3897
provisions concerning 3914–3925
to be prepared, &c 3914
stamped envelopes to be prepared 3915
special and official, for executive departments (*new*) 3915
postal cards 3916
for unlawfully intercepting, penalty ... 3892
improvements in, may be adopted 3917
to be kept for sale at all post-offices; postmaster accountable for 3918
may be sold at a discount to agents 3919
not to be sold for more than face value .. 3920
to be defaced at mailing-office 3921
record of, received by postmaster to be kept 3842
penalty for removing 3922
for removal, re-use, &c 3923 3925
for neglecting to account for 4053
for embezzling, forging, and other offenses relating to 5464
for forging, &c., foreign stamps 5465
STANDING MUTE,
entry of plea for prisoner upon arraignment. 1032
before Army court-martial ... p. 239, art. 89, 1342
STATE BANKS,
not to use "national" in name of 5243
internal-revenue tax on circulation 3411, 3412
to apply to evidences of indebtedness (*act of March*, 1875, ch. 167) ..... *after* 3412
other internal-revenue taxes on 3407–3417
how may become national banks 5154, 5155

Section.

STATE BANKS—Continued.
capital in, on conversion to national banks, what amount to be 3410
liability of shareholders on becoming such 5151
STATE DEPARTMENT,
Secretary of State to be head of (see *Secretary of State*) 199
subjects under direction of department (see *the several titles.*)
Diplomatic officers 1674–1688
Consular officers 1689–1739
Provisions common to diplomatic and consular officers 1740–1752
Foreign relations 4062–4120
Extradition 5270–5280
general provisions concerning 199–213
common to all departments (see *Departments*) 158–198
Assistant and Second Assistant Secretaries 200
chief clerk and bureau officers in, salaries of 201
clerks in 163–169
passport-clerk in, to administer oath without fee 212
fees for copies of records in 213
registration in, of names of persons in service of foreign ministers 4065
STATES,
constitutional provisions respecting (see *Analytical Index.*) ..... p. 53
consent of, to be obtained to purchase by United States of land for armories, arsenals, forts, fortifications, navy-yards, custom-houses, light-houses, or other public buildings before expenditure of money 355, 4661, 4662
to be obtained to lands heretofore purchased 1838
jurisdiction of courts of United States in controversies of civil nature, where State is party 687, 688, 711
proceedings upon habeas corpus where aliens are arrested, &c., by authority of and law of nations is involved 762–766
practice, &c., of courts of, applied in circuit and district courts 914, 915
marshal to have powers, &c., of sheriff in 788
records, &c., of public office of, how proved 906
priority in courts of United States of cases where, is party or execution of revenue laws of, is enjoined 949
judges, &c., of, may arrest or bail offenders against United States 1014
provision in relation to enrollment, &c., of militia in 1625–1661
adjutant-general to be appointed in each, for militia 1634
his duties 1634, 1636
distribution to, of arms and equipments 1667, 1670
invited to contribute statues of distinguished citizens for old Hall of House of Representatives 1814
officers of, to take oath to support Constitution 1836, 1837
all persons to have equal rights in, provisions for (see *Civil Rights*) 1977–1980
right of suffrage secured in (see *Elections*) 2003, 2004
agents of, may adjust compensation to Indians for lands 2116
not to impose discriminating charge on foreign immigrants 2164
land-grants to, for internal improvements 2378, 2379

Section.

STATES—Continued.
to be in fee-simple, &c., when 2449
not, in certain cases, to include mineral lands 2346
fee to be paid for location by ..... par. 7, 2238
swamp lands granted to 2479
lists, subdivisions, and other provisions concerning (see *Swamp Lands*) 2480–2490
permanent appropriation to pay to, for certain sold by United States ..... par. 728, 3689
United States convicts in prisons of, how to be treated 5539
demand and surrender of fugitives from justice by executive of (see *Fugitives from Justice*) 5278, 5279
debts due any, entitled to priority in order for dividend in bankruptcy 5101
militia, &c., when to be called forth by President to suppress insurrection 5297
and volunteers who served prior to 1855, &c., to have bounty land in certain cases 2420, 2425–2427
Courts of, of what cases United States courts have jurisdiction to exclusion of State courts 711
removal of suits from, to United States courts, for what causes, proceedings, &c 639–647
judgments, &c., when and how reviewed by Supreme Court 709
cases to revise judgment of, in criminal proceeding to have precedence in Supreme Court 710
proceedings in, not stayed by injunction from United States courts, except, &c 720
writ of error to, in same manner, &c., as to circuit court 1003
citation, &c., when writ of error issues to 999
bail in criminal cases removed from, by writ of error 1017
concurrent jurisdiction of, in suits for possession of office 2010
judges of, may administer oath to census marshals 2177
jurisdiction of, in postal cases 3833
in suits against seamen for breach of articles 4522
in naturalization 2165
in cases of seamen deserters 4599
process in, against foreign ministers or their domestics void, &c 4063–4065
authority of, in bankruptcy proceedings against corporations in certain cases 5123
statutes of United States relating to crimes not to impair jurisdiction of 5328
records of, how proved, &c 905
Laws of, to be rules of decision in courts of United States in trials at common law, &c 721
remedies of, by attachment and execution to apply in United States courts 915, 916
as to crimes, to apply to offenses committed in places ceded to United States 5391
of inspection, &c., to be observed by customs officers clearing vessels 4202
as to competency of witnesses, when applicable in United States courts 858
statutes how authenticated 905
payment of special tax to United States does not exempt from penalty or taxation under 3243
quarantine and health laws of, to be observed by United states officers 4792
Legislatures of, may provide rules for working mines, &c., when 2338

Section.

STATES—Continued.
Legislatures of—Continued.
members of, to take oath to support Constitution....1836, 1837
Pilot regulations by,
may enact pilot laws until further provision by Congress.... 4235
pilots in, to be regulated by State laws until, &c.... 4235
on boundaries between two States, master may employ those of either State.... 4236
not to make discriminating rates of pilotage.... 4237
for steam-vessels restricted.... 4444
Stocks, owned by United States and nonpaying, to be protected.... 3481
Taxation, shares of national banks subject to, restrictions on.... 5219
STATION (in Navy),
punishment for deserting or leaving, before relieved....p. 276, art. 4, 1624
absence from, without leave....p. 278, par. 19, art. 8, 1624
STATIONERY,
room of Senate for, employés in.... 52
for Congress, how procured.... 65, 68
for collectors of internal revenue.... 3145
contracts of departments for, limited to one year.... 3735
postal accounts to show expenditures for.... 4049
for steamboat-inspection officers....4460, 4461
for diplomatic and consular officers.... 1748
STATISTICS,
statement of exports and imports to be furnished by November 1, annually, to Congressional Printer by Secretary of Treasury.... 3812
Bureau of, superintendent of.... 334
for what purposes established.... 335
annual report of....336, 338
returns to, by collectors of customs, relating to commerce and navigation.... 337
monthly reports of exports and imports to be published.... 339
annual statement of vessels.... 340
of merchandise.... 341
statistics of manufactures of United States to be prepared by.... 342
additional number of reports of, to be printed....p. 746, par. 5, 3798
in census returns, what to embrace, &c.2176, 2184, 2187
schedules of.... 2206
certain, to be reported to Director of Mint, by superintendents.... 3503
STATUARY,
old Hall of Representatives appropriated to reception of, and States invited to contribute of distinguished citizens.... 1814
exhibitions of, in Capitol prohibited.... 1815
in customs laws, to include professional productions....p. 489, 2504
imported for exhibition, free of duty, &c.. 2512
of American artists, or for presentation to national institutions, to be free of duty....p. 489, 2505
STATUTES, (See *Acts, Laws, Revised Statutes.*)
form and repeals of.... 7, 13
copies in Library of Congress.... 96
distribution of, to judges....386, 387
preservation of, and delivery to successors by public officers.... 1777
copies of, to be furnished Congressional Printer.... 3803

Section.

STATUTES—Continued.
to be printed....3805–3807
existing provisions for publication and sale of, *Appendix*, pp. 1090, 1091.
printed copies to be evidence, *Appendix*, p. 1091.
of States to be procured by State Department.... 206
STAY OF SUITS AND EXECUTIONS,
of execution, in civil action in circuit court for forty-two days to give time to file motion for new trial.... 987
for one term, in States where judgments are liens on property, &c.... 988
of suits pending against bankrupts.... 5106
STEALING,
public property in military service.... p. 236, art. 60, 1342
in naval service....p. 279, art. 14, 1624
on high seas, or in certain places under jurisdiction of United States.... 5356
from vessel in distress, or wrecked, &c.... 5358
record, writ, process, &c., of court, &c.... 5394
or deposited in public office.... 5403
by any person, of public property, &c., intended for military, &c., service.... 5439
out of letter, &c....5467, 5468
the mail, or any letter or packet from the mail, post-office, &c.... 5469
receiving articles stolen from mail.... 5470
newspapers from mail.... 5471
robbery of mail.... 5472
accessories to robbery of or stealing mail.. 5534, 5535
mail-bag or other property belonging to Post-Office Department.... 5475
key suited to lock adopted by Post-Office Department.... 5477
STEAM-VESSELS,
coal of, exempt from duty.... 2798
on Lake Champlain going to province of Quebec, how cleared.... 4208
rules in navigation of, to prevent collisions.... 4233
enrollment and license of, owned by resident alien....4316, 4317
liability of captain, engineer, &c., of, by whose misconduct, &c., life is destroyed.... 5344
jurisdiction of circuit courts of.... 629
lost in military service to be paid for...3483, 3488
permanent appropriation for.....p. 727, 3689
contract with, for carrying mail without advertising.... 3943
when mail may be carried in certain.... 3969
delivery of letters carried by.... 3977
pay to, when not in mail service.... 3978
carrying mail, contracts for, &c...3943, 3970, 3971
foreign, pay for.... 4009
between United States and Brazil exempt from port-charges, &c.... 4232
penalty for falsely painting, &c., "United States Mail," &c., on.... 3979
for carrying persons acting as private letter-expresses in.... 3983
for carrying letters except in mail....3985, 3986
tugs in coasting-trade on Northern frontiers, when not required to report and clear (see *Northern, &c., Frontiers*).... 3123
unless engaged in towing rafts and vessels not required to be enrolled.... 3123
Inspection, what steam-vessels subject to, 4399–4401
supervising inspector-general....4402, 4403
supervising inspectors.... 4404
board of.... 4405
duties of, in their districts.... 4406

Section.

STEAM-VESSELS—Continued.
Inspection—Continued.
duties of, as to violations of law 4407
supervision of local board 4408
of districts not having inspectors 4409
reports by, to annual meeting of board, &c 4410
regulations by, as to furnishing information to local inspectors 4411
to furnish regulations for steam-vessels passing each other 4412
penalty on pilots violating such regulations 4413
local inspectors of hulls and boilers 4414
appointment of, how made, &c 4415
to constitute a board of local inspectors. 4415
who are not eligible 4416
inspection of hulls, how often to be made, and what to embrace 4417
of boilers, how often to be made, and what to embrace 4418
safety-valves and steam-registers, how controlled 4419
freight and tow-boats on Mississippi River, &c., what to be deemed maximum pressure on 4420
certificate of inspection, when granted .. 4421
license to carry gunpowder, when local inspectors may grant 4422
certificates of inspection, originals to be retained on file at custom-house, copies, &c 4423
penalty for receiving passengers on vessels not having certificate, and for carrying gunpowder without certificate, &c 4424
penalty for inspector certifying falsely ... 4425
receiving illegal fees 5482
for misconduct whereby life is lost 5344
of ferry-boats, canal-boats, yachts, &c ... 4426
of tug and freight boats 4427
boilers to be constructed of stamped plates, &c 4428
when otherwise constructed may be used 4429
inspection of boiler-plates 4430
stamping boiler-plates 4431
counterfeiting, &c., stamps for boiler-plates, penalty 4432
pressure allowed for boilers constructed of stamped plates 4433
thickness of boiler-plates, &c 4434
feed and connecting pipes, and protection against sparks and flames 4435
safety-valves and gauge-cocks, &c 4436
penalty for obstructing safety-valves, &c. 4437
license of officers by inspectors 4438–4443
State regulation of pilots, restricted 4444
oath of licensed officers 4445
license of officers to be exhibited, when .. 4446
renewal of license of officers 4447
licensed officers to assist inspectors in examinations 4448
revocation of license for refusal to serve .. 4449
local boards to investigate conduct of officers, &c 4450
payment of marshal and witnesses 4451
appeal on refusal to grant license to supervising inspector 4452
additional inspections by local inspectors. 4453
penalty for failure to make repairs 4454
jurisdiction of inspectors confined to their own districts, except 4455
inspection in districts not having inspectors 4456
records and reports by local inspectors .. 4457
fees for inspection 4458

Section.

STEAM-VESSELS—Continued.
Inspectors—Continued.
bond of supervising and local inspectors . 4459
instruments, stationery, &c., for supervising inspectors and local boards 4460
payment of salaries and expenses of inspection officers, how made 4461
permanent appropriation for p.724, 3689, 4461
Secretary of Treasury to make regulations for carrying out 4462
Transporting passengers, not to depart without complement of licensed officers and crew 4463
deprived of licensed officer, how temporarily supplied 4463
certificate of inspection of, to state number of passengers which may be carried . 4464
penalty for carrying more passengers than allowed 4465
special permits to carry additional passengers on excursions 4466
masters to keep list of passengers, &c. 4467, 4468
penalties to be a lien on vessel, when 4469
precautions against fire 4470
fire pumps and hose, regulation of 4471
not to carry dangerous inflammable articles 4472
penalty for unlawfully carrying cotton or hemp 4473
license to use petroleum for fuel 4474
gunpowder, nitro-glycerine, &c., how packed and marked, &c 4475, 4476
watchmen at night 4477, 4478
fire-extinguishers for 4479
wire tiller-ropes, bell-pulls, &c., on river-steamers 4480
boats for river-steamers 4481
life-preservers 4482
fire-buckets, water-barrels, and axes 4483
stairways and gangways for river-steamers 4484
accommodations for deck-passengers .. 4485, 4486
navigating rivers to anchor in fogs, &c ... 4487
life-boats, &c., for ocean and lake steamers 4488, 4489
water-tight bulkheads for steamers on ocean or great lakes 4490
approval of life-saving instruments 4491
barges, subject to what provisions 4492, 4493
to carry two copies of laws, to be furnished by Secretary of Treasury 4494
names of, to be painted on stern and pilot-house 4495
customs officers to enforce provisions concerning 4496, 4497
license, register, or enrollment for, not to issue until, &c 4498
penalty for navigating contrary to provisions of law 4499
not otherwise provided for 4500
remission of (see *Fines, Penalties, &c.*) .. 5294
Provisions respecting vessels in general in chapters entitled as follows:
Commerce with contiguous countries .. 3095–3129
Registry and recording vessels 4131–4196
Clearance and entry of vessels 4197–4218
Tonnage dues 4219–4227
Discriminating duties 4228–4232
Log-books 4290–4292
Regulation of vessels in foreign commerce 4306–4310
in domestic commerce 4311–4390
of steam-vessels 4399–4462
Transportation of passengers and merchandise 4252–4289

Section.

STEERAGE OFFICERS (Navy),
ensigns to be, unless, &c 1490
STEERING AND SAILING,
rules to be observed ..... p. 817, 4233
for steam and sail vessels 4233
lights ..... p. 816, 4233
fog-signals ..... p. 817, 4233
other provisions relating to navigation (see *Navigation*) 4234–4251
STENOGRAPHERS,
to House of Representatives, salary 53
in Post-Office Department, salary of 393
STEWARD TO THE PRESIDENT,
salary of 155
duties of 156
bond of 157
STILLS (internal revenue),
manufacturer of, to pay special tax .. p. 623, 3244
penalty for carrying on business without paying 3242
to give notice before removing from place of manufacture 3265
set up, to be registered, &c 3258
not to be set up without permit from collector of internal revenue 3265
not to be used for distilling on certain premises, under penalty 3266
space to be around wood, and pipes to be painted 3269
Commissioner may require such fastenings, locks, and seals as he deems necessary 3270
not to be used between 11 p. m. Saturday and 1 a. m. Monday 3283
reduction of capacity of, notice and other proceedings in relation to 3311
to be destroyed and material sold in certain cases of forfeiture 3332
STOCKBRIDGE MUNSEE INDIANS,
may acquire homestead and, abandoned portion of their reservation may be sold. 2310
homesteads of, exempt from tax, &c 2311
admitted as citizens 2312
not to be deprived of annuities, but subject to taxation, &c 2312
STOCKS,
of United States exempt from taxation 3701
sale of, under distraint for internal-revenue taxes 3194
of national banks. (See *National Banks.*)
STOLEN,
checks, duplicates of, how procured 3646, 3647
goods, buying, receiving, &c., on high seas, or in places within exclusive jurisdiction of United States 5357
Treasury notes, credit to be allowed to officers innocently paying 3707
articles from mail may be delivered to owners when received at department 4058
STOPPAGES,
from pay of soldiers, when to be applied to support of Soldiers' Home 4818
when to National Home for Volunteers .. 4831
STORAGE,
of goods landed from vessels in distress .. 2892–2894
at warehouses, wharves, or inclosures provided by order of President, under quarantine laws 4794, 4795
bond and warehouse system for (see *Warehouses*) 2954, 3008
fees paid into Treasury through customs officers for, permanently appropriated. 3687
STOREKEEPERS,
in Army 1159
six, may act as paymasters 1161
to give bond 1191
pay of 1261

Section.

STOREKEEPERS—Continued.
allowance of forage to 1271
at national armories to give bond 1664
in Navy, at navy-yards 1413
on foreign stations 1414, 1415
detail of 1438, 1439
at Naval Academy 1527
pay of 1566–1568
internal-revenue, appointment, salary, oath, bond 3153
not to be engaged in other business without permission of Commissioner 3153
may be transferred by Commissioner, &c. 3154
temporary, may be designated by collector 3155
may be suspended by supervisor 3163
spirits to be drawn from receiving-cistern in presence of 3267
to have charge of distillery warehouse .. 3271, 3273, 3274
no material for distilling to be used nor spirits removed in absence of 3284
warehouse stamp to be placed on spirits by gauger in presence of, &c 3287
and tax-paid stamps of, also, &c 3295
penalties relating to 3300
to keep a warehouse book, make returns, &c 3301
to keep record of distillery operations ... 3302
in Treasury Department, salary of 235
STORES,
military, sale of damaged 1241
for Navy, purchase and care of 417, 1549
dealing in, on private account .... p. 278, art. 11, 1624
sold, disposal of proceeds 3618, 3692
to be stated in book of estimates 3672
STORM-SIGNALS,
Secretary of War to provide 221
STRANDING VESSELS,
punishment for, willfully, &c., in Navy .... p. 276, art. 4, par. 10, 1624
on foreign coast, consuls, &c., to render aid. 4238
STRIKING,
superior officer in Army .... p. 232, art. 21, 1342
in Navy ..... p. 276, art. 4, par. 3, 1624
any person in Navy ... p. 277, art. 8, par. 3, 1624
with malice, upon certain waters, when death caused by 5339
without malice, in certain places or in waters under exclusive jurisdiction of United States 5341
the flag in Navy, without authority . p. 276, art. 4, par. 12, 1624
SUBORNATION OF PERJURY,
punishment of 5393
indictment of, what to set forth 5397
SUBPŒNA DUCES TECUM,
how obtained and enforced 869
where to run 876
issued by Court of Claims, &c 1082
SUBSISTENCE DEPARTMENT (Army),
authorized (see *Commissary of, &c.*) 1094
organization and rank 1140
appointments and promotions in, suspended until, &c 1194
officers of, to give bonds 1194
to purchase and issue rations to Army 1141
post commissary sergeants for 1142
to ration co-operating naval detachments .. 1143
sales by officers of, of designated articles ... 1144
of rations to officers in field 1145
officers of, not to sell articles except on account of United States 1150
purchases, &c., by, not to exceed necessities of year 3732
provisions concerning contracts by 3715

Section.

SUBTREASURIES, (See *Assistant Treasurers.*)
provisions respecting 3591–3613
SUFFRAGE, (See *Elections.*)
right of, in Territories 1859, 1860
officers of Army or Navy not to interfere with right of 2003
right of, not to be affected by race, color, &c 2004
preventing the exercise of, by bribery, threat, &c., penalty 5507
committing other offense in preventing, intimidating, &c 5509
crimes against right of (see *Civil Rights*) 5506–5532
SUGARS,
customs duties on ..... Schedule G, p. 468, 2504
imported, not to be removed from wharf before proof of, &c 2882
standards of imported, how selected and to whom furnished 2914
how and by whom sampled; casks, &c., how marked 2915
unrefined imported, change from package, how made; drawback on 3029
SUITS, (See *Actions.*)
of United States to be managed by officers of Department of Justice 361
Solicitor of Treasury may instruct in 379, 380
not to abate when terms of court are changed 573, 660
removal of, from State to Federal courts 639, 647
where to be brought 740–745
parties to, may manage their own causes 747
proceedings in, against postmasters 890
may be consolidated when 920, 921
amendments of, for defects of form 948, 954, 1005, 1006
priority of, when State is a party 949
allowance of credit in, brought by United States 951, 952
proceedings in case of death of either party 956
on bonds of deputy surveyors to be instituted, when 2232
SUMMARY TRIALS,
for offenses against navigation laws 4300–4305
SUNDAY,
studies not to be pursued on, at Military Academy 1324
at Naval Academy 1526
processes in distilling not to be carried on during, or one hour before and after 3283
not to be included in computing time in bankruptcy proceedings 5013
SUPERINTENDENTS,
of cemeteries 4873, 4874
salary, quarters, and fuel 4875
may arrest person injuring cemetery 4881
of census 2204
of clerks of 2205
of exportation and drawback 3161
may administer oaths and certify papers 3162
of Hospital for Insane 4839
to notify judge of criminal court of restoration of insane convicts to sanity 4855
of Indian Affairs, provisions concerning (see *Indian Affairs*) 2047–2051, 2088–2092, 2107, 2119, 2120, 2129–2134, 2140–2157
of life-saving stations, for coast of Long Island and New Jersey, powers and duties 4243
for coast of Long Island to have charge of Narragansett Pier and Block Island stations 4248
of mints, office created 3496
certain, to perform duties of treasurer 3497
to determine wages 3499
may require oaths of employés 3500

Section.

SUPERINTENDENTS—Continued.
of mints—Continued.
to give bond and may require bond of assistants, &c 3501
may appoint substitutes in cases of absence of officers with consent, &c 3502
reports to be made by 3503
general powers and duties of 3503, 3504
to receive, &c., money and bullion 3506
to weigh, &c., bullion deposits 3521
to deliver certain bullion to assayers 3522
how to procure silver bullion 3526
duty as to ingots 3530, 3531
as to bars for payment of deposits 3534
as to coins 3538
as to trial pieces 3539
as to clippings 3540
as to coiner's and melter and refiner's accounts and settlements 3541–3543
as to ordinary expense account 3543
as to delivery of coin to depositors 3544
as to testing weights 3549
as to defacing dies 3550
to examine books, &c., of treasurers of mint 3650
at Philadelphia, to prescribe regulations as to medals 3551
to purchase metal for minor coinage 3528
discretion of, as to exchange of minor coins, &c 3529
of New York assay-office 3554
duties, &c., of 3555
salary of 3556
of national armory, designation of, from Ordnance Department 1662
compensation of 1663
in Post-Office Department, may be employed as special agents 4019
of railway postal service 4020
of money-order system, foreign mails, and blank agency 393
of free delivery, designation of 394
of public documents, appointment, &c 507
duties of 508
of Treasury building, to certify to accounts for contingent expenses 240
to keep detailed accounts of such expenses for each bureau 240
to make expenditures for furniture and repairs and keep account thereof 241
rooms for Department of Justice to be provided by 352
SUPERNUMERARY OFFICERS,
of Army, attachment of, to companies 1215
cadet-graduates of Military Academy and non-commissioned officers, brevetted as second lieutenants, may be attached to corps as 1213, 1214
only one, to same company at same time 1215
SUPERSEDEAS,
how obtained in cases of writ of error 1007
SUPERVISING ARCHITECT,
of Treasury Department 235
SUPERVISING INSPECTORS OF STEAM-VESSELS, (See *Steam-Vessels.*)
Supervising inspector-general,
appointment of, and eligibility 4404–4416
duties of 4403
permanent appropriation for salary of 4461
Supervising inspectors,
appointment and eligibility of 4404, 4416
to give bond 4459
with inspector-general, to form a board 4405
duties of, in their districts 4406
in cases of violations of law by officers of vessels 4407

Section.

SUPERVISING INSPECTORS OF STEAM-VESSELS—Continued.
Supervising inspectors—Continued.
supervision of local boards of inspectors 4408
of collection-districts having no inspectors 4409
to have powers and perform duties of local boards, when 4409
reports of, to board at annual meeting ... 4410
to establish regulations to make known to local inspectors certain information as to licensed vessels 4411
as to steamers passing each other 4412
penalty for violation of 4413
penalties for certifying falsely, &c 4425
to prescribe manner of inspecting iron and steel for boilers 4430
other provisions respecting inspection of steam-boilers 4431–4437
may renew license of absent officers, when 4447
examination of cases of refusal to grant or revocation of license by local board .. 4452
bonds to be given by 4459
permanent appropriation for salaries of .. 4461
to prescribe provisions to be made in steamers to guard against fires 4472, 4473
may require steamers to carry fire-extinguishers 4479
to determine the kind of life-boats, floats, rafts, drags, and life-preservers, pumps, &c., to be used by steam-vessels 4488, 4489
to approve of instruments and equipments for life-saving required to be used by steam-vessels 4491
Local inspectors, appointment and qualification of 4415, 4416
to give bonds 4459
to inspect boilers and hulls of steam-vessels 4417–4421
may grant licenses to carry gunpowder .. 4422, 4423
to classify and license masters, chief mates, engineers, and pilots 4438–4449
to investigate conduct of licensed officers .. 4450
to certify to fees of witnesses and marshals in matters before 4451
reinspection by 4453
penalty on masters and owners refusing or neglecting to make repairs required by 4454
effect of decisions by 4455
may inspect vessels in districts where no local boards 4456
records and reports of 4457
instruments, stationery, &c., to be furnished inspectors and supervising inspectors 4460
penalty for receiving illegal fees 5482

SUPERVISING SURGEON,
of Marine Hospital, appointment, duties, and salary of 4802

SUPERVISORS,
of elections (see *Elections*).
appointment of 2011, 2012
qualifications of 2012, 2028
attendance of, at registration 2016
may challenge persons offering to register, &c 2016
to verify registration and voting lists, &c. 2016, 2026
attendance of, at election, &c 2017
to scrutinize and count each ballot, &c ... 2018
to occupy any place at registration and at polls, &c 2019

Section.

SUPERVISORS—Continued.
of elections—Continued.
interference, &c., with, to be reported to chief supervisor 2020
special deputy marshal to assist 2021
protection of, by marshals and deputies .. 2022
forms and instructions to be furnished to. 2026
applications for appointment as 2026
for counties or parishes, limit to authority of 2029
for cities and towns, compensation of 2031
permanent appropriation for fees of .. p. 729, 3689
refusal or neglect of person appointed to perform duties 5521
obstructing, &c., or by bribery, &c., preventing, in performance of duties 5522
of internal-revenue,
office abolished and duties transferred to collectors and Commissioner, by act of 1876 ..... ch. 287, *note after* 3163
appointment, assignment, salary, and duties of (*repealed*) 3159, 3160
power to transfer or suspend inspector, gauger, and storekeeper transferred to Commissioner, by act of 1876 ..... *note after* 3163
may issue summons and examine persons and papers 3163
may suspend collector for fraud, &c 3163
to report to Commissioner relative to neglect of duty, &c., of any internal-revenue officer 3163

SUPPLIES (government),
provisions concerning purchase of 3709–3747
purchase of, without payment of internal-revenue taxes 3464
or customs duties ..... p. 483, 2505
contracts for, to be made after advertising .. 3709
for executive departments, limited to one year 3735
proceeds of sale of certain, to be deposited in Treasury, &c 3618, 3692
statement of, in book of estimates 3672
for Army, to be prescribed by Secretary of War 219
purchase and distribution of 1133
officers not to be interested or trade in ... 1138
accountability for issue of 1139
for Navy, purchase and care of 1549
dealing in, on private account forbidden ..... p. 278, art. 11, 1624
to be under Secretary of Navy 3714
provisions concerning contracts for, and purchases of 3718–3732
purchase of, by foreign vessels of war from public warehouse free of duty 2982
for Indians, how purchased and distributed .2083–2091
report of, to be made to Commissioner of Indian Affairs 2109

SUPREME COURT (of United States),
organization of 673–683
Chief Justice and justices of, quorum, &c ... 673
oath of 712
precedence of 674
salaries 676
permanent appropriation for .... p. 729, 3689
Chief Justice, when duties of, devolve on associate 675
may designate district judge to perform duty in another district in absence of judge 593, 594
may request circuit judge to exercise powers, &c., in circuit of another 618
one of managers of National Home for Disabled Volunteer Soldiers 4825

Section.

SUPREME COURT (United States)—Continued.
to nominate, &c., registers in bankruptcy 4993
allotment of, to circuit 606
each of, to attend one term of circuit court every two years 610
privileges and powers, as to law library 95
custody of records of old court of appeals .. 679
to appoint clerks, marshal, and reporter ..677, 678
marshal's salary and duties 680
reporter, duties, salary, &c 682
distribution of reports of 498, 683
permanent appropriation for reports of .. p. 729, 3689
may adjourn to another place in case of contagious or epidemic disease 4799
may direct special sessions of circuit courts for criminal cases to be held nearer, &c., than regular term 662
may prescribe forms of proceedings, pleadings, &c., in equity and admiralty ... 917
to frame, &c., orders in bankruptcy 4990
sessions of 684–686
when and where to be held 684
adjournments of, for want of quorum 685
orders, by less than quorum during first twenty days 686
jurisdiction 687–710
what is exclusively in United States courts 711
original 687
may issue writs of prohibition and mandamus 688
trial of issues of fact to be by jury 689
review of decisions, &c., of circuit court on division of opinion 693
certificate of division 651, 652
points to be decided in criminal cases so certified 651, 697
in all cases where amount in dispute exceeds $2,000 691
in bankruptcy cases 4989
in equity and admiralty where amount exceeds $2,000 692
in equity cases without regard to amount involved, when 690
in prize cases; how affected by amount involved, &c 695, 696
by bill of exception when issues of fact are tried without jury 649, 700
judgment or decree upon 701
not affected in Alabama by act of 1873 ... 694
transcript of record, copies, &c., transmitted to, and new evidence in, on appeals 698
to review judgments of State courts, when 709
in criminal proceedings, to revise judgment of, to have precedence in hearing 710
in same manner, &c., as in cases in circuit court 1003
of writs of error or appeals from Territorial court after Territory admitted as State 703
from judgment, &c., of district court in cases transferred from Territorial court 704
of supreme court of District of Columbia 705, 706
from district courts acting as circuit courts 1002
appeal from Court of Claims 707, 708
in certain railroad cases 5260, 5261
proceedings on error and appeal 997–1013

Section.

SUPREME COURT (United States)—Continued.
transcript of record, assignment of errors, &c., to be annexed to writ of error 997
signing and notice of citation 999
bonds when required 1000, 1001
writ of error, how issued by clerks of circuit courts 1004
amendments may be allowed 1005, 1006
in appeal prize cases 4636
within what time to be taken and prosecuted 1008, 1009
damages and costs on affirmance 1010
reversal on error of ruling on plea in abatement restricted 1011
appeals subject to same rules as writs of error 1012
on appeal, &c., to, by both parties, transcript filed by either may be used by both 1013
may take bail in capital cases 1016
proceedings in capital cases 1040
may prescribe fees in bankruptcy matters. 5127
provisions applicable to, in common with other courts 711–750
power of, to issue writs, &c 716
writs of ne exeat 717
injunctions and restraining orders of 719
judges of, may hold to security of peace ... 727
may issue writs of habeas corpus 751, 752
clerk and deputy clerk of, not to act as attorney, &c., in causes pending in ..748, 749
oath and bond of 794, 795
writs and processes from, how sealed, signed, and to bear teste 911, 912

SUPREME COURT (District of Columbia),
final judgments in, how reviewed 705
power of, to discharge grand jury 811
proceedings by, in respect to taking depositions to be used elsewhere 871–874
jurisdiction of suits for false claims against United States 3491
certificate of, for admission of insane person to hospital 4845, 4846
delivery by, of insane patients under bond. 4856
jurisdiction of, in bankruptcy 4977
appeal to, from Commissioner of Patents ... 4911
notice of, how and to whom given 4912
proceedings on 4913
determination of court upon effect of 4914

SUPREME COURTS (of Territories),
judges, quorum, &c., terms 1864
judicial power vested in 1907, 1908
how limited 1866
common law and chancery jurisdiction of .. 1868
error and appeal to, from district courts, 1869, 1910, 1911
clerks of, appointment, &c., by 1870
error and appeal from, to Supreme Court of United States, regulation of 1909, 1911
writs of habeas corpus in certain Territories 1912
in Idaho and Montana, judicial districts, &c. 1914
in New Mexico and Arizona, times and places for holding court 1915
in Colorado, errors and appeals to, from probate court, how regulated 1930
in Arizona, adjourned terms of, how ordered. 1934
admission of aliens to citizenship by ...2165–2174
jurisdiction of, in bankruptcy 4978
circuit court, superintendence by 4987

SURETIES,
on bond to United States, when to have priority of claim against principal 3468
on contracts for carrying the mail, new, may be accepted 3955

Section.

SURETIES—Continued.
on contracts for naval supplies, who shall not be ... 3722
of postmasters, liabilities of ... 3836, 3838
of seamen liable for penalty in case of refusal to sail, &c ... 4558
liability of, how proven in bankruptcy ... 5069
of bankrupt, proof of claim by ... 5070
proof of payment before dividend ... 5091
what, not affected by discharge in bankruptcy ... 5118

SURGEON-GENERAL,
in **Army,** rank of ... 1168
appointment and selection of ... 1193
to make regulations in regard to artificial limbs, &c ... 4787
to certify list of persons desiring money-commutation in lieu of artificial limbs, &c ... 4788
to be member of board of commissioners for Soldiers' Home ... 4815
of **Navy,** Chief of Bureau of Medicine and Surgery to have title of ... 1471
to receive and record evidence in certain pension cases ... 4717
to detail an assistant, who shall receive highest shore-pay of his grade ... 1375

SURGEONS,
in **Army,** for regiments of cavalry ... 1102
number and rank of ... 1168
qualifications for appointment as ... 1172
certificate of, in biennial examinations of invalid pensioners valid ... 4771
in **militia,** one to each regiment when called into service ... 1646
one to each brigade ... 1647
in **Navy,** number of, on active-list ... 1368
how appointed ... 1369
qualifications for appointment of ... 1371
rank of assistant, in case of delayed examination ... 1372
designation of, for fleet ... 1373
duties of ... 1374
relative rank of, on active-list ... 1474
pay of ... 1556
certificates of, to invalid pensioners ... 4771

SURPLUS FUND,
of national banks, what part of profits to be carried to ... 5199
in United States Treasury, balances of appropriations carried to ... 3690, 3691

SURVEY,
of distillery, how made ... 3264
of public lands, Secretary of Interior to cause early completion of ... 2218
provisions for ... 2395–2413
rules for making ... 2395
boundaries and contents of sections and subdivisions, how ascertained ... 2396
half quarter-sections and fractional sections ... 2397
contracts for, when to become binding ... 2398
instructions deemed part of contracts for ... 2399
price per mile, how fixed ... 2400
cost of surveying private land claims ... 2400
settlers may have townships surveyed ... 2401
deposit by settlers deemed an appropriation ... 2402
to go in part payment for their lands ... 2403
in Oregon, California, and Washington Territory, augmented rates for ... 2404, 2405
geological surveys, extension of surveys, and expenses of subdividing ... 2406
on rivers, bayous, lakes, &c ... 2407
lines of survey in Nevada ... 2408
geodetic surveys in Oregon and California ... 2409

Section.

SURVEY—Continued.
of public lands—Continued.
in California, variation of lines from rectangular form ... 2410
and Oregon, may be paid for by day, when ... 2411
interrupting, hindering, or preventing ... 2412
protection of surveyors, &c., by marshal ... 2413
of Indian reservations, how made ... 2115
permanent appropriations to pay cost of, and of survey of Nolan, Saint Vrain, and Vigil claims ... p. 728, 3689
of vessels, may be ordered on complaint of mate and crew ... 4557–4559
duties, &c., of inspectors in foreign port ... 4560
contents of report of inspectors ... 4561
payment of cost of, in foreign port ... 4562
penalty for refusal to pay for ... 4563
of captured vessel or property in prize cases ... 4615
of prize property taken for use of United States ... 4624

SURVEYORS-GENERAL (of Public Lands,) (See *Lands—public.*)
appointment of ... 2207
salaries of ... 2208–2211
one office in each district, &c ... 2212
for Minnesota, Idaho, and Nebraska and Iowa, where ... 2213
to reside in the districts ... 2214
bonds of ... 2215, 2216
term of office ... 2217
office to cease and be discontinued, when ... 2218
duties of, to devolve on Commissioner of General Land Office when maps, field-notes, &c., turned over to State authorities ... 2219
to hold over until successor enters upon duties ... 2222
general duties of ... 2223
copies, extracts, &c., of records, field-notes, &c., to be evidence, when ... 2224, 2225
allowance for officers for clerk-hire, for office-rent, fuel, books, stationery, &c. 2226, 2227
President may devolve duties of registers and receivers on, when ... 2228
official books, papers, records, &c., in office of, in California to be kept, &c ... 2229
bond of deputy for performance of contract to be approved and certified by ... 2230
to require from deputies additional oath as to correctness of surveys ... 2231
upon application of district attorney, to bring suit on bond of deputy ... 2232
penalty on deputy in Louisiana for failure to comply with contract ... 2233
to appoint surveyors of mining claims ... 2334
to transmit statement for entry of town-site to General Land Office ... 2388
to have made from field-book description of lands surveyed, &c ... 2395
taking away, altering, destroying, &c., any map, diseño, &c., deposited in archives of office of, in California ... 5411
fraudulently placing map, diseño, &c., among archives in office of, in California ... 5412

SURVEYORS OF CUSTOMS,
in Alabama ... 2565
in Florida ... 2563
in Georgia ... 2560
for Indiana and Illinois ... 2602
for Louisiana ... 2569

Section.

SURVEYORS OF CUSTOMS—Cont'd.
in Louisiana, for collection district of New Orleans, at ports in States of Iowa, Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin 2568, 2569
in Maine 2518
in Maryland 2549
in Massachusetts 2529
in Michigan 2600
in New Hampshire 2523
in New York 2536
at Albany to act as collector 2536
in Texas 2579
in Vermont 2526
in Virginia 2553
at Charleston, S. C., residence of 2558
at Philadelphia, Pa 2544
term of office of 2613
bonds of 2619, 2620
President may increase 3639
temporary, how appointed, &c 2624
when to perform duties of collector 2625
salaries, &c., of 2706–2718
fees 2656, 2657
limit of compensation when performing duties of collectors 2688
compensation exclusive of expenses 2689
limit of, at Portland, Me., Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans 2690, 2719
at non-enumerated ports 2691, 2720
general duties of, at ports where there are collector, naval officer, and surveyor. 2627
where surveyors only are appointed 2628
in case of disability or death of, who to perform duties of 2629
may authorize officer, &c., to act in his place as disbursing agent, &c 2631
may act by deputy 2632
number and compensation of clerks of 2634
to keep posted table of fees, &c 2635
to keep account of fees, &c., and make annual returns to Commissioner 2639
personal attention, &c., of; duties of; in respect to accounts 2640
accounts of, how rendered 2641
to certify services of occasional inspectors .. 2642
to render list of clerks, compensation, account of stationery, office-rent, &c ... 2643
acting as collector, to render accounts of moneys collected for fines, rents, storage, &c.; excess of $2,000 in certain cases to be paid into Treasury 2647
in certain districts to keep blanks for sale .. 2648
collectors may provide small boats for 2763
when to examine baggage, &c 2801
at certain ports to estimate duties on merchandise, approve bond of importer, and notify collector, &c 2825
when to enter amount of duties on importer's bond, &c 2826
when to cause inspection of cargoes, &c., permit vessels to unload, and indorse manifests 2830
not to receive bond less than, &c.; when to collect and pay over duties 2831
when to put inspectors on vessels 2875
to transmit inspector's book to collector ... 2876
when to supply absence of inspector to superintend delivery of cargoes, &c 2877
distilled spirits to be landed under inspection of, &c 2884
to countersign, certify, and transmit returns of delivery of merchandise 2889

Section.

SURVEYORS OF CUSTOMS—Cont'd.
when packages of merchandise not to be opened without written consent of .. 2899
use of warehouse hired by 2956
at Louisville, to have custody, &c., of imports for Jeffersonville 2967
when to inspect merchandise notified for exportation 3035
when to search certain stores, &c 3107
duties of, as to public money 3639
to examine books, &c., of assistant treasurers, &c 3650
duties of, in measurement of vessels for register tonnage 4148
for other tonnage 4154
to countersign certificates of registry of vessels 4158
survey or measurement of vessels by 4181
fees of, for measurement of vessels, &c 4186
monthly return by, to collector of certified manifests or permits 4332
may be authorized to enroll and license vessels 4344, 4345
fees for 4346
penalty for delivering false measurement of vessel, &c 4373
to post up conspicuously, table of fees, &c .. 4383
powers, &c., of, at port of delivery made port of entry in case of insurrection 5314
duties of, respecting vessels fitting out to engage in piracy 4299
fees to be collected by, from vessels in certain cases 4381–4384
distribution of same (*act of* 1877, *ch.* 69), *after* 4381
table of, to be posted in office of 4483

SURVEYS AND SURVEYORS OF PUBLIC LANDS, (See *Lands—public.*)
rules of survey 2395
districts 2207
but one surveyor-general in each 2212
location of office 2212, 2213
permanent appropriation for survey of Vigil and Saint Vrain and Nolan land claims ..... p. 728, 3689

SUSPENDED (public lands),
entries and pre-emptions, how decided 2450
when patents to issue upon, &c 2454
reverting to public domain, may be ordered into market 2455
extent of provisions relating to 2457

SUSPENSION,
from office by President under tenure-of-office law 1768
no money to be paid as salary to officer suspended, &c 1762
in Army by sentence of court-martial .p. 239, art. 101, 1342
in Navy by general court-martial ....p. 284, art. 48, 1624
from duty by commander of vessel, as punishment ..... p. 281, art. 24, 1624
of collector of internal revenue by supervisor, for fraud, &c 3163

SUTRO TUNNEL,
right of way and other rights granted for, not impaired 2344

SWAMP-LANDS,
grant of, to certain States for construction of leeves 2479
patents for, to issue in fee-simple, &c 2480
what subdivisions deemed to be 2481
indemnity to States for, heretofore located. 2482
patents to purchasers and locators of 2483
certain selections of, by States confirmed .. 2484

Section.

SWAMP-LANDS—Continued.
in California, provisions concerning..... 2488
claims to, by California, how disposed of..... 2489
provisions extended to Minnesota and Oregon..... 2490
permanent appropriation to States for, erroneously sold by United States..p. 728, 3689

T.

TALESMEN,
to fill panel of jury..... 804
in western district of Arkansas..... 814
in Kentucky and Indiana..... 815
TARE,
allowance for, on imports, how estimated.. 2898
TATTOOING,
punishment by, forbidden in Army..p. 239, art. 98, 1342
in Navy.....p. 284, art. 49, 1624
TAXES,
in States, &c., all persons to be subjected to like, and to no other..... 1977
unequal, not to be imposed on persons immigrating from foreign countries.... 2164
not to be levied under State laws on obligations of United States..... 3701
regulations and restrictions on, in Territories.....1851, 1924, 1925
homesteads of Stockbridge Munsee Indians exempt from..... 2311
payable to United States in what currency..... 3473
to have priority in dividends in bankruptcy 5101
in national-bank notes, when..... 5182
proceedings in bankruptcy not to interfere with assessment or collection of..... 5101
on fur-seal skins from islands of Saint Paul and Saint George, Alaska..... 1969
suits for, to be brought in name of United States.....919, 3213–3216
Internal-revenue, where and how may be sued for..... 733
suits not to be brought without sanction of Commissioner of Internal Revenue..... 3214
regulations for bringing..... 3215
moneys recovered on suits to be paid into Treasury..... 3216
lien for, and how to be enforced.....3186–3188
persons liable for, when not otherwise provided, to make annual return.... 3173
may be summoned in case of neglect.. 3174, 3175
collectors in certain cases may enter premises of, and make returns..... 3176
officers may enter premises where taxable articles are kept..... 3177
returns for, to show whether amounts valued in currency or coin, and to be reduced to currency..... 3178
taxable property of non-residents in districts, how returned for taxation.3180, 3181
Commissioner may make certain assessments or reassessments and corrections of lists..... 3182
collectors and their deputies to collect all, however designated, and to give receipts..... 3183
demand and notice of, by collector or deputy..... 3184
monthly and special returns by persons liable to, when to be made..... 3185
lien on property for..... 3186
how collected by distraint (see *Distraint*) 3187–3196

Section.

TAXES—Continued.
Internal revenue—Continued.
penalty for making false returns to evade, and for refusing to testify or to produce books..... 3179
when real estate may be sold for..... 3196
proceedings in such case.....3197–3200
redemption when sold.....3201–3204
successive seizures may be made of different property, real or personal, for payment of..... 3205
Commissioner to make regulations for fees in case of distraint and seizure of property for payment of taxes..... 3206
proceedings in chancery to subject real estate to payment of taxes assessed..... 3207
gross amount of collections to be paid into Treasury daily..... 3210
collectors of internal revenue to be charged with whole amount of lists committed to them..... 3218
with what allowances to be credited... 3218
lists of, in case of death, removal, &c., of collector, to be transmitted to deputy or successor..... 3219
remission and refunding of, when erroneously or illegally assessed..... 3220
of taxes on distilled spirits accidentally destroyed.....3221–3223
suits for restraining assessment or collection of, forbidden..... 3224
to recover taxes collected under second assessment on alleged fraud, burden of proof on plaintiff..... 3225
actions for recovery of taxes illegally assessed not to be brought until appeal to decision of Commissioner, except..... 3226
limitation of time for bringing suits for the recovery back of taxes..... 3227
names and assessment of taxes on persons having no property in district to be transmitted to collectors of other districts..... 3209
sales of goods, &c., made to avoid, renders debt therefor void, and payments may be recovered as forfeitures to government and complainant..... 3454
in absence of provisions for modes and time of assessing and collecting, when laws are changed, or in absence of laws therefor, mode of procedure.... 3447
having in possession articles with intent to sell in evasion of, penalty and forfeiture.....3452–3455
fraudulently executing documents required by internal-revenue laws..... 3451
United States may purchase certain articles without payment of internal-revenue tax.....(see p. 483, § 2505) 3464
laws relating to customs duties not to apply to cases under internal-revenue laws..... 3465
on brandy made from apples, peaches, or grapes..... 3255
on cigars and cigarettes..... 3394
on cigar-lights..Schedule A, p. 679, *after* 3437
on distilled spirits..... 3251
on fermented liquors..... 3339
on friction matches...Schedule A, p. 679, *after* 3437
on imitation wines or compound liquors. 3328
on medicines and preparations..Schedule A, p. 678, *after* 3437
on perfumery and cosmetics..Schedule A, p. 678, *after* 3437

Section.

TAXES—Continued.
Internal-revenue—Continued.
on playing-cards, Schedule A, p. 679, *after* 3437
on snuff ... 3368
on tobacco ... 3368
on wax-tapers ..Schedule A, p. 679, *after* 3437
on distilled spirits, how determined ... 3309
how paid by tax-paid stamp (see *Stamps*). 3287, 3295, 3312–3316, 3320–3334
special, on dealers, &c., in spirits, fermented liquors, stills, cigars, tobacco, and snuff (see *Special Tax*) ... p. 624, 3244
on notes of persons or State banks used for circulation and paid out ... 3412
penalty may be remitted as to evidences of indebtedness heretofore used as circulation, in certain cases (*by act of* 1875, *ch.* 167) ... *inserted after* 3412
on notes of town, city, or municipal corporation paid out ... 3413
on bank-checks, drafts, &c ... 3418
on deposits, capital, and circulation of banks and bankers (see *Banks and Bankers*) ... 3408–3412
when payable ... 3409
returns required ... 3414–3417
on national banks on circulation and deposits ... 5214
returns for ... 5215
how assessed on default of return ... 5216
how collected on default of payment ... 5217
refunding excess of payments ... 5218
by States, authorized ... 5219
tax-paid stamps for distilled spirits ... 3295
form of ... 3313
accountability of collector for ... 3314
for restamping when stamps lost or destroyed ... 3315
to be destroyed on packages condemned ... 3334
refunds of erroneously assessed, (See *Refunds.*)
permanent appropriation for payment of, p. 725, 3689

TELEGRAPHS,
Secretary of War to establish, connecting signal-stations ... 223
constructed by certain companies over public domain ... 5263
use of materials for, from public lands ... 5264
rights of companies under United States laws not transferable ... 5265
government has priority in transmission of messages ... 5266
may purchase lines ... 5267
acceptance of obligation to be filed ... 5268
penalty for refusing to transmit dispatches ... 5269

TENNESSEE,
judicial districts in ... 547
district judge ... 552
district courts in, terms ... 572
when held by circuit justice or judge ... 582
adjournment in case of non-attendance of judge ... 584
intermediate term of, to be held in case of failure to hold general term ... 586
circuit courts in, term of ... 658
special session ... 666
ports of, in collection district of New Orleans, and officers ... 2568, 2569

TENNESSEE RIVER,
in Alabama, free of tolls, except, &c ... 5244, 5245

TENURE OF OFFICE,
of judges of United States courts to be during good behavior (*Constitution*, art. 3, sec. 1, p. 24).

Section.

TENURE OF OFFICE—Continued.
of persons appointed with advice of Senate ... 1767–1769
suspension of, during recess of Senate, &c. 1768
appointment to fill vacancy in such case 1769
term of office not extended, foregoing provisions ... 1770
accepting appointment or emoluments in violation of above provision, how punished ... 1771
appointment, employment, or removal contrary to above provisions, how punished ... 1772
of justices of Territories ... 1864
of surveyors-general ... 2217–2222
of registers and receivers ... 2222, 2244

TERMS OF COURTS,
of Supreme Court ... 684–686
of Court of Claims ... 1052
of circuit courts ... 658–672
of district courts ... 572–603
of Territorial courts ... 1865
in new Territories, how fixed ... 1873
in Idaho and Montana ... 1914
in New Mexico and Arizona ... 1915
in Utah ... 1916
in Colorado, Dakota, and Wyoming ... 1919
in Washington ... 1917

TERRITORIES,
provisions concerning,
Arizona, **New Mexico,**
Colorado, **Utah,**
Dakota, **Washington,**
Idaho, **Wyoming,**
Montana, (See *those titles*) ... 1896–1953
Alaska (see *Alaska*) ... 1954–1976
common to all ... 1839–1895
ordinance of 1787, for government of N. W. Territory ... p. 13,
persons born in former Territory of Oregon subject to jurisdiction of United States May, 1872, are citizens ... 1995
duties of Secretary of Interior concerning ... 442
equal rights to all persons in ... 1977
provisions for protection of ... 1978, 1980
peonage in, abolished and prohibited ... 1990
right of suffrage secured ... 2004
admission of aliens to citizenship in ... 2165–2174
officers, &c., to aid in taking census in ... 2190
land grants to, to convey fee-simple, when ... 2449
distribution to, of arms, &c., for militia ... 1667
rights, &c., of Indians, &c., in ... 1839
United States may regulate Indians, &c., in ... 1840
seats of government in ... 1885
executive power in, how vested ... 1841, 1842
secretary of ... 1843, 1844
legislature of, &c ... 1846
first election for members of ... 1847
meeting of first ... 1847, 1849
subsequent elections ... 1848
laws passed by, to be submitted to Congress ... 1850
extent of powers of ... 1851
sessions of, limit of ... 1852
compensation of members ... 1853
members not to hold certain offices ... 1854
compensation of members, &c., not to be increased ... 1855
justices of peace and general officers of the militia to be elected ... 1856
township, district, county, and other officers, how appointed, &c ... 1857
vacancies in appointive offices ... 1858
voters at first election, qualifications of, and for holding office ... 1859
at subsequent elections, &c ... 1860

Section.

TERRITORIES—Continued.
Army and Navy officers not to hold civil office in 1860
officers of legislature, number and salaries of 1861
Delegates to Congress, one to each Territory 1862
elections of 1863
governors, judges, &c., how appointed 1877
oath of office of 1878
salary of justices 1879
of governors and secretaries 1845
of attorney of United States 1880
of marshal 1881
payable quarterly at Treasury 1882
when officers absent none to be paid during such year, unless, &c 1884
fees and costs, allowance of, to attorneys, marshals, clerks, &c., how prescribed. 1883
accounts for disbursements, how settled ... 1886
public printing, limitation on expenses of.. 1887
annual expenses not to exceed appropriation by Congress 1888
legislative assemblies not to grant private charters or especial privileges 1889
may make rules for working mines 2338
general incorporation acts 1889
religious, &c., corporations limited in right to hold real estate 1890
Constitution and laws of United States applicable to all 1891
penitentiaries under control of marshals ... 1892
rules and regulations for government of. 1893
expenses of, fund payable 1894
prisoners under laws of, how received, subsisted, &c., in 1895
statutes of, how authenticated 905
records, &c., in public office of, how proven and admitted 906
demand and surrender of fugitives from justice by executives of (see *Fugitives from Justice*) 5278, 5279
persons guilty of bigamy in, how punished. 5352
punishment for circulation of obscene articles in 5389
courts, &c., in judicial power, how vested. 1907, 1908
jurisdiction to be limited 1866
supreme courts 1864
judicial districts 1865
justices of peace not to have jurisdiction in certain land cases 1867
supreme and district courts to have chancery and common-law jurisdiction 1868
error, exception, and appeal from district to supreme courts 1869
clerks of supreme courts of 1870
of district courts 1871
to be register in chancery, &c 1872
in new Territories, judicial districts, how defined, &c 1873
county courts 1074
attorney for United States in each 1875
marshal for each 1876
judges, appointment, salaries, oath, &c.. 1877–1882
term of office of 1864
to reside in districts to which assigned 1865
to designate clerk of district courts 1871
assignment of, to districts in new Territories 1873
may hold county courts 1874
may grant writs of habeas corpus 1912
in Idaho and Montana 1914
in Utah, how assigned 1916

Section.

TERRITORIES—Continued.
courts, &c.—Continued.
in other Territories, how assigned 1918
in New Mexico and Arizona, adjournment of court by 1915
in Washington, Idaho, and Montana, salaries, when payable 1941
judgments of, how reviewed by Supreme Court of United States 702
when Territory becomes a State 703, 704
what records of, to be transferred to district courts when admitted as State. 567, 568
jurisdiction in cases transferred 569
clerks of, not to act as attorney, &c., in causes pending in, or in districts, &c. 748, 749
power of, to discharge grand jury 811
jurisdiction of, in bankruptcy 4978–4987
of suits for making certain false claims against United States 3491
may enjoin receivers, &c., of national banks, effects of 5237
power of, to adjudge forfeiture of franchises, &c., of national banks 5239
records of, how proved, &c 905
TESTIMONY, (See *Evidence, Witnesses.*)
of witnesses before either House, &c., not to be used in criminal proceedings, &c., except, &c 859
power of Treasury agents to take, in Alaska 1976
fees for taking, in pre-emption and homestead cases, and claims for mineral lands 2238
for use in foreign countries, how taken.. 4071–4074
how taken in consular courts 4097
TEXAS, (See *Circuit and District Courts.*)
judicial districts in 548
district courts in, terms 572
adjournments of 579
circuit courts in, terms 658
transcript into new books, of records of district court in 897
appointment of Indian agents for 2052
collection districts, ports of entry and delivery in (see *Collection Districts, Ports of Entry*) 2578, 2579
THANKSGIVING (public),
day for, not included in computing time in bankruptcy 5013
THIRD ASSISTANT ENGINEERS (**Navy**),
pay of officers who have been retired as.... 1590
TIMBER,
inspectors of, at navy-yards may be discontinued 1416
selection, survey, &c., of certain lands containing live-oak and red cedar, for use of Navy 2458–2463
protection of lands of United States in Florida 2460
unlawfully cutting, &c., on lands reserved for military purposes, &c 5388
cultivation of, homestead settlers engaged in, to have patents, when 2317
persons planting, &c., forty acres to have patent for quarter-section, when 2464
applications for land for, how made 2465
certificate or patent for land 2466
abandoned land to revert to United States 2467
land acquired by, not liable for prior debts 2468
TITLES,
officers in Army to be addressed according to actual rank 1212
diplomatic officers, &c., not to accept 1751

Section.

TITLES—Continued.
of nobility not to be granted by States or United States (*Constitution*, art. 1, sec. 9, cl. 8; sec. 10, cl. 1, p. 21).
to be renounced by applicants for admission to citizenship 2165
TOBACCO, (See *Cigars, Snuff.*)
in Army, sale of, to enlisted men 1149
amount due for, to be deducted from pay .. 1301
in Navy, purchased without advertising ... 3721
customs duties on, in different forms ..... Schedule J, p. 469, *after* 2504
internal-revenue officer not to be interested in manufacture of 3168
laws imposing taxes on, extended to exterior boundaries of United States 3448
inspectors of, appointment, bond, and fees 3151, 3152
may be transferred or suspended by supervisor of internal revenue 3163
may enter building where articles liable to tax are made, &c 3177
rules for inspection of cigars may be made by Commissioner 3396
special taxes on manufacturers and dealers in (see *Special Taxes*) .....p. 623, 3244
manufacturers of, bond, certificate, &c 3355
to put up signs 3356
record of 3357
inventory, books, &c., of 3358
dealers in leaf, to render statement ...3359, 3391
books of 3360
planters, selling, to render statement of sales 3361
forfeitures by, for violations of laws .3456, 3457
and snuff, how put up; sale of shorts, clippings, &c., in bulk or for export, without payment of tax 3362
to be sold only in prescribed packages ... 3363
labels on packages 3364, 3365
purchasing, &c., not branded or stamped as required by law 3366
buying, &c., from manufacturer who has not paid special tax 3367
tax on 3368
stamps for, sold under distraint, &c 3369
how prepared, furnished, and sold 3369
forfeited, &c., not to be sold for less than tax, but may be destroyed 3369
manufactured by one person for another, or on shares, affixing stamps, &c 3370
estimate of tax on, sold or removed without stamps 3371
penalties for absence of stamps, and other offenses 3372–3376
imported, to be stamped same as domestic 3377
on hand before April 10, 1869 3378–3380
peddlers of, and of snuff and cigars, classification and special tax 3244
to give bond and furnish statement to collector 3381
to affix sign 3382
to obtain certificate from collector, &c ... 3383
refusal to exhibit special-tax stamp 3383
penalty on, peddling in violation of law 3384
exportation of, and of snuff and cigars 3385
cigars, provisions relating to (see *Cigars*). 3387–3406
drawback on 3386
TOLLS,
Tennessee, Coosa, Cahawba, and Black Warrior Rivers, in Alabama, to be free from, except, &c 5244

Section.

TOLLS—Continued.
assent of United States to tolls for use of canal at Muscle and Colbert's Shoals on Tennessee River 5245
Des Moines River to be free from tolls on property, &c., of United States 5246
vessels to and from harbor of Michigan City, in Indiana, to be free from 5247
from improvements made in Wisconsin River, and between Wisconsin and Fox Rivers, how paid into the Treasury 5249
on Louisville and Portland Canal 5255
TON,
definition of, in appraisal of imports 2951
TONNAGE,
of United States vessels, how classified and ascertained 4153
of foreign vessels and vessels not otherwise provided for 4154
TONNAGE DUTIES,
collection of, superintended by Secretary of Treasury 249
jurisdiction of courts, under laws providing revenue from .....p. 111, cl. 4, 629
suits for, to be brought in name of United States 919
decision of collector of customs as to rate of, final, unless, &c 2931
on what vessels, and amount to be paid 4219
exemption from, of vessels in coasting or fishing trade 4220
unless without license 4371
or on change of master not reported, &c 4335
of vessels making daily trips on inland waters between United States and Canada, except, &c 4221
of vessels touching at Canadian ports, when 4222
engaged in foreign and coasting trade on northern, &c., frontiers 2793
of yachts belonging to foreign yacht-clubs 4216
except in case of foreign vessel laden with goods for reshipment to evade law, then to pay fifty cents per ton .. 3110
on vessels touching at Canadian ports, except, &c 4222
to be paid but once in each year 4223
time of payment of 4224
for light-money on vessels not of United States 4225
certain, carrying sea-letter exempt, &c ... 4226
rights, &c., of foreign nations under laws and treaties regarding, preserved 4227
on vessels licensed for coasting-trade or fisheries 4320
discriminating, may be suspended by President, when 4228
Prussian vessels exempted from 4229, 4230
Spanish vessels exempted from 4231
Brazil steamships carrying mail exempt from port charges, &c 4232
TONNAGE FEES,
consular officers in Canada not allowed to charge, on vessels trading at Canadian ports 1722, 4222
not payable by certain vessels engaged in trade on northern frontier 2793
TOOLS,
wanton destruction of, at arsenal or armory, penalty 1669
of mechanical trade, &c., claimed as free of duty, separate entry of, how and by whom made 2796

Section.

TOOLS—Continued.
when bond required and permit to land given 2800, 2801
TOPOGRAPHER (Post-Office Department),
salary of 393
TORTS,
jurisdiction of district courts of suits by aliens for, in violation of law of nations or treaty ..... p. 96, cl. 16, 563
TOW-BOATS,
on Mississippi River and tributaries may carry what steam-pressure 4420
TOWN-SITES (on public lands),
land selected for, not subject to pre-emption 2258
President to reserve from, where 2380
lots, how surveyed, valued, and sold 2381
may be founded by settlers, how 2382
founded on unsurveyed lands, how lands adjusted 2383
proceedings when parties fail to file map and testimony 2384
where size of lots or plats vary from rule 2385
title to lots subject to mineral rights 2386
entry of, in trust for occupants 2387
when and how to be made 2388
to conform to legal subdivisions and entry in proportion to number of inhabitants 2389
exception as to Salt Lake City 2390
acts of trustees void, when 2391
no title given to mine or mining claim 2392
provisions not applicable to reservations 2392
entry of, by inhabitants, when 2394
TRADE-DOLLAR,
weight and fineness of 3513, 3514
devices and legends of 3517
silver bullion may be deposited for 3520
coinage charged for 3524
deviations in, adjusting 3536
TRADE-MARKS,
registration of 4937
declaration by party obtaining 4938
what cannot be registered as 4939
time of receiving, for registration to be noted, &c 4940
duration of protection of, rights secured by, renewal of, &c 4941
action for infringement of, suit to enjoin infringement, and to recover compensation 4942
none for infringement of, used in unlawful business or upon injurious article, or obtained by fraud, or with fraudulent purpose 4943
procuring registry of, &c., by false and fraudulent representation, &c 4944
former rights and remedies preserved 4945
right after expiration of registry 4946
Commissioner of Patents to make rules and prescribe forms for transfer of right to use 4947
prohibition of importation of foreign watches with copy or similitude of domestic trade-mark 2496
may be recorded, with name, &c., at Treasury Department to aid enforcement of 2496
TRADE AND TRADING,
without license in States declared to be in insurrection, &c., or obtaining license by fraud, &c.; penalty 5306
disbursing and other officers forbidden to trade in public funds or property .. 1788, 1789

Section.

TRADE AND TRADING—Continued.
restrictions upon Secretary of Treasury, First Comptroller, First Auditor, Treasurer, and Register to engage in trade or commerce 243
customs officers not to own vessels nor be concerned in importation of goods .. 2638
with Indians, how permitted 2128
license, how granted 2129
refusal of, when; appeal 2130
revocation of 2131
prohibition of, by President 2132
penalty for trading without a license 2133
in prohibited articles 2135
for selling arms to hostile Indians, &c 2136
persons employed in Indian affairs not to trade with Indians 2078
in Army by officers of Subsistence Department forbidden 1150
permits for establishment of, at military posts 1113
in Navy, receiving articles of, on vessels of war ..... p. 277, art. 8, cl. 13, 1624
TRANSCRIPTS,
fees for, from journals of Congress 71
to be transmitted to Supreme Court in cases of appeal 698
to be annexed to and returned with writ of error 997
on appeal, &c., same transcript, &c., may be used by both parties 1013
from books, &c., of Treasury Department, when evidence 886
evidence in trial of indictment for embezzling public money 887
from money-order account-books of Post-Office Department, when evidence .. 889
into new books of records of district courts in Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas 897
by clerks of circuit and district courts in western district North Carolina 898
TRANSFERS, (See *Assignments, Sales.*)
of enlisted men from Army to Navy 1421
of internal-revenue storekeeper 3154, 3163
inspector and gauger 3163
of pre-emption rights before patent, void .. 2263
may be made for school, church, &c., purposes when 2288
of merchandise from unsafe or unfit warehouse by Commissioner 3272
of bullion for coinage of ingots 3530
of public contracts prohibited 3737
of money-order funds, Postmaster-General may direct 4042, 4043
of debts in payments to mail-contractors 4056
of prize-property to another district for sale, provisions concerning 4629
under bankruptcy law, fraudulent, to be acts of bankruptcy 5021
to bar discharge 5110
what, within four months of insolvency, void 5128
within six months, void 5129
recovery of property of value by assignee 5128, 5129
what, to be presumptive evidence of fraud in 5130
penalty of debtor making 5132
TRANSPORTATION,
to be furnished to persons requiring artificial limbs, &c 4791
of Oriental persons to be held to service prohibited (see *Cooly Trade*) 2161
of animals, regulated 4386–4390

Section.

TRANSPORTATION—Continued.
for **Army**, Secretary of War to prescribe regulations of, for supplies 219
of troops, munitions, stores, &c., to be under control of Secretary 220
Quartermaster's Department to furnish .. 1133
and for Navy, contracts, &c., for, not to exceed necessities of year 3732
Mail, provisions relating to contracts for .. 3941–3963
postmasters, &c., not to be concerned in contracts for 3849
provisions relating to 3964–3996
on railways 3997–4005
to foreign countries 4006–4016
accounts to show expenditures for 4049
search for letters illegally carried 4026
Merchandise in bond, ports at which entries may be made for 2990
examination of, for 2991
bond for 2992
carriers of 2993
to be conveyed under locks and seals 2994
transfer of, to vessel or vehicle 2995
warehouses for 2996
ports to which goods may be transported 2997
privileges of, extended to Genesee, N. Y., and Saint Paul, Minn ..... *note after* 2990
penalty for breaking vehicle, &c., containing 2998
special inspectors for goods transported between Atlantic and Pacific ports over foreign territory 2999
how, from one district to another without payment of duties 3000, 3001
for exportation of, with benefit of drawback 3036
for exportation of, &c., to different countries 3002–3008
provision respecting warehousing of (see *Warehouses*) 2954–3008
Passengers and merchandise, by vessels (see *Passengers, Vessels*) 4252–4289
by steam-vessels (see *Passengers, Steam-Vessels*) 4463–4500
TRANSPORTS,
detail of Navy officers to inspect Army 1437
TRAVEL-PAY,
of members and delegates in Congress 45–47
of persons employed in Indian service 2077
of internal-revenue gaugers 3157
of officers and other persons executing precepts of Congress ..... (*repealed*) 74
in Army 1273
to officers honorably discharged 1289
to soldiers discharged 1290
to militia when called into service 1652
in Navy 1566
TREASON,
constitutional definition of, and provision respecting (*Constitution*, art. 3, § 3, cl. 12, p. 25).
President and Vice-President may be removed from office for (*Constitution*, art. 2, § 4, cl. 1, p. 24).
members of Congress guilty of, not privileged from arrest (*Constitution*, art. 1, § 6, cl. 1, p. 19).
statute definition of 5331
punishment of; incapacity to hold office ... 5332
misprision of, who guilty of; punishment 5333
limitation of time for finding indictment of. 1043
copy of indictment, and list of jurors and witnesses, when to be delivered to person indicted of 1033

Section.

TREASON—Continued.
right of defense by counsel, and to compel witnesses upon indictment of 1034
challenge of jurors in trials for 819
provisions relating to neutrality not to prevent prosecution for 5291
TREASURER (of United States),
appointment and salary of 301
bond of 302
Assistant Treasurer, and when to act as .. 303, 304
clerks in office of 235
not to engage in certain business 243
rooms in Treasury building at Washington assigned to 3591
place of deposit of public money 3591
general duties of 305
to cover in liabilities outstanding more than three years 306
drafts remaining unpaid for three years, how paid by, &c 307, 308
to report accounts with, unchanged for three years, &c 309, 310
to report annually to Congress 311
publication of statements of 266, 267
money paid under protest for customs duties to be credited to 3010
to give receipt for gross amount of internal-revenue taxes paid in by officers 3210
may maintain suits on bonds, &c., taken by Commissioner of Internal Revenue .. 3425
certain abraided coins to be received by, at par 3505
to be recoined 3512
balance to credit of silver profit fund in mints to be deposited with 3526
how, may redeem minor, &c., coins 3529
to cover in deductions, &c., on bullion 3552
to receive certain Spanish and Mexican coins 3567
to redeem fractional currency 3574
proceeds of sale of old materials, how credited by 3618, 3672, 3692
duties respecting public money 3639
public money subject to draft of 3593, 3644
collected in District of Columbia to be paid to 3615
money of War and Navy Departments, how drawn 3673
provisions respecting (see *Public Money*) 3591–3659
to keep account of Post-Office Department separate 3642
may have letters containing currency registered 3932
to keep special account of money-order funds 4045
net proceeds of money-order business to be placed with, as postal revenues 4050
to pay duplicate checks for pensions (*repealed*) 4770
in other cases 3646
examination of money, &c., in hands of .. 3649, 3650
bonds transferred to, by national banks ... 5159, 5162, 5165, 5166
to withhold interest on bonds of certain banks until, &c 5205
may retain out of interest on bonds, penalty for refusal, &c., to make reports 5213
semi-annual duty on banks to be paid to .. 5214
report to, as basis of semi-annual tax 5215
may assess tax without report 5216
may reserve tax out of interest on bonds .. 5217
to certify claim of bank for return of semi-annual duty 5218
national banks in liquidation to deposit money with, for redemption of notes 5222

Section.

TREASURER (United States)—Cont'd.
when to redeem national-bank notes 5224
when to destroy national-bank notes 5225
receivers of national banks to pay over money collected to 5234
penalty for failing safely to keep moneys deposited with 5489
masters, &c., of foreign vessels clearing for coast of Africa, to give bond to 5564

TREASURY DEPARTMENT,
Secretary to be at head of (see *Secretary of Treasury*) 233
Assistant Secretaries of, appointment, salaries, and duties 234, 245, 246
clerks and subordinate officers in 163–169, 235
claims and accounts to be settled in ..236, 239–241
fiscal year of Treasury 237
commissions of revenue officers issued, &c.. 238
internal-revenue accounts kept in 239
contingent expenses of, how allowed 240
expenditures for furniture, &c., how allowed 241
temporary clerks in 242
officers and clerks of, restricted as to certain kinds of business 243, 244
transcript from books, &c., of, evidence against delinquents accountable for public money 886
in trial of indictment for embezzling 887
accounts of disbursements for Territories to be settled at 1886
permanent appropriations for matters in (see *Permanent Appropriations*) . p. 724, 3689
appropriations for public buildings under control of, to be immediately available 3684
for bureaus of Navy Department to be kept separate 3676
what binding may be done at 3787
general provisions relating to department 233–244
common to all executive departments (see *Departments*) 158–198
officers and bureaus in, general provisions:
Secretary 245–267
Comptrollers 268–275
Auditors ..... 276–300 B
Treasurer 301–311
Register 312–315
Commissioner of Customs 316–318
Commissioner of Internal Revenue .. 319–323
Comptroller of Currency 324–333
Bureau of Statistics 334–342
Bureau of Mint 343–345
Matters belonging to the department as follows:
Duties on imports 2491–2516
Collection of duties on imports ... 2517–3129
collection districts 2517–2612
qualifications, pay, and duties of officers 2613–2746
revenue-cutters and boats 2747–2765
entry of merchandise 2766–2866
unlading 2867–2898
appraisal 2899–2953
bond and warehouse system 2954–3008
payment 3009–3014
drawback 3015–3057
enforcement of duty-laws and punishment for violations 3058–3094
provisions applying to commerce with contiguous countries 3095–3129
Internal Revenue 3140–3465
officers of 3140–3171
assessments and collections 3172–3231
special taxes 3232–3246
distilled spirits 3247–3334

Section.

TREASURY DEPARTMENT—Cont'd.
fermented liquors 3335–3354
tobacco and snuff 3355–3386
cigars 3387–3406
banks and bankers 3407–3417
stamp-taxes on specific articles 3418–3437
legacies and successions 3438–3440
provisions covering several objects of taxation 3441–3465
Coinage, weights, and measures .. 3495–3570
The currency 3571–3583
Legal tender 3584–3590
Public money 3591–3659
Appropriations 3660–3692
Public debt 3693–3708
Regulation of commerce and navigation 4131–4305
registry and recording 4131–4196
clearance and entry 4197–4218
tonnage duties 4219–4227
discriminating duties 4228–4232
navigation 4233–4251
transportation of passengers and merchandise 4252–4289
log-books 4290–4292
regulation for suppressing piracy ... 4293–4299
summary trials for certain offenses against navigation 4300–4305
Regulation of vessels in foreign commerce 4306–4310
in domestic commerce 4311–4390
Lights and buoys 4653–4680
Coast survey 4681–4690
Regulation of fisheries 4391–4398
Regulation of steam-vessels 4399–4500
Public health and quarantine 4792–4800
Hospital for relief of seamen 4801–4806
National banks 5133–5243
organization and powers 5133–5156
obtaining and issuing circulating notes 5157–5189
regulation of banking business 5190–5219
dissolution and receivership 5220–5243
Rivers and harbors, tolls on canals around Muscle and Colbert's Shoals, in Tennessee River 5245
tolls at improvements on Wisconsin and Fox Rivers 5249
Louisville and Portland Canal 5255
Railways (Pacific), certain matters relating to 5256–5262
Remission of fines, penalties, and forfeitures (see *Remissions*) 5292–5294
Insurrection, provisions respecting trade with insurgents and collection of revenues in case of 5302–5322

TREASURY NOTES,
issued under former acts, for what debts receivable 3473, 3476, 3589, 3590
expenses of preparing 3578
premium on, to be accounted for 3652
exemption from taxation 3701
credit to officers in paying stolen 3707
imitating or printing on, prohibited 3708
legal-tender currency now issued consists of United States notes (*which see*) 3571
counterfeiting, &c., how punished 5413–5456

TREATIES,
Secretary of State to furnish copies of, to Congressional Printer 210, 3803
printing of, for Congress, &c. 3805, 3808
how published in certain newspapers, &c. 3823–3826
printed with Statutes at Large to be evidence (*Appendix*, p. 1091, sec. 8).
to be referred to in estimating expenses to be appropriated for 3660

Section.

TREATIES—Continued.
not impaired by provisions concerning tonnage duties, &c 4219
prize laws not to contravene 4652
making war, or cruising, &c., contrary to provisions of, deemed piracy 5374
penalty for attempting to negotiate, with Indians except for United States 2116
purchase of land located under treaty with Chippewas, when permitted 2368
under treaty of Washington, provisions for entry and export of merchandise 2866
British vessels may engage in coasting-trade on Saint Lawrence and great lakes under, when, &c 4347
apprehension and surrender under, of persons charged as fugitives from justice (see *Fugitives from Justice*) 5270–5278
of foreign seamen 5280
Postmaster-General to make postal 398
to file copies with Secretary of State 399
with Indians not to be made 2079
existing treaties abrogated 2080, 2100–2102
moneys to be paid to Indians 2093–2097
what printed copies of, to be evidence 908
jurisdiction of district courts of suits by aliens for writs in violation of..p. 96, cl. 16, 563
of Court of Claims not to extend to 1066
by, of ministers and consuls in certain countries 4083–4130
by, of consular officers of foreign countries as to disputes between seamen, &c., 4079–4081

TREES, (See *Timber.*)
homestead settlers engaged in cultivation of, to have patents 2317, 2464–2468

TRESPASS,
by Indians on lands, &c., of civilized Indians, penalty 2120, 2121

TRIALS,
of issues of fact, when by jury 648, 649
of capital offenses, in what county to be had 729, 730
of offenses begun in one district and completed in another 731
no person to be arrested in one district for trial in another in any civil action, &c., except, &c 739
not stayed by arrival of time fixed for another session 746
notice for, in civil cases, by either party 950
persons in Army not subject to, second time for same offense .....p. 240, art. 102, 1342
by jury not allowed in cases removed to supreme courts of Territories 1869
for offenses against navigation laws may be demanded 4301
debtor may demand summary hearing in bankruptcy 5026
summary, for offenses against navigation laws 4300–4305
by diplomatic and consular officers (see *Consular Courts.*)

TRIPLE VALUE,
of merchandise unladed from vessel without permit to be forfeited 2868

TRIPOLI, (See *Foreign Relations.*)
provisions of law extended to, under treaties. 4127

TRUMPETER,
for troop of cavalry 1103

TRUSSES,
to soldiers ruptured 1176
application for, how made 1177
purchase of, by Surgeon-General 1178

Section.

TRUSTEES,
holding national-bank stock, not to be personally liable 5152
under bankruptcy law 5103
of public lands for town-sites 2387–2391

TRUST-FUNDS,
not to pass by assignment in bankruptcy 5053
held by United States, how invested 3659

TUBS (distillery),
how to be placed, marked, secured, emptied, &c 3269, 3270, 3285, 3286
to be destroyed and material sold in certain cases of forfeiture 3332
fermenting, how fastened, locked, &c..... 3311

TUG-BOATS (steam),
foreign, not to be employed in towing vessels between United States ports, except by foreign railroad company in certain cases 4370
engaged exclusively in towing on northern, &c., frontier, not required to report and clear 3123
unless towing rafts and other vessels not required to be enrolled 3123, 3125
propelled by steam to have boilers and hulls inspected 4426

TUNNELS,
run over public lands for development of mines, rights of, &c 2323
run for developing lode in mining claims, cost of, how treated (*new*) 2324
rights granted for Sutro tunnel not impaired 2344

TUNIS, (See *Foreign Relations.*)
provisions of law extended to, under treaties 4127

TURKEY, (See *Foreign Relations.*)
provisions relating to crimes extended to, under treaty 4125
what are thus made applicable to 4083–4109
on prison to be hired in 4121
salary of minister 1675
marshal of consular court in 4111
interpreter of legation in 1678
consul-general at Constantinople to be secretary of legation 1677

TURPENTINE,
oil or spirits of, restrictions on carriage of, by steam passenger-vessels 4472
how packed and marked for shipment 4475
penalty for shipping contrary to law 4476

U.

UNASCERTAINED DUTIES,
on imports, money collected for, how credited 3010
payments made upon, in excess of amount found due, may be refunded by Secretary of Treasury 3012½
permanent appropriation for.....p. 726, 3689

UNCLAIMED,
letters, &c., provisions relating to 3930–3940
disposal of 4061
merchandise, where stored, charges on, how paid 2965
when collector of customs may sell..... 2976
pensions, what shall constitute; after three years name to be striken from rolls, &c 4719
permanent appropriation to repay claimants overplus of goods sold under customs laws ..... p. 726, 3689

UNCOLLECTED TAXES,
to be credited to collector of internal revenue in certain cases 3218

Section.

UNCOLLECTED TAXES—Continued.
lists and accounts of, to be transferred to successor for collection 3219
UNEXPENDED BALANCES,
limit as to use of 3690
disposal of, after two years 3691
UNFERMENTED WORTS,
sold to other brewers for certain purposes, how taxed 3351
UNIFORM,
in Army, to be that of actual rank 1212
to be prescribed by President 1296
retired officers entitled to wear 1457
of persons in diplomatic service 1688
of soldiers, not to be sold, &c 3748
of letter-carriers, may be prescribed; penalty for falsely wearing 3867
exempt from operation of bankrupt law ... 5045
UNION PACIFIC RAILROAD CO.,
books, &c., of, to be open to inspection by Secretary of the Treasury, &c 5256
other provisions concerning 5256
right of other roads to connect with 5257
bankruptcy law not to apply to 5256
jurisdiction of courts to compel company to operate its road as required by law (see *Railroads*) 5262
UNITED STATES,
laws imposing certain internal-revenue taxes extended to exterior boundaries of 3448
may import articles free of duty ..... p. 483, 2505
may purchase goods free of internal-revenue tax (see p. 483, § 2505) 3464
seal of 1793
custody of 203, 1794
how affixed to commissions 1794
flag of 1791
a star to be added for each new State 1792
United States of America to be inscribed on coins 3517
exclusive jurisdiction of United States courts in certain cases under laws of. 711
suits for recovery of duties, imposts, taxes, suits under postal laws, and suits for recovery of certain penalties, to be in name of 919
debts due by or to, provisions concerning (see *that title*) 3466–3494
provisions respecting public money of (see *Public Money*) 3591–3659
UNITED STATES BONDS,
faith pledged for payment in coin 3693
permanent appropriation of amount of interest on sinking fund, for payment of. 3688
for payment of interest on, and on bonds to Pacific Railroads ..... p. 725, 3689, 3698
portraits of living persons not to be on 3576
premiums on, to be accounted for 3652
trust-funds, to be invested in 3659
not to be redeemed before maturity unless, &c 3693
known as five-twenties may be redeemed .. 3697
when redeemed, &c., to be canceled 3695
exempt from taxation 3701
issue of duplicates 3702–3705
falsely personating holder of, and endeavoring to transfer same, &c., how punished 5435
exchange of coupon for registered 3706
imitating, or printing, &c., on, punishable 3708
secreting, embezzling, &c., implement used in printing, &c., punishable 5453
paper, &c., used in the making of 5453
paper, &c., printed, &c., and intended to be used as 5453

Section.

UNITED STATES BONDS—Continued.
deposited by national banks as security for circulation, &c., provisions concerning (see *National Banks*) .. 5153, 5158–5167, 5171, 5180, 5185, 5214–5217, 5224, 5227–5238, 5242
UNITED STATES NOTES,
denominations of 3571
engraving and preparation of 3575
portraits of living persons not to be on 3576
may be engraved and printed in department at Washington 3577
expenses of preparing, &c., how paid 3578
may be reissued 3579, 3580
mutilated, &c., when redeemed to be destroyed 3581
authority to retire, suspended 3582
for what, are legal tender 3588
faith pledged for payment of, in coin 3693
to be conveyed for United States in vessels belonging to citizens 4204
certificates of deposit for 5193
notes received for, not to be issued, &c 5194
not to be received by national banks as collateral 5207
penalty for imitating or printing on 3708
for using plates of, to print from without authority 5430
for secreting or using tools, &c., for printing 5453
demand notes, old issue, customs duties payable in 3009, 3473
legal-tender 3589
UNIVERSITIES, (See *Colleges.*)
officers of Army may be detailed as presidents, professors, &c., of, and arms, &c., may be issued to 1225
UNLADING (of vessels),
where vessels from foreign ports may unlade 2770, 2771
provisions concerning 2867–2898
penalty for, without permit 2867
exceptions in case of distress, &c 2868
permits for 2869, 2870
to take place in open day, except, &c ... 2872–2874
permission for, at night, how granted 2871
inspectors of customs to be put on board to superintend delivery 2875–2879
property on vessels after time allowed for, by whom taken 2880, 2881
removal of merchandise from wharf 2282
of distilled spirits, provisions concerning 2884–2886
penalty for, omitted, &c., articles and merchandise not agreeing with manifest. 2887
accounts of deliveries to be returned to collectors, and proceedings thereon .2888, 2889
of weighers, gaugers, and measurers on discharge of vessels 2890
certificates for, from vessels seeking port in distress of weather 2891
from vessels in distress, goods how stored, &c 2892, 2893
reloading 2894
of cargoes of Spanish vessels seeking port in distress 2895
vessels obstructed by ice, manner of 2896
of imported salt opposite New Orleans 2897
estimation of tare 2898
custody of imports, not unladen in time 2969
of merchandise entered for transportation, not allowed between ports of arrival and entry, unless, &c 2994
permit not required for, cargo of vessels on northern, &c., frontiers brought from domestic port 3119

Section.

UNLADING (of vessels)—Continued.
of merchandise taken from ports on northern, &c., frontiers to be in open day, except, &c. 3120
vessels on Lake Michigan may unlade without obtaining permits, under certain regulations (*new*) 3120
masters of vessels with cargo or passengers from foreign ports to obtain permit before 3121
provisions concerning unlading vessels from British North American Provinces 3129

UNLAWFUL COMBINATIONS,
when to be suppressed by use of land and naval forces 5299

UNPAID LETTERS,
shall be sent to Dead-Letter Office 3937

UNREGISTERED VESSEL,
sailing on sea-letter to be furnished with passport, when 4308

UNSEAWORTHY VESSELS,
complaints of, by officer, crew, &c 4556
surveying of, &c 4557
penalty for refusing to proceed, after complaint found untrue 4558
complaint, survey, report, &c., in foreign port 4559
discharge of seamen from, by consul, &c. 4561
payment of inspection in foreign port 4562
penalty for refusing to pay seamen on, &c. 4563

UNSLAKED LIME,
penalty for shipping, without notice of character 4288

UTAH TERRITORY,
provisions common to all Territories (see *Territories*) 1839–1895
establishment and boundaries of 1897
judicial power in, how vested 1866, 1907
writs of error and appeals in, to Supreme Court of United States 1909
district courts in, as circuit and district courts of United States, &c. 1910
judicial districts in, how organized, &c. 1913
assignment of judges and terms of court 1916
number of members of council and house of representatives of 1922
justices of peace in, limit of jurisdiction 1926
contingent expenses of executive department in, annual appropriation for 1935
legislative expenses of, provision for 1939
mileage of members of legislature 1942
seat of government of, how changed 1944
reservation of public lands for school purposes in 1946
library for 1953
appointment of Indian agents for tribes in 2052
persons included in enumeration of inhabitants of 2188
surveyor-general for 2207, 2210
fifty per cent. addition to certain fees of registers and receivers in 2238
boundaries of land-district in, established, p. 413, 2256

V.

VACANCIES,
in office of Senator 16, 17
Representative or Delegate 26
salary of Member or Delegate elected to fill. 51
in offices of President and Vice-President, who shall act in case of 146
notification of, to governors 147
elections to fill 149, 150
in departments, how filled 177–179
temporary appointments to fill 180, 181

Section.

VACANCIES—Continued.
officer temporarily filling, not to receive extra compensation 182
in office of district judge, continuance of process, &c 602
in States containing two or more districts, how court may be held 603
in office of Chief Justice of United States 675
district attorney or marshal, how filled temporarily 793
within what time President to nominate persons to fill 1768
occurring during recess of Senate, President may fill temporarily 1769
in office of collector of internal revenue 3149
postmaster, Postmaster-General may place office in charge of special agent 3836

VACATION (of courts),
orders, &c., in, by district judge, in admiralty and equity causes 574
by judges of circuit court in equity 638
circuit judge to exercise powers of court in, under laws relating to elections 2013
judges to exercise powers of bankruptcy court in 4973, 4986

VEHICLE,
meaning of, as used in statutes 4

VALLEJO, CAL.,
vessels going to or from, how to report 2584
entry of merchandise for, where made, powers of deputy collector at 2824

VALUABLE LETTERS,
disposition of, in Dead-Letter Office 3938

VENIRE FACIAS,
writ of, for jurors, how issued, served, and returned 803

VENTILATORS,
on vessels carrying other than cabin passengers between Europe and United States 4257
penalty for failure to provide 4259

VERDICT,
finding by circuit court on facts, when jury waived 649
when, may be for offense included in that charged, &c 1035
may be as to part of several indicted together 1036

VERIFICATION,
of registration and voting lists 2016, 2026
knowingly giving false information for, how punished 5523,
of passports, how authorized 4075–4078
of claims in bankruptcy 5077–5080

VERIFIERS (customs),
at New York 2539
compensation of 2745
not to engage in business 2941

VERMONT,
judicial district of 531
terms of district court in 572
of circuit court in 658
petit jury not to be summoned in district court unless, &c 807
grand jury to be charged by circuit court in, as to crimes, &c., cognizable by district court 818
how recognizance of witness taken in 880
collection district of, what to comprise ports of entry and delivery in 2525
officers in; residence of collector 2526
President may establish ports of delivery in 2525
additional inspectors for collection district of 2605

VESSELS, (See *Steam-Vessels.*)
Various provisions concerning, in following chapters and titles (*which see*):

Section.

VESSELS—Continued.
Registry and recording 4181–4196
Clearance and entry 4197–4218
Tonnage duties 4219–4227
Discriminating duties 4228–4232
Navigation 4233–4251
Transportation of passengers and merchandise 4252–4289
Log-books 4290–4292
Regulations for suppression of piracy. 4293–4299
Summary trials for certain offenses against navigation laws 4300–4305
Regulations of, in foreign commerce. 4306–4310
in domestic commerce 4311–4390
fisheries 4391–4398
steam-vessels 4399–4500
respecting merchant-seamen 4501–4612
includes what 3
jurisdiction of courts for enforcement of penalties under laws in relation to carriage of passengers in merchant-vessels ..... cl. 5..629, 4270
seizure of, for violation of law and procedure in certain cases 923
costs, how taxed when claimant's right is established 979
awards of foreign consuls, &c., in differences between captains and crews of. 728
consular officers to keep record of, &c 1708
forfeiture of, for violation of laws relating to Alaska 1955–1971
for unlawfully carrying away live-oak, &c 2462–2463
and boats used in landing merchandise entered for drawback 3049
when locks, &c., unlawfully removed... 3106
for conniving at fraud with reference to drawback on spirits 3330
customs-officers not to own, &c 2638
revenue-cutter officers to board, &c 2760
not employed in revenue service carrying ensign, &c., of, penalty 2764
to bring-to, when required by revenue-cutter, &c 2765
entry of, and reports of master at ports of arrival (see *Entry of Vessels*) 2770–2866
provisions concerning revenue-marine vessels (see *Revenue Marine*) 2747–2765
bound to ports of delivery, where to enter. 2772
where vessels from foreign ports may enter and unlade 2770
manifests of (see *Manifests*) 2806–2815
penalty for illegal departure from ports named when conveying dutiable goods 2828
provisions respecting unlading (see *Unlading*) 2867–2898
inspectors to be put on board 2875
opening, breaking, &c., any, containing merchandise imported for transportation 2998
when liable to seizure by customs officers. 3059, 3072
searches, &c., of, by customs officers, where and when made, access to, &c 3067
master of, obstructing officer, &c., penalty. 3068
articles in cabin and other places separate from cargo, duty of customs officers respecting 3069
liability of master for breaking, &c., locks and fastenings 3070
subject to penalty, &c., for violation of revenue laws, how proceeded against... 3088
engaged in commerce with contiguous countries 3095–3102
regulations for sealing 3103

Section.

VESSELS—Continued.
sealed, penalty for taking, to other ports, unloading and selling contents 3104
for breaking lock and seals 3105, 3106
reports of foreign vessels in ballast 3109
to report certain sea-stores purchased and pay duties in certain cases 3011–3013
to pay duties on certain equipments and repairs 3114, 3115
manifests of (see *Manifests*) 3116–3118
unlading 3119, 3120
other provisions respecting vessels in trade on northern frontiers 3121–3125
master of, departing from places where there is no custom-house to deliver manifest on arrival at port of destination. 3122
registered, may engage in trade between domestic ports with privilege to touch at foreign ports under certain regulations 3126, 3127
entry and unlading of, from Canada and other provinces by permission of Secretary of Treasury under regulations. 3129
penalty for falsely painting, &c., "United States Mail," &c., on 3979
for carrying persons acting as private letter-expresses in 3983
may be searched for letters illegally carried. 3989
not to make entry until delivery of letters. 3988
mailable matter conveyed by, to be deposited in post-office 4016
of United States, what deemed 4131
to be such only while owned wholly by citizens 4131
officers of, must be citizens 4131
taking foreign flag during rebellion not to be 4135
wrecked vessels may become, when 4136
nationalization of certain vessels owned by residents of Alaska 4140
not to have privileges of unless new register taken when required 4169, 4170
unless number marked on main-beam, not to be 4177
what, are entitled to registry 4132–4136
tonnage, how measured 4153
of foreign vessels 4154
name of registered vessel, and port to which belong, to be painted on stern 4178
not to be changed 4179
to be certified before registry 4149
of recorded vessel, change of, to be indorsed on certificate of record 4183
of steam-vessels to be painted on pilot-house and wheel-house 4495
when coastwise, and on great lakes subject to navigation laws 4401
bound on voyage across Atlantic to be provided with water and provisions 4564
shipping commissioners to examine as to provisions and water on, when complaint is made 4565–4567
when lien upon, not invalidated by assignment in bankruptcy 5052
to be detained with cargoes in certain cases in insurrectionary districts until duties paid, &c 5315
not to be taken from customs officers unless by process of court 5316
punishment of captain, &c., when by negligence, &c., life is destroyed ... p. 629, 5344
malicious beating, imprisoning, &c., of crew, withholding suitable food, inflicting unusual punishments 5347
endeavoring to make revolt or mutiny aboard of 5359, 5360
attacking, with intent to plunder 5361

Section.

VESSELS—Continued.
breaking or entering, to commit felony.... 5362
maliciously cutting cordage fast fixed to anchor of, &c..... 5362
forcing officer or mariner of, on shore in order to leave him behind in foreign port, or refusing to bring home, &c.. 5363
conspiracy to cast away, &c., with intent to injure underwriter..... 5364
casting away, by owner with intent to injure underwriter or owner of cargo..... 5365
willfully casting away, by person not owner. 5366
setting fire to, with intent to destroy, by person not owner..... 5367
committing robbery on high seas, &c., in or upon, or upon company or lading of, piracy..... 5370
landing from piratical, being of crew, and committing robbery on shore, deemed piracy..... 5371
officer or mariner feloniously running away with vessel on high seas, or with goods thereof, or voluntarily delivering up vessel to pirates, penalty..... 5383
lost in military service to be paid for...3483, 3488
permanent appropriation for.....p. 727, 3689
plundering from, and other offenses as to, when in distress..... 5358
in domestic trade, contracts with, for carrying mail without advertising..... 3943
when mail may be carried in certain.... 3969
not to carry letters except in mail....3985, 3986
what, may have privileges of coasting-trade and fisheries..... 4311
what, may be enrolled..... 4312
enrollment and license of, owned by corporation.....4313–4315
of river, &c., steamboat owned by resident alien..... 4316
of vessel on northern, &c., frontier.... 4318
form of enrollment..... 4319
license to engage in coasting-trade or fisheries..... 4320
tonnage duty on licensed, or fisheries.. 4320
form of..... 4321
registered, may have, on surrender of certificate of registry..... 4322
exchange of register for enrollment, &c., in another district..... 4323
expiration of..... 4324
to be surrendered, when..... 4325
new, in place of one lost, &c..... 4326
renewal of.....4327–4329
oath as to foreign repairs, &c., before enrollment, &c..... 4330
of less than twenty tons, measurement for license..... 4331
enrollments and papers of, how signed, &c..... 4332
when enrollment, &c., changed for register, or vice versa, to be under former name..... 4333
licensed, to have name and port painted on stern..... 4334
change of master of licensed, to be reported..... 4335
master to exhibit enrollment or license for inspection..... 4336
licensed or enrolled, proceeding to foreign port without register, &c., penalty.. 4337
certificate for, proceeding from another district..... 4338
in whale-fishery, register for..... 4339
enrollment and license of, at Jersey City..... 4340
at Camden, N. J..... 4341

Section.

VESSELS—Continued.
in domestic trade—Continued.
registry, enrollment, and license of, at Wilmington, N. C..... 4342
enrollment and license of, at Chesapeake City, Md..... 4343
by surveyors at ports authorized by Secretary of the Treasury..... 4344
by surveyors at Cold Spring, Greenport, and Port Jefferson, N. Y..... 4345
fees of surveyors for granting..... 4346
foreign, not to engage in coasting-trade.. 4347
British, may engage in coasting-trade on Saint Lawrence River and Great Lakes, when..... 4347
trading between neighboring districts, &c., manifests and permits for...4349, 4352
trading between remote districts, manifests and permits for.....4353, 4356
trading between Long Island and Rhode Island to have what privileges..... 4357
between Alaska and other districts, how regulated..... 4358
exemption of certain, from requirements as to manifests and permits.....4359, 4360
registered, carrying foreign merchandise from one district to another..... 4361
fishing, permits to touch at foreign port, &c.....4364, 4365
coasting, putting into port other than destination, to report, &c..... 4366
foreign, bound coastwise, manifest and permits for.....4367–4369
engaged in coasting-trade or fishery without enrollment or license; penalty.. 4371
when license expires at sea..... 4372
penalty for illegal enrollment or license of, and other offenses.....4373–4377
forfeiture of licensed, transferred to foreigner..... 4377
licensed, for mackerel fishery may catch other fish..... 4377
notice of seizure of, what to specify..... 4379
recovery of penalties and forfeitures against..... 4380
fees to be paid by vessels navigating otherwise than by sea.....4381, 4382
table of, payable by, to be posted up conspicuously by customs officers..... 4383
subject to enrollment and license liable for payment of..... 4384
lighters and boats exempt from, &c.... 4385
transportation of animals by (see *Animals*).....4386–4390
in foreign trade, materials for construction, &c., of, may be imported, &c., free of duty, if, &c..... 2513
articles needed for repair of, withdrawn from bonded warehouse free of duty..... 2514
arriving from foreign ports, where to make entry, &c..... 2770
departing from port of arrival before making report, &c..... 2773
masters of, to make reports on arrival from foreign port; penalty for omission.. 2774
having on board distilled spirits, &c., report when and to whom made, &c.. 2775
arriving in districts other than that of first arrival, master to report, &c..... 2781
penalty for unlading without permit.... 2867
forfeiture of, for receiving, without permit, goods from..... 2868
seizure of, for unlawfully unlading, &c.. 2874
seeking port in distress, what to do...2891–2894
to receive and convey mails, &c.3976, 3978–3987
passports for, when furnished..... 4306

Section.

VESSELS—Continued.
in foreign trade—Continued.
penalty on vessel departing without... 4307
for unregistered vessel sailing with sea-letter ... 4308
deposit with consul on arriving abroad of register, sea-letter, and Mediterranean passport ... 4309, 4310
of Navy,
division into classes and commands ... 1529
classifications and rates of steam-vessels . 1530
rule for naming ... 1531
two not to bear the same name ... 1532
change of name of purchased ... 1533
disposition of, in time of peace ... 1534
officering and manning of, in time of peace ... 1535
detail of, to cruise on coast in severe weather ... 1536
rules to be observed by commanders of, in navigating ... p. 280, art. 20, 1624
definition of term as used in prize laws.. 4614
share in prize to be allowed to (see *Prize*) 4632
arson of ... 5387
pensions to persons serving on ... 4693, 4695
employed to protect merchant-vessels from pirates ... 4294
rules for navigation of (see *Navigation*) .. 4233
on foreign stations, purchases of supplies for, not subject to provisions as to advertising, &c ... 3721
contracts in United States for supplies to be furnished to ... 3723
commanders of, may examine, &c., vessels believed to be engaged in cooly-trade ... 2163
authority of officer over crew of, when separated from vessel by wreck, &c., p. 280, art. 21, 1624
patented articles for marine-engines in .. 1537
repairs of, or sale of, when unfit for repairs ... 1538–1541
punishment for willfully stranding, injuring, &c ... p. 276, art. 4, 1624
for negligently stranding.. p. 277, art. 8, 1624
lost or wrecked, pay of crews of ... 1574
captured by the enemy, pay of crews of. 1575
officers of, to be citizens of United States. 1428
rules for payment of arrears of pay to petty officers, seamen, and other persons on vessels lost or destroyed 274

VETERINARY SURGEONS,
for regiments of cavalry ... 1102

VETO,
by President, proceedings of Congress (*Constitution*), art. 1, sec. 7, cl. 2, p. 19.
by governors of Territories ... 1842

VICE-ADMIRAL,
grade of, to cease ... 1362
number on active list ... 1363
secretary to 1367
pay of, and of secretary ... 1556

VICE-COMMERCIAL AGENTS,
title, what to denote ... 1674
President may provide for appointment of. 1695
prohibition to trade may be extended to... 1700
compensation which may be allowed to ... 1703

VICE-CONSULS, (See *Consular Officers.*)
President may provide for appointment of ... 1695
allowances to, for stationery, &c ... 1696
to give bonds; where deposited ... 1698
prohibition to trade may be extended to ... 1700
compensation which may be allowed to.... 1703
may administer creditor's oath in bankruptcy ... 5079

Section.

VICE-CONSULS—Continued.
penalty for falsely certifying invoice, &c., to which his certificate is required... 5442
jurisdiction of suits, &c., against ... 563, 687, 688
exclusive, of courts of United States, cl. 8 (*repealed*) ... 711
copies of documents and entries in books in office of, when evidence ... 896
term, what to denote ... 1674

VICE-PRESIDENT,
constitutional provisions respecting (see *Analytical Index*) ... p. 56.
election of ... 131–151
provisions in case of death of ... 146
resignation or refusal to accept ... 151
term of office ... 152
salary of ... 154
may be sworn by Senator ... 29
to administer oaths of office to Senators.... 28
in case of vacancy pay of President of Senate ... 36
to appoint two visitors to West Point Military Academy ... 1327
duties and compensation of visitors .. 1328, 1329
member and one of regents of Smithsonian Institution ... 5579, 5580
to select Senators as regents of Smithsonian Institution ... 5581
to preside at certain meetings of institution in absence of President ... 5585

VICKSBURGH,
vessels arriving at New Orleans for, what to do ... 2832, 2833

VINEGAR,
customs duty on ... Schedule F, p. 468, 2504
standard for computing ... 2917
use of spirits not tax-paid in manufacture of, penalty for ... 3282
to be served on merchant-vessels ... 4569, 4570

VIRGINIA,
judicial districts in ... 549
terms of district courts in ... 572
clerks of circuit and district courts in western district of ... 622
circuit courts in, terms of ... 658
special sessions of, appointment and notice of ... 668
what business may be transacted at ... 670
collection districts, ports of entry and delivery in ... 2552
officers in ... 2553–2606
vessels owned in Richmond district bonded in Petersburg may clear at Richmond ... 2554
bound up James River need not deposit manifest at Norfolk, &c ... 2835
duties of masters of vessels arriving in districts of Petersburg and Richmond in certain cases ... 2836
establishment of life-saving stations on coast of ... 4249

VOLUNTEER NAVY,
temporary acting assistant surgeons ... 1411
officers of, transferred to Regular Navy.... 1412
pay of officers of ... 1559

VOLUNTEERS (naval and military),
Marine officers to be credited with service as ... 1600
credit for service in fixing relative rank ... 1219
privileges of officers who served as ... 1226
rank, duties, and rights of officers of..... p. 241, art. 123, 1342
pay of, during captivity ... 1288
to have same pay, &c., as regulars ... 1292
half-pay to widow or child of, dying in service ... 1656

Section.

VOLUNTEERS (naval and military)—Continued.
benefits extended to, employed in suppressing Indian depredations in Florida.. 1657
collecting, &c., not to be paid for unless... 3489
bounty land for those called into service between 1812 and 1852 2420
between 1790 and 1855 2425–2427
pensions to..... 4693
rate of total disability 4695
according to rank, &c 4696
disabled in Mexican war 4730
in war of 1812 and Indian wars, widows, &c 4732
in war of 1812 who served sixty days, &c. 4736
deduction from pay of, for Soldiers' Home not to be made without consent..... 4819
National Home for Disabled 4825
stoppages from pay of, &c., for..... 4831
entitled to admission in 4832
outdoor relief may be extended to 4833
subject to Rules and Articles of War 4835
permanent appropriation for .....p. 727, 3689
permanent appropriation for payment of certain California, Kansas, and Nevada.....p. 727, 3689

VOTE OF THANKS (Navy),
advancement of officers receiving 1508
effect of, on active and retired lists..... 1509
filling of vacancies on death, &c., of officers who received..... 1510
advancement of marine officers who receive 1607

VOTERS, ETC. (See *Elections.*)

VOUCHERS,
pension, to be furnished pensioners with note of information added, &c 4767
to civil officers suspended or holding over, not to be paid..... 1762
offenses relating to, by persons in military service .....p. 235, art. 60, 1342
in naval service .....p. 278, art. 14, 1624
by persons not in either service..... 3490
by any persons 5438, 5483

W.

WAGES,
commanding officers to discourage sale of.. 1430
assignment of, by enlisted men in Navy void unless attested, &c 1576
of workmen in mints..... 3499
in revenue-cutter service 2754
priority of, in dividends in bankruptcy.... 5101
penalty for false personation of person entitled to, from United States..... 5435
for endeavoring to obtain, from United States by forged power of attorney.. 5436
of seamen, when right to, commences.... 4524
not to depend on freight..... 4525
to terminate by loss of vessel 4526
in case of improper discharge..... 4527
when to be suspended..... 4528
time for payment of..... 4529
payments of, at intermediate ports..... 4530
allotment of..... 4531
advances 4532
unlawful advances, recovery..... 4533
discount of advance, &c 4534
lien on ship for..... 4535
attachment or assignment of..... 4536
amount of, recoverable during voyage... 4537
to be specified in shipping-articles..... 4511
forfeiture of, for failure to make voyage. 4522
rate of, in shipment contrary to law..... 4523
part of shipping, &c., fee deducted..... 4593
table of reduction of.....p. 894, *after* 4612
forfeiture of, for desertion, &c 4596

Section.

WAGES—Continued.
cost of apprehending deserters to be deducted 4598
extra, to be paid when desertion caused by cruel treatment..... 4600
enforcement of forfeiture, &c., of..... 4603
disposal of forfeitures, &c., of..... 4604
application of part of, to pay cost of conviction, &c 4605
on discharge, account of to be rendered . 4550
on account of unseaworthiness of vessel what, to be paid, &c 4561, 4563
payment of, &c., of deceased, to shipping commissioners..... 4542
by shipping commissioners to circuit court 4543
summons for non-payment of..... 4546
libel of vessels for..... 4547
canal-boats without masts or steam-power not subject to libel for 4251
paid by direction of consular officers or agents in foreign countries to be in gold or its equivalent..... 4548
extra to, on discharge in foreign ports... 4580
penalty for neglect of consul to collect... 4581
on account of sale of vessel 4582, 4583
disposal of, by consul 4584
hospital-tax, assessment of, on..... 4585
to be collected on vessel sold abroad 4586
paid before enrollment, &c., of vessels... 4587
in case of death on voyage amount of, &c., to be entered on log-book..... 4550
reduction of, toward payment of certain fees .....Schedule E, p. 896, *after* 4612

WAGONERS,
for battery of artillery..... 1100
for troop of cavalry 1103
for company of infantry..... 1107
pensions to dependent relatives of, begin .. 4710
masters, employment of, by Quartermaster's Department 1137

WAGONS,
lost in military service, how paid for..... 3483

WAR DEPARTMENT,
Secretary to be head of..... 214
subjects belonging to (see *Army and the several subjects.*)
Army organization 1094–1242
retirement 1243–1260
pay and allowances 1261–1308
Military Academy 1309–1341
Articles of War 1342, 1343
military prison.....1344–1361
arms, armories, and arsenals.....1662–1673
Militia 1625–1661
Freedmen.....2032–2038
Soldiers' Home 4814–4824
National cemeteries.....4870–4882
Rivers and harbors 5244–5255
general provisions relating to department.214–232
common to all executive departments (see *Departments*) 158–198
clerks in 163–169
chief clerk and other officers in..... 215
general duties of Secretary..... 216
custody of books and property in 217
captured flags, collection of..... 218
purchase and transportation of supplies, regulation of 219
transportation of troops, &c., control and supervision of 220
meteorological observations, storm-signals, provision for by Secretary..... 221
reports and signals for benefit of agriculture and commerce 222
connection of signal-stations by telegraph-lines 223

Section.

WAR DEPARTMENT—Continued.
authority to furnish duplicates of lost certificates of discharge 224
officers detailed in, to administer oaths 225
sale of surplus charts of lakes and of maps, &c., of Signal Office 226, 227
report to Congress of appropriations and unexpended balances 228
annual statement of contracts and contingent expenses 229
report to Congress of bids for public works and names of bidders 230
on river and harbor surveys 231
abstract of returns of State adjutants-general 232
accounts of, how to be kept 283
how settled 278–283
questions of law arising in, to be sent by, to Attorney-General 357
three naval officers may be designated by President to inspect transport vessels for 1437
regulations respecting public buildings in District of Columbia to be prescribed by President through 1797
money appropriated for, how drawn 3673
permanent appropriations for various matters belonging to ..... p. 726, 3689
proposals and contracts of, for work, materials, &c., to be separate for each (see *Public Contracts*) 3717
for supplies for Quartermaster's Department 3716

WAR OF 1812,
bounty land for certain soldiers of, their widows or children 2418
warrants for, how located, &c 2416, 2417
for certain militia volunteers or State troops in 2420, 2423
patents to issue to heirs of officers of 2443
declarations for pensions made before local officers 4714
pensions to widows, &c., of soldiers killed in 4732
to survivors of, who served sixty days, &c 4736, 4737
to widows of survivors of 4738
proofs required to established claims of 4739
loss of discharge not to prevent 4740

WAREHOUSES, (See *Bonded Warehouses.*)
on boundary-lines of United States, when may be searched for dutiable goods 3107
persons depositing, &c., merchandise in, how punished 3108
erected for storage of merchandise in quarantine 4794
deposit and removal of goods 4795
Distillery, to be provided by distillers 3271
may be discontinued by Commissioner when unsafe 3272
storekeepers, under direction of collectors, to have charge of 3273
to keep certain books 3301
custody of 3274
spirits drawn from receiving-cistern to be directly removed into 3267, 3287
tax on, to be paid before removed from 3251
assessment of tax on, removed without deposit in 3253
warehouse stamp on, form of 3287
entry for deposit in 3293, 3295
bond for payment of tax 3293
entry for withdrawal from 3294
of alcohol for scientific purposes 3297
gauging, stamping, &c., spirits removal from 3295

Section.

WAREHOUSES—Continued.
Distillery—Continued.
spirits removed from, in violation of law 3296, 3299
for exportation without payment of tax 3330
for imports, &c., bond and warehouse system 2954, 3008
regulations concerning, prescribed by Secretary of the Treasury 251, 2989
certain merchandise to be conveyed to, how and until what time kept 2926
leased by Secretary of Treasury, collectors, &c 2954–2957
cellars and vaults of stores and yards may be bonded 2958
parts of bonded, for storage of grain 2959
private, for what purpose used, &c 2960
bond of proprietors 2961
deposit of merchandise at option of owners 2962
for want of invoices 2963
upon non-payment of duties 2964
of unclaimed goods 2965
of importations in steamers 2963
certain goods may be deposited in, at Jeffersonville 2967
Secretary may extend privileges of, to Albany 2968
custody of merchandise taken possession of by collectors as not unladen in time to be at risk of owners 2969
merchandise may be withdrawn from, for consumption 2970
for exportation or transshipment for Pacific, &c., port; sale of abandoned goods in, &c 2971
proceeds of sale of abandoned goods in 2972
sale of merchandise remaining in, after one year 2973
distribution of proceeds 2974
of articles of perishable nature and explosive substances 2975
of claimed merchandise in, liable to depreciation 2976
when merchandise may remain in, and be entitled to return duties 2977
restrictions upon exportation for drawbacks, &c 2978–3025
provisions relating to drawbacks (see *Drawbacks*) 3015–3057
permit for exportation 2979
manner of withdrawal 2980
collector of customs may refuse to deliver merchandise in, when lien on, &c 2981
how supplies purchased from public, by foreign vessels of war 2982
no abatement of customs duties for injury to goods while in 2983
except in case of casualties 2984
penalty for obliterating marks on goods in 2985
for importer, &c., of merchandise to fraudulently open, &c 2986
for fraudulently concealing, &c., removing, &c., merchandise in 2987
quarterly returns of merchandise in, by whom and to whom made 2988
ports at which entries may be made for transportation in bond 2990
examination of merchandise for transportation to have priority in time, &c 2991
provisions respecting transportation 2992–2995, 2998, 2999

Section.

WAREHOUSES—Continued.
for **imports**—Continued.
how, may be established for reception of merchandise imported for immediate transportation 2996
ports to which goods may be transported in bond 2997
merchandise, how withdrawn from, for transportation to another district..3000, 3001
for exportation to Mexico 3002
through port of Lavaca, Tex..... 3003
of Indianola, Tex 3004
goods withdrawn from, for export to be charged certain fee.....3023, 3024
penalty on storekeepers or other person in charge unlawfully removing or allowing to be removed spirits from 3300
WARRANT-OFFICERS (**Navy**),
number and appointment of 1405
what officers to be known as 1406
promotion of seamen to grade of..... 1407
not to discharge from enlistment..... 1409
assimilated rank to..... 1491
to be furnished with copy of regulations... 1548
pay of..... 1556
WARRANTS,
of attorney to receive payment of claim on United States not valid unless, &c... 3477
to receive pension not to be recognized.. 4766
of distraint may be given by collector of internal revenue to deputy 3188
for bounty lands. (See *Bounties.*)
judicial, for arrest, or in rem in admiralty, marshal to stay, or release from, on bond, &c..... 941
for removal of offender and witnesses to district where offense to be tried.... 1014
only one, necessary in case of several charges or indictments against same person 1027
or for removal of prisoner from one district to another 1029
copy of, to be delivered to sheriff or jailor as authority, &c., original returned.. 1028
in civil-rights cases how, executed....1984, 1985
to search dwelling-house by customs officers..... 3066
for seizure of books, &c., in customs-revenue cases.....3091, 3092
for removal of alien enemies..... 4070
for arrest of foreign seamen on application of consul..... 4080
for commitment of foreign seamen 4081
in bankruptcy, to publish notice to creditors 5019
for arrest of debtor..... 5024
to take possession of estate of involuntary bankrupt 5029
notice to creditors under, to state what. 5032
messenger's return of, when made 5033
for arrest of witness..... 5087
in partnership, how issued 5121
fees for issue of 5124
messenger's fees for service of 5126
Treasury, to be granted by Secretary in pursuance of appropriations 248
to be examined by Assistant..... 254
may be signed by Assistant, when.....246, 247
how countersigned..... 269
what to specify and where to be recorded 3675
for money of War and Navy Departments, how countersigned, issued, &c 273, 3673
for money of Post-Office Department, how issued..... 3674
penalty for allowing, for salary of civil officer suspended, &c..... 1762

Section.

WASHINGTON AQUEDUCT,
Chief of Engineers to have charge of ...1800, 1801
to have general control over supply of water from..... 1810
to keep records of property of 1809
appeals from decisions of, to Secretary of War 1811
moneys appropriated for, expended under direction of Secretary of War 1802
expense of main pipes of, how distributed between United States and District 1805
penalty for tapping pipes, mains, &c., of... 1803
for maliciously injuring pipes, &c., of ... 1804
for rendering supply of water from, impure, &c 1806
WASHINGTON TERRITORY,
establishment and boundaries of..... 1898
provisions in common with other Territories (see *Territories*).....1839–1895
elections of Delegate to Congress and Territorial officers 1905
Delegate to be citizen of United States ... 1906
judicial power in, how vested.....1866, 1907
jurisdiction of district courts in, as circuit courts of United States, writs of error and appeal 1911
judicial districts in, how organized, &c.... 1913
district courts in 1917
assignment of judges to districts in..... 1918
number of members of council and house of representatives of..... 1922
extra sessions of legislature of 1923
legislative power, regulation of taxes and form and title of laws in..... 1924
bills presented to governor and not returned in five days to be laws 1842
justices of peace in..... 1926
clerks of district courts..... 1933
contingent expenses of executive of, annual appropriation for 1938
legislative expenses of, provision for 1940
salaries of governor, &c., not payable until duties entered upon..... 1941
mileage of members of legislature 1942
seat of government of, how changed 1944
reservation of public lands for schools..... 1947
concurrent jurisdiction of, over offenses on Columbia River 1950
disbursing officers in, to give security 1951
certain laws of Oregon, &c., in force..... 1952
library for, where to be kept, &c..... 1953
jurisdiction of district courts of, over offenses in Alaska 1957
Indian superintendent for tribes in..... 2046
Indian agents..... 2052
surveyor-general for, salary of 2207, 2209
fifty per cent. addition to certain fees of registers and receivers in 2238
boundaries of land-districts in .....p. 406, 2256
augmented rates allowed for survey of certain public lands in 2405
collection districts, ports of entry and delivery in..... 2586
officers in 2587
WASTE, ETC.,
by soldiers, penalty for.....p. 235, art. 55, 1342
lands, not to be surveyed 2406
paper, money derived from sale of certain, to be deposited as postal revenue ... 4050
wastage in silver coinage at mint..... 3526
in minor coinage, how provided for..... 3528
what allowed in settlement as necessary. 3542
WATCHES, CLOCKS, ETC.,
shipper of, to notify carrier, &c..... 4281
prohibition on importation of, with trade-mark of domestic manufacturer, &c 2496

Section.

WATCHMEN,
in departments, salary of 167
in Treasury Department 235
in Post-Office Department 393
at night on passenger-steamers 4477, 4478

WATCHWORD,
in Army, penalty for disclosing .....p 234, art. 44, 1342

WATER,
quantity to be carried by passenger-vessels between United States and Europe .. 4260
penalty for short allowance 4261
between Atlantic and Pacific ports 4265
what barrels for, to be carried by river passenger-steamers 4483
land fronts on public lands, how surveyed and lots sold 2407
gauges, Secretary of War to establish, on Lower Mississippi River, &c 5252
rights, for mining, agricultural, and manufacturing purposes to be protected .. 2339, 2340

WAX-TAPERS,
tax on .....Schedule A, p. 679, *after* 3437
imported and domestic, to pay 3435

WEARING-APPAREL, (See *Baggage.*)
of debtor's family exempt from operation of bankrupt law 5045
of passengers arriving in the country, what free of duty .....p. 489, 2505

WEIGHERS,
and measurers of coal and wood purchased by heads of departments to be appointed, &c 3711
customs, for what ports appointed 2606, 2607
salary of, at Boston, Philadelphia, Baltimore, New Orleans, Portland, Me., and San Francisco, how payable 2739
additional, at San Francisco 2746
how to make returns of goods weighed ... 2890
to mark weights on casks, &c., of sugar .. 2915
merchandise not to be removed from wharf before being weighed by, &c 2882
when to be weighed, &c., at expense of owner, &c 2920
extortion and other offenses by 2637

WEIGHTS AND MEASURES,
how used in invoices 2837
standard troy, for regulation of coinage 3548
to be procured for use of mints and assay-offices 3549
metric system of, legalized 3569
equivalents of metric system 3570
to be kept on board merchant-vessels 4571
instruments to be prescribed by Commissioner of Internal Revenue for measuring spirits 3249
penalty for using false, in ascertaining quantity of distillery material 3306
for fraudulently defacing, increasing, or diminishing, at mints or assay-offices. 5460

WEST POINT MILITARY ACADEMY (see *Military Academy*) 1309–1341

WEST VIRGINIA,
judicial district of 531
district court in, terms of 572
adjournment of, in case of non-attendance of the judge 584
terms of circuit court in 658
ports of entry of, in collection district of New Orleans 2568

WHALE-FISHERY,
form of license to carry on 4321
registers for vessels in, sufficient 4330
before clearance granted to vessels engaged in, master to give collector list of crew 4573

Section.

WHALE-FISHERY—Continued.
master of vessel engaged in, to give bond for return of seamen 4576

WHIPPING,
at military prison forbidden 1354
punishment by, not to be inflicted 5327

WIDOWS,
of diplomatic or consular officers dying abroad, allowance to 1749
of persons whose death is caused by acts in violation of laws protecting civil rights to have action therefor 1981
of aliens who die after primary declaration, &c., are citizens 2168
bounty-lands to, of certain officers, soldiers, &c 2418, 2419, 2425–2427
subsequent marriage not to impair right, &c 2424
homestead on public lands, when entitled to 2291–2307
pre-emptions of public land by 2259
pensions to 4702–4707
to cease on remarriage 4708
when to begin 4709, 4710
when married prior to July 27, 1868, &c .. 4710
when and from what time revolutionary, to be increased 4712
when to receive accrued 4718
may revive unclaimed 4719
to, of certain Missouri State militiamen .. 4722
half-pay, under former acts continued ... 4725–4727
to, of naval officers, &c., continued 4729
of soldiers, &c., of Mexican war 4731
of soldiers, &c., of war of 1812 and Indian wars 4732
continuance of, confirmed 4733
not to have, for time husbands received .. 4735
to, of survivors of war of 1812 who served sixty days 4738–4740
of revolutionary soldiers not to have claim for pension allowed after April 2, 1862, when, &c 4742
evidence required of, in claim for revolutionary pension 4743
of privateersmen, money pledged for support of 4759
when half-pay allowed to, of officers, privates, &c., in militia, &c 1656
none to be paid to those of persons engaged in late rebellion 4716

WILMINGTON, CAL.,
vessels going to or from, how to report (*repealed*) 2585

WINES,
customs fees for certificates of and gauging foreign, on which duties are payable. 2657
report of master of vessel arriving with distilled spirits or wines on board 2775
separate entry of, to be made to collector upon importation 2794
landing of imported casks, &c., of, provisions concerning 2884–2886
customs duties on .....Schedule D, p. 463, 2504
internal-revenue taxes relating to imitations of 3328
vintors not liable to special tax for selling, of their own growth at place where made 3246
shipping, under false name or brand, penalty 3449

WISCASSET, ME.,
vessels owned at Edgecomb and New Castle entered at, may unlade at places adjoining Sheepscut River 2520

WISCONSIN,
judicial districts in 550
district courts in, terms of 572

Section.

WISCONSIN—Continued.
for what purposes always open as courts of admiralty ... 576
clerks of circuit and district courts in western district of ... 623
circuit courts in, terms of ... 658
special sessions of ... 668
what business may be transacted at ... 670
transcript into new books of records of district court in ... 897
land districts in ... p. 399, 2256
mineral lands in, exempt from certain provisions of mining laws ... 2345
bona-fide entries on, may be patented, when ... 2345
to be open to sale and pre-emption ... 2345
collection district, port of entry and delivery in (see *Ports of Entry*) ... 2597
officers in ... 2598, 2606
ports of, belonging to collection district of New Orleans ... 2568

WISCONSIN RIVER,
provisions concerning tolls from improvements of ... 5249

WITNESSES, (See *Depositions.*)
in claims before departments, subpœnas, oaths, fees, &c ... 183–186
for examination of, how professional services may be obtained ... 187
in Congressional investigations, by whom sworn ... 101
refusing to testify, penalty ... 102
when not privileged ... 103
proceedings against, for refusing to testify ... 104
testimony not admissible against them in criminal prosecutions ... 859
in contested elections, provisions concerning ... 107–130
how summoned ... 114
not to attend examination out of county of residence ... 115
refusing to testify, penalty ... 116
out of district, depositions how taken ... 117
how examined ... 120
in courts of United States, fees and mileage of ... 848, 1883
officers of United States, when not entitled to fees as ... 849
when sent from places of business entitled to expenses ... 850
fees, &c., of seamen and others sent home from foreign ports as ... 851
where United States are parties, how paid. 855
not excluded by color and when not by interest or being party ... 858
examination of, in actions at common law. 861
Indians competent, in cases for violation of laws against introduction of liquors into Indian country ... 2140
informers may be, in suits to recover fine, penalty, &c., without losing share, &c ... 5295
disqualification of, by conviction of perjury ... 5392
disclosures by, not to be used in criminal proceedings against ... 859, 860
subpœna for, where to run ... 876
on behalf of United States ... 877
of accused unable to pay fees ... 878
recognizance of, when and by whom required at hearing of charge ... 879
how taken in Vermont ... 880
how required after hearing of charge and for appearance at rial ... 881
taxation of fees of, in criminal cases before commissioners of circuit court .. 981

Section.

WITNESSES—Continued.
in courts of United States—Continued.
recognizances of, where to be returned by committing magistrate ... 1014
removal of imprisoned, to district where trial to be had ... 1014
list of, to be delivered before trial to person indicted of capital offense ... 1033
in bankruptcy proceedings, before register ... 5002–5006
summons of, by court, when ... 5081
any, may be required to attend ... 5087
bankrupt's wife may be examined as ... 5088
summons on application of trustees ... 5103
in Court of Claims, not excluded on account of color ... 1078
claimant and persons interested not competent as ... 1079
testimony to be taken where witness resides, when, &c ... 1081
before commissioner, &c., of ... 1082–1084
in courts-martial, in Army ... 1202
oath of ... p. 239, art. 92, 1342
in consular courts, oath for Christian ... 4117
before investigations by steamboat inspectors, how paid ... 4451
in prize cases, what persons to be sent into port as, &c ... 4615
to be delivered to custody of marshal ... 4617
fees of, how paid ... 4651
in Patent Office, subpœnas for ... 4906
fees of ... 4907
attendance, &c., of, how compelled ... 4908
when not in contempt for disobeying subpœna ... 4908
under letters rogatory, how compelled to testify ... 875, 4071
not compelled to make criminating disclosures ... 4072
penalty of, for refusal to appear or answer ... 4073
fees and mileage of ... 4074
penalties for conspiracy to deter or injure, in violation of civil-rights laws ... 1980
for corruptly, &c., endeavoring to influence, in discharge of duty in court ... 5399
for conspiring to deter, &c., from attending court and testifying fully, or to injure, on account of having attended and testified ... 5406

WOMEN,
may be clerks in departments, salaries ... 165, 167
employed as nurses in Army ... 1238
as hospital matrons in Army ... 1239
in Post-Office Department, salaries ... 393
may accompany troops as laundresses ... 1240
citizenship of ... 1992, 1994
as laborers in office of Treasurer ... 235
may be employed as customs inspectors to search baggage and persons of females ... 3064

WOOD,
custom duties on, in different forms. Schedule K, p. 470, 2504
for government use in District of Columbia, provisions for inspection, &c ... 3711–3713

WOOLS (imported),
divided into three classes for fixing rates of duty: 1. Clothing-wool; 2. Combing-wools; 3. Carpet-wools and other similar wools ... Schedule L, p. 470, 2504
samples of, to determine class, how prepared and kept ... 2916
what additional duties beyond entered value in certain cases ... 2908
appraisal, in an unfinished condition ... 2902

Section.

WOOLS (imported)—Continued.
of different quality, but similar kind, in same package ... 2911
of different qualities in same bale ... 2912
WORDS,
meaning of certain, as used in statutes (see *Definitions*) ... 1–5
WORKMEN,
day's work of, to be eight hours ... 3738
in arsenal or armory, penalty for enticing from ... 1668
wanton destruction of tools, or breach of contract, by ... 1669
exempted from service as jurors ... 1671
in mints, wages of ... 3499
WORM (distillery),
special tax on ... p. 623, 3244
to be destroyed in certain cases of forfeiture, and material sold ... 3332
tanks, space around, and elevation of ... 3269
tubs, cleansing and examination of ... 3286
WORTS,
ratio of, to grain and molasses ... 3264
fit for distillation, restrictions on production of ... 3282
not to be made Sundays ... 3283
unfermented, sold by one brewer to another, how taxed ... 3351
WOUNDING,
with malice, in places or on waters within exclusive jurisdiction of United States, when death caused by, punished by death ... 5339
without malice, manslaughter ... 5341
WOUNDS,
received in service, who to have pension for ... 4693
after July 27, 1868, must have been received in line of duty ... 4694
persons belonging to militia in service of United States receiving, to be cared for ... 1639
WRECKS,
contracts for preservation, sale, &c., for United States, how made ... 3755
penalty for stealing, &c., effects belonging to, obstructing escape of persons from, or holding out false lights, &c ... 5358
on coast of Florida, how disposed of ... 4239
forfeiture of vessel conveying property to foreign port ... 4240
license to vessels employed in wrecking ... 4241
vessels wrecked and repaired in the United States may be registered, when ... 4136
protection, &c., of, by consuls, &c., when stranded on foreign shore ... 4238
not to be required to pay extra wages ... 4583
WRIT OF ERROR,
judgments of district court reviewed on, in circuit court ... 633
limitation of time for suing out ... 635
final judgments of circuit court reviewed, &c., by Supreme Court upon ... 691
on certificate of division of opinion ... 693
by appeal (see *Appeal*) ... 695–698
in certain cases in equity without regard to amount in dispute ... 699
of supreme courts of Territories ... 702
when Territory admitted as a State ... 703, 704
of supreme court of District of Columbia ... 705, 706
of State court ... 709
what to be annexed to and returned with ... 997
signing and notice of citation, when issued by circuit to district court ... 998
when issued from Supreme Court to circuit or State court ... 999

Section.

WRIT OF ERROR—Continued.
bond, when and how required ... 1000
none required when sued out by United States, &c ... 1001
to district court acting as circuit court, prosecuted in same manner as to circuit court ... 1002
to State court, from Supreme Court, issued in same manner and with same effect as to circuit court ... 1003
returnable to Supreme Court, how issued by clerks of circuit courts ... 1004
amendments of, when allowed ... 1005
when copy of, to be filed and security given to obtain supersedeas ... 1007
from Supreme Court, within what time to be brought ... 1008
when respondent to, may have damages for delay, and single or double costs ... 1010
no reversal upon, for error in ruling plea in abatement other than, &c., or error in fact ... 1011
rule as to bail, when criminal case removed by, from State court to Supreme court. 1017
in bankruptcy, proceedings ... 4980, 4981, 4989
in Territories, from district courts to supreme courts ... 1869
allowed in all cases under laws, &c., of United States ... 1910, 1911
in other than Washington, from courts of to Supreme Court of United States ... 1909
in Washington ... 1911
in Colorado ... 1930
WRITS, (See *Process.*)
power of courts to issue ... 716
how sealed, signed, and to bear teste ... 911, 912
forms of directions for return of, to be regulated by Supreme Court ... 917, 918
how directed and executed when marshal or deputy is party ... 922
only one necessary where several charges made or indictments found against same person ... 1027
or for removal of prisoner from one district to another ... 1029
copy of, to be delivered to sheriff or jailer as authority, &c.; original returned ... 1028
none necessary for bringing prisoner into court, or remanding ... 1030
against foreign ministers, &c., void ... 4063
penalty for stealing, altering, falsifying, &c., whereby judgment is affected, &c ... 5394
WYOMING TERRITORY,
establishment and boundaries of ... 1904
provisions in common with other Territories (see *Territories*) ... 1839–1895
judicial power in, how vested ... 1866, 1907
writs of error and appeals in, to Supreme Court of United States ... 1909
district courts in, jurisdiction of, as circuit and district courts of United States ... 1910
judicial districts in, how organized, &c ... 1913
assignment of judges to districts in ... 1918
terms of district courts in, how fixed ... 1919
number of members of council and house of representatives of ... 1922
restrictions upon legislative power in ... 1925
justices of peace in ... 1926
penitentiary in, custody and care of ... 1936
maintenance of prisoners by ... 1937
contingent expenses of executive department in, annual appropriation for ... 1935
legislative expenses in, provision for ... 1939
mileage of members of legislature ... 1942
seat of government of, how changed ... 1944
reservation of public lands in, for schools ... 1946

Section.

WYOMING TERRITORY—Continued.
certain laws of Dakota in force in 1948
bills presented to governor and not returned in five days to be laws..... 1842
appointment of surveyor-general for..... 2207
salary of..... 2210
fifty per cent. addition to certain fees of registers and receivers in 2238
boundaries of land-district of, established; office at Cheyenne City .....p. 413, 2256
reservation of tract of public land in, at head of Yellowstone River, for public park and pleasure ground 2474, 2475

Y.

YACHTS,
license and enrollment of, used for pleasure or designed as models 4214

Section.

YACHTS—Continued.
to use signals prescribed by Secretary of Navy, and naval architects may examine and copy models 4215
privileges to, owned by foreign yacht clubs. 4216
commissions for..... 4217
entry of, on return from foreign country... 4218
propelled by steam to have hulls and boilers inspected..... 4426

YELLOWSTONE PARK,
reserved and set apart as a public park, and locators and settlers on to be deemed trespassers 2474
regulation, care, and control of, under Secretary of Interior 2475

YORK, ME.,
merchandise for Kittery or Berwick may be entered at 2524